

**Stow Conservation Commission
Minutes
August 6, 2019**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on August 6, 2019 at 7:30 in the evening.

There were present: Jeff Saunders, Chair
 Serena Furman, Vice-Chair
 Ingeborg Hegemann Clark
 Andy Snow

Absent: Cortni Frecha
 Sandra Grund

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
 Jacquie Goring, Conservation Assistant

Minutes: *Serena Furman made a motion to approve the minutes of July 30, 2019 as amended. Andy Snow seconded the motion and it was passed unanimously.*

Request for Certificate of Compliance – 180 Crescent Street – DEP #299-317 – Jim Boyd – An Order was issued in 2016 for 180 Crescent Street for work that occurred on the property associated with the homeowners landscape contracting business. The Order required that debris and construction material be removed from the 35' no disturb buffer. The Order also required that 35' no disturb buffer be delineated and restored including management of invasive species. Ingeborg Hegemann Clark visited the site with wetland consultant Dave Crossman to review the request for Certificate of Compliance (COC). Hegemann Clark noted that significant effort has been made however the restoration area does not completely extend to the 35' line and is four to ten feet short in some areas. Hegemann Clark added that the restoration schedule provided by Crossman included inspection reports that were not submitted. Hegemann Clark also noted that she observed a small amount of invasive reed canary grass on the site. Hegemann Clark reviewed photos from the site visit and identified 20 to 30 trees along the 35' no disturb buffer line that were placed with the root balls sitting on the ground rather than being planted. Hegemann Clark noted that the trees may survive that way but Boyd should confirm if they have overwintered. The Commission confirmed that if the trees have overwintered they should not be planted because that may damage the roots. Hegemann Clark also recommended that Boyd stake the 35' no disturb buffer line and consider removing the reed canary grass, bittersweet and blackberry. Hegemann Clark added that there is a new parking area that may partially be in the 35' no disturb buffer and should be moved which may be difficult because of limited space. The Commission agreed that the COC should not be issued at this time. Hegemann Clark noted that Crossman measured the 35' no disturb buffer during the site visit and confirmed that there was more stone in the resource area than there was during his previous visit. During the site visit Crossman stated that he would follow up with Boyd.

Notice of Intent – 5 Shore Avenue – Janet Kelly – Homeowners Janet and Andrew Kelly were present to review the proposed work at their property at 5 Shore Avenue. Janet Kelly displayed the proposed plan which includes demolishing and rebuilding the existing single family house with an expanded porch, two car garage, relocation of an existing shed, drinking water well abandonment and replacement, dock installation, tree removal, and driveway expansion. Janet Kelly noted that the new well location has been approved by Nashoba Associated Boards of Health. Janet Kelly reviewed the 200' Riverfront Area, 100' buffer, 35' no disturb buffer, and 100 year flood plain and noted that the house project is within the 100' and 200' buffers. Janet Kelly added that the shed will be relocated outside the 35' no disturb buffer but within the flood plain. Two potential locations for a dock on the river

are proposed including one in the Town of Maynard which would require permitting with the Maynard Conservation Commission.

Sferra noted that DEP issued a file number with comments stating that the project did not meet the performance standards for Riverfront Area, the relocation of the shed does not meet the performance standard for flood plain, and the requirement for a Chapter 91 permit for the installation of the dock. The Commission discussed alternative options for the shed location. Janet Kelly stated that there are limited areas that are flat on the property and noted the possibility of encountering bedrock on the hill. Andrew Kelly noted set back issues from the road preventing the shed from being moved to the front yard. Janet Kelly also noted the abandoned cesspool area and the proposed removal of invasive Tree-of-Heaven on the property. Serena Furman visited the site and reviewed photos from the site visit. Furman noted one tree is proposed for removal and three trees were previously removed on the property through a staff approved minor project. Furman added that the lawn does not extend right up to the river and there is an eighteen to 20 feet natural buffer. There is currently no dock on the property. Janet Kelly clarified that two large viburnums located next to the shed are proposed to be transplanted elsewhere on the property.

Sferra noted that the resource areas were delineated by Goddard Consulting and the report by Goddard states the river is a pond in the area of the property and that the Riverfront Area regulations do not apply. Sferra added that the engineer included Riverfront Area on the plans. The Commission agreed that the Assabet River is not pond in that area and Riverfront Area extends onto the property. Andrew Kelly stated that there is an eddy in the river at their property. Sferra expressed concern about the proposed relocation of the shed and noted that there is a reference in the narrative for steps down the hillside which are not shown on the plan. Janet Kelly confirmed that she would eventually like to install simple steps and the Commission clarified they would need the steps shown on the plan and additional construction details. The Commission discussed the proposed dock locations and Sferra noted that the proposed location in Stow may be more suitable for a dock than the proposed location in Maynard where the wetland is much wider. Sferra added that the application includes reference to invasive species removal but no details on how invasives will be removed. The Commission requested that an invasive species removal plan be submitted for the proposed purple loosestrife, tree-of-heaven, bittersweet and knotweed removal.

The Commission discussed the DEP comments regarding the project not meeting performance standards for Riverfront Area and flood plain. Sferra clarified that the lot was created before 1996 and the work includes redevelopment within a previously developed Riverfront Area and may alter up to ten percent of the Riverfront Area on the property. The Commission also noted that the shed cannot be located in the flood plain unless it was raised on pilings. The Commission identified additional items to be submitted for review including an alternate location for the shed outside the flood plain, invasive species management plan, and details on the proposed steps. The Commission discussed the dock location and dimensions and confirmed the dock would require a Chapter 91 license. Jeff Needle, 4 Shore Ave, asked if there are concerns about the aquifer and the replacement well relocation. The Commission recommended Needle bring his concerns to the Board of Health. Andrew Kelly confirmed that they will use nine inch straw wattle for erosion controls. Sferra noted the additional information should be submitted by August 29th and must also be submitted to DEP. *Andy Snow moved to continue the hearing to 9/3/19 at or after 7:30 PM. Ingeborg Hegemann Clark seconded and the motion was approved unanimously.*

Notice of Intent – 250 West Acton Road – Diane Cadrin – Chris MacKenzie, Ducharme & Dillis, was present to review the proposed septic system replacement at 250 West Acton Road. MacKenzie noted that the existing septic system for the three bedroom house has failed. Mackenzie stated that there are wetlands surrounding the property and a pond located just off the property and noted the 100' and 35' no disturb buffers. Some grading for the proposed system will be within the 35' no disturb buffer in an area of lawn. MacKenzie showed the proposed straw wattle erosion controls on the plan along the 35' no disturb buffer and noted that a Presby system has been designed to minimize the footprint of the proposed septic system. Andy Snow visited the site and noted that a stamped plan showing the 35' no disturb buffer was not submitted. Snow added that one maple tree at the edge of grading and two pine trees located inside the area for the proposed septic system are to be removed. Snow noted that the contractor must understand that the erosion controls also serve as a limit of work. Snow added that she observed yard waste including branches and brush dumped in the 35' no disturb buffer within feet to the wetland and recommended that it not be removed because it could cause more damage but should not be added to. MacKenzie

confirmed that the PVC pipe on the property is connected to a sump pump in the basement. Snow noted that there is an existing shed within the 35' no disturb buffer in an area of lawn. MacKenzie provided a plan submitted to the Board of Health which showed the design of a conventional septic system and noted that the design would extend further into the 35' no disturb buffer and into the existing house. Snow added that the property owners should be made aware of the Commission's jurisdiction and the old fencing material in the the 35' no disturb buffer should be removed. *Ingeborg Hegemann Clark moved to close the hearing. Serena Furman seconded and the motion was approved unanimously.*

Continued Notice of Intent – 166 North Shore Drive – Homeowners Barry and Jeanette Price were present. Sferra noted that Greg Roy was not able to attend the meeting however submitted a new Notice of Intent form which identifies 110 linear feet proposed alteration of bank including 80 feet for the retaining wall replacement and 30 feet for the beach. Additionally, 865 square feet of alteration to Bordering Land Subject to Flooding is proposed and will be replaced. Sferra added that Roy also submitted a revised plan and cross section showing the beach area and a proposed eight inch fieldstone retaining wall. The Commission discussed the additional information submitted by Roy and noted that the plans showing the newly proposed fieldstone wall are not to scale. Price stated that the stones used for the wall will not exceed eighteen inches. Price also confirmed that they are not willing to remove one of the docks because they use both docks. *Serena Furman moved to close the hearing. Ingeborg Hegemann Clark seconded and the motion was approved unanimously.*

Enforcement – 68 Pine Point Road – The Commission reviewed the draft Enforcement Order (EO) which identified the work that was done in violation of the Order and requires that the concrete debris in the lake be removed and the compensatory flood storage is excavated and planted as shown on the plan. The EO requires the work to be done by October 1, 2019 and a plan must be recorded with the COC or by January 1, 2020 showing the compensatory flood storage that cannot be filled or altered. Sferra confirmed that the dimensions of the docks were submitted by Kay Luedeke. *Andy Snow moved to issue the Enforcement Order as amended. Serena Furman seconded and the motion was approved unanimously.*

Order of Conditions – 166 North Shore Drive – The Commission reviewed the draft Order and requested that the Order clarify that stones used for the retaining wall shall not exceed 24 inches. *Serena Furman moved to issue the Order of Conditions as amended. Andy Snow seconded and the motion was approved unanimously.*

Order of Conditions – 250 West Acton Road – The Commission reviewed the draft Order and requested that the findings include removal of three trees and the conditions require that the pile of fencing material be removed and the landscaping debris located in the 35' no disturb buffer not be added to. *Ingeborg Hegemann Clark moved to issue the Order of Conditions as amended. Serena Furman seconded and the motion was approved unanimously.*

Enforcement – Jillian's Lane – Sferra noted that she passed along the Commission's comments to Mary Ann DiPinto regarding the Jillian's Lane wetland restoration. Sferra received an email on August 6, 2019 from DiPinto stating that the sediment had been removed that day and recommended that trap rock be added at the culvert to the intermittent stream across Walcott Street. Ingeborg Hegemann Clark and Andy Snow visited the site and noted that they could not locate the closed catch basin. Hegemann Clark recommended that the Highway Department be involved in the placement of trap rock at the culvert and requested that more information be submitted including how much stone will be placed in the stream bed and over what distance noting that it is a Highway Department maintenance issue. Sferra added that she spoke with Nancy Allen Scannell about the timing of the site visit and recommends that a site visit occur before the as-built has been completed. Hegemann Clark noted that it will be helpful to have the as-built for reference during the site visit to confirm the basin was constructed as designed. The Commission discussed the timing of the site visit and agreed that the homeowners can decide if they want to meet before or after the as built has been completed.

Coordinator's Report

- **New Projects:** Sferra noted that there are two new Requests for Determination of Applicability for septic systems for the next meeting. Andy Snow will visit 80 Edgehill Road and Serena Furman will visit 143 Kirkland Drive.

- **D&D Farms:** Sferra spoke with D&D Farms regarding the demolition of a greenhouse within the Riverfront Area and informed them that the property is within the Commission's jurisdiction and work on the property may require a permit with the Commission.
- **Delaney Project Mowing:** Sferra noted that the State had mowed Delaney again despite the planning around Monarch caterpillar season. Sferra has contacted Pat Huckery but has not received a response.
- **MACC Buffer Zone Guidebook:** Sferra noted that the Commission office has one MACC Buffer Zone guidebook for reference and additional copies are available for purchase.
- **99 Pine Point Chapter 91 License:** Sferra noted that a neighbor has filed an appeal for the Chapter 91 License for a dock at 99 Pine Point.
- **Golf Course Forum Update:** Sferra and Stow Town Planner Jesse Steadman met with Peter Brown, owner of Stow Acres, to discuss the potential development of the golf course. Sferra confirmed Brown is open to talking to the Town regarding ball fields at the driving range for the Recreation Department.

Adjournment – *Serena Furman made a motion to adjourn the meeting at 9:40 PM. Andy Snow seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during August 6, 2019 Conservation Commission Meeting:

Draft Minutes

180 Crescent Street – Site Plans, photos, and supporting materials

5 Shore Avenue – Site Plans, photos, and supporting materials

250 West Acton Road – Site Plans, photos, and supporting materials

166 North Shore Drive – Site Visit Photos and supporting materials

68 Pine Point Road – Site Plans, photos, and supporting materials