

**Stow Conservation Commission
Minutes
September 17, 2019**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on September 17, 2019 at 7:30 in the evening.

There were present: Ingeborg Hegemann Clark, acting Chair
 Cortni Frecha
 Andy Snow
 Sandra Grund

Absent: Jeff Saunders, Chair
 Serena Furman, Vice-Chair

 comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator

Minutes: *Andy Snow made a motion to approve the minutes of September 3, 2019 as amended. Cortni Frecha seconded the motion and it was passed unanimously.*

Request for Extension of Tree Planting Deadline – 30 Partridge – Torilli – Homeowner Kathy Torilli has requested a one year extension to the September 30, 2019 tree planting deadline required in the conditions for the Determination of Applicability for tree removal. Sferra noted that the homeowner is having a difficult time finding the number of trees required and the trees will be more expensive than expected. The Commission discussed the request and agreed it was reasonable. *Cortni Frecha made a motion to approve a one year extension for tree planting for 30 Partridge until September 30, 2020. Sandra Grund seconded the motion and it was passed unanimously.*

Approve OARS Invoice – Water Chestnut Control – The Commission reviewed the invoice from OARS for the water chestnut control work which was approved at the 2019 Annual Town Meeting. Ingeborg Hegemann Clark disclosed that she is on the Board for OARS and does not benefit financially or personally and does not feel that she has a conflict voting to process the invoice. *Cortni Frecha made a motion to pay the \$1,680 invoice from OARS as approved at the 2019 Annual Town Meeting. Sandra Grund seconded the motion and it was passed unanimously.*

Appoint Community Preservation Committee Representative – The Commission discussed appointing a Community Preservation Committee Representative and Hegemann Clark agreed to join the Committee. *Cortni Frecha made a motion to appoint Ingeborg Hegemann Clark as representative to the Community Preservation Committee. Sandra Grund seconded the motion and it was passed unanimously.*

Planning Board Request for Comments – Site Plan/Special Permit 108-118 Great Road – Sferra noted that she reviewed the site plan and noted that encroachment onto Town Forest is not likely. Sferra added that a small amount of dumping was found over the stone wall onto Town Forest during the septic system upgrade which the site contractor removed. The Commission reviewed the plan and discussed if an additional entrance would be appropriate and agreed Heritage Lane and Bradley Lane are sufficient for access to Town Forest from Lower Village. Sferra will convey that to the Planning Board.

Notice of Intent – Stonebraker – 181 Randall Road – Scott Hayes, Foresite Engineering, was present to review the proposed plans for site improvements and tree removal at 181 Randall Road. Hayes noted that the property owners are concerned about the large trees on the property including a 30 inch oak that is six inches from the house. Hayes added that a pond behind the house is mapped as a potential vernal pool and exhibits all the

characteristics and functions of a vernal pool. The proposed work includes removing leaning hazard trees within falling distance of the house and replacement and expansion of an existing porch, stairs, and walkway. Hayes noted that the existing porch is sinking and was likely built on unsuitable fill material. The area is proposed to be excavated, backfilled with suitable fill material prior to the porch being rebuilt. Hayes reviewed the existing and proposed conditions on the plan and noted that he tried to limit the amount of activity in the 35' no disturb buffer but given the way the house was constructed in 1974 there is very little room. Hayes added that a concrete block wall is proposed in the area to be excavated and restored to act as a barrier between the yard and vernal pool which will prevent the need for additional grading and future encroachment into the 35' no disturb buffer. The proposed mitigation for the 250 square feet of encroachment on the 35' no disturb buffer includes planting of four 1 ½ inch caliper native trees. Additional proposed work including installation of a 12'x12' shed and installation of new walkways that are more than 80 feet from the vernal pool. Hayes noted that the entire lot is within the bylaw 200' buffer to the vernal pool. Hayes added that he believes the proposed 250 square feet of alteration in the 35' no disturb buffer can be mitigated by the proposed retaining wall and tree planting to establish a permanent boundary.

Hayes confirmed the retaining wall will be 3' high and about half the existing ground cover in the 35' no disturb buffer will be disturbed. Andy Snow and Sandra Grund visited the site and Snow noted that they did not observe any yard waste dumping in the area. Snow added that there are two trees proposed to be removed within the 35' no disturb buffer and noted that there is a drainage issue with the driveway causing water to channel towards the vernal pool. Hayes noted that the homeowner has hand dug a trench to relieve that but he believes that milling, grading and repaving the driveway will alleviate the issue. Grund noted that there should be no point source channeling of water to the vernal pool. Snow added that they discussed limiting the number of trees to be removed during the site visit as well as the limit of work not extending to the tree planting area which may encourage more work in the 35' no disturb buffer. Grund also asked about getting access to the property in the spring in order to certify the vernal pool. Hayes stated that silt fence could be used to back the straw wattle proposed for erosion control. Hayes also confirmed that the homeowners would like to remove the trees this fall and begin site work next spring. Sferra noted that the homeowners may need to file with Zoning Board of Appeals. Hayes stated that the homeowner may not expand the porch but would like approval from the Commission to expand the existing 12'x12' porch to 12'x24'. The Commission discussed the proposed tree removal and if the homeowner would consider keeping some of the trees. Hayes noted one of the trees proposed for removal will remain but be limbed. Sferra noted that a portion of the vernal pool is on Town owned land which provides access.

Hayes confirmed the retaining wall will not exceed three feet and will taper down to a foot and will be built with a crushed stone base and backing. Hayes added that the retaining wall will level off the area and provide a barrier delineating the yard from the area below. Hayes also confirmed the erosion controls will remain in place during construction of the wall. A crane will be used to remove the trees and a small excavator will be used to remove the existing fill and backfill. Hayes confirmed the driveway will be used for staging and excavated material will be loaded onto a truck immediately and taken offsite. Hayes added that it is unclear what will be encountered when they excavate the area or how much will need to be removed. The Commission reviewed photos from the site visit and confirmed the trees proposed for removal. Hayes stated that two trees will be removed from the 35' no disturb buffer, including one dead tree and one over the garage. Hayes added that all of the trees proposed for removal are hazards to the house or fence. *Cortni Frecha moved to close the hearing. Sandra Grund seconded and the motion was approved unanimously.*

Continued Notice of Intent – Janet Kelly – 5 Shore Avenue – Homeowners Janet and Andrew Kelly were present to review the revised plan. Janet Kelly noted that she submitted an invasive species removal plan, a proposed stone step detail, and removed the dock and shed from the proposed plans. Kelly clarified that the dock will be installed on the Maynard portion of the property and will need to be permitted through the Maynard Commission. Kelly clarified that she tried to find a location for the proposed shed outside the floodplain and the only location would be in the middle of the backyard so they have decided to sell the shed. The Commission discussed the shed location and reviewed alternative locations for the shed and determined that there is not a suitable location outside the floodplain due to the sloped lot and zoning setbacks. Andrew Kelly confirmed that the shed is currently on a foundation and would be placed on sonotubes when relocated. The Commission discussed the floodplain impacts and the Kelly's confirmed that the shed could be placed outside the 35' no disturb buffer and two to six

inches above the 179' floodplain contour. The Kellys also confirmed that they could replace the four cu ft. of flood storage from the sonotubes displacement elsewhere on the lot within the floodplain and would use a wooden ramp for access. Janet reviewed the additional information submitted to the Commission for the invasive species removal including the species and method of removal. Janet Kelly added that they plan to do the invasive species removal themselves but may hire someone.

Janet Kelly reviewed the plans for the stone steps which will be installed using machinery and will not extend beyond the proposed erosion control line or into the 35' no disturb buffer. Kelly reviewed the proposed planting plan including a planting area at the corner of the lot near the White Pond Road boat ramp. The Kellys noted that trucks are frequently parked at the boat ramp and they would like to screen the area and prevent run off using plantings. The Commission suggested using boulders to prevent vehicle damage to the new planting area. The Commission suggested that the Kelly's contact the Highway and Police Departments about having a sign installed to prevent parking on their property. *Cortni Frecha moved to close the hearing. Sandra Grund seconded and the motion was approved unanimously.*

Appointment – John Anderson – Adams Drive Lot 3 – John Anderson, owner, was present to request a three year Extension to the Order and a redline change to the approved plan. Anderson noted that the septic system has been installed and the haybales have been replaced. Anderson noted that he would like to install a three foot high retaining wall and bring in gravel to level the lot so a ranch style home could be built with minimal steps. Sferra noted that she visited the site with Anderson and reviewed the photos. Sferra added that the wall will be along the 35' no disturb buffer line and recommended the Commission require an engineered plan with wall and grading details. Sferra also noted that Anderson has applied for a knotweed permit for the property. *Cortni Frecha made a motion to approve a three year extension for Adams Drive Lot 3 to March 7, 2023. Sandra Grund seconded and the motion was approved unanimously.*

Pending Enforcement Issues – Collings – Off Barton Road – Bob Collings, Collings Foundation, was present. Sferra clarified that the agenda did not include discussion with Collings but he was welcome to stay while the Commission reviewed the list of enforcement items included on the agenda. Sferra informed the Commission that she contacted Collings regarding an extension to the restoration deadline which will expire before the Commission's next meeting. Sferra noted that Collings did not contact her until September 16, 2019 after the agenda had been posted. Sferra added that she also notified Collings that a request for modification to the approved plan would also be needed to incorporate the Planning Board requirements. Sferra also provided Collings the signed permit which was not picked up and must be recorded at the Registry of Deeds. Collings stated that he was not sure what they are supposed to do and began to discuss the permit. The Commission clarified that the Order for the restoration work has been issued and Collings will need to 1) file for an extension for the restoration and 2) amend the plan and 3) record the Order. Collings expressed concern about the differences between the Planning Board and Commission's decisions. The Commission clarified their jurisdiction and the Planning Boards. Sferra clarified that procedurally the Order can be amended to allow for the additional work required by the Planning Board decision

The Commission clarified with Sferra that the Planning Board decision is not contrary to the Order but requires additional restoration and the Order can be amended to include the additional Planning Board requirements. The Commission reiterated that the next steps are for the Order to be recorded and an extension request be made for the September 30, 2019 restoration deadline. Sferra clarified that the extension could not be voted on because it was not on the agenda. Collings stated that he does not have the authority to request an extension because he is not an Officer of the Collings Foundation and that this would need to be done by Rob Collings. The Commission clarified that they will include the extension on the next agenda but will need a formal request prior to the September 30th deadline. Sferra recommended asking for a one year extension. Collings stated that the Planning Board deadline is July 15, 2021 and the Commission stated the Colling Foundation could ask for an extension until that date. The Commission wondered if a joint boards meeting was needed. Collings stated that the Building Inspector was onsite to inspect the building during the earth removal and wanted to know why they weren't informed at the time it was wrong. Sferra clarified that the Building Inspector was onsite to inspect the building. This issue will be taken up at the next meeting.

Coordinator's Report

- **Meeting Schedule:** The 10/1/19 meeting will likely be cancelled as there are no new permit applications.
- **Mistletoe Final Inspection:** The Commission scheduled a site visit for October 6, 2019 at 8AM.
- **Highrock Church:** Sferra noted that the Highrock Church property is for sale. The Commission discussed the need for parking at Town Center Park.
- **Town Center Park:** Sferra reviewed updated photos of Town Center Park with the Commission.
- **Conservation Commission Member Search:** Sferra updated the Commission on the member search and noted that she and Jacquie Goring have reached out to a list of potential members and have not found anyone able to join the Commission. Staff will reach out via the website and social media.
- **Stow Acres:** Sferra noted that the owner of Stow Acres has approached the Town regarding the intention to develop the driving range parcel and confirmed he would be willing to sell the property to the Town. The Commission reviewed the 5 lot plan overlaid with an air photo and discussed the potential of purchasing a portion of the property.

Order of Conditions – Stonebraker – 181 Randall Road – The Commission requested that the findings clarify that the vernal pool is mapped as a Potential Vernal Pool and exhibits vernal pool characteristics. The Commission also requested that the order clarify that the porch and walkways will be replaced and expanded. The Commission discussed the erosion controls and requested that hay bales and silt fence be used in the area of the retaining wall area. The Commission noted that removal of the existing channel and source to the vernal pool and requested the applicant install a infiltration trench or similar along the driveway to be sketched on the approved plan. *Cortni Frecha moved to issue the Order as amended. Andy Snow seconded and the motion was approved unanimously.*

Order of Conditions – Janet Kelly – 5 Shore Avenue – The Commission requested that the findings clarify that the shed will be elevated out of the floodplain and the dock relocated to Maynard. The Commission requested that the property owner sketch the location of the shed on the plan and it be elevated two to six inches above the flood plain and access with a ramp. The Commission also asked that the applicant dig out four cubic feet within the planting area adjacent to the flood plain. *Andy Snow moved to issue the Order of Conditions as amended. Sandra Grund seconded and the motion was approved unanimously.*

Pending Enforcement Issues:

- **Lot 2 North Shore Drive – Prince:** Sferra informed the Commission that Scott Prince's Order for Lot 2 North Shore Drive has expired. Goring visited the site and took photos from the road. Sferra noted that the site and soil piles are vegetated and stable. The Commission discussed the issue and requested that staff send another certified letter requesting he file and reminding him he cannot work on the lot without a new permit and the site must remain stable.
- **46 Davis –** The homeowners are in the process of filing for a permit for the retaining wall work done without a permit.
- **143 Kirkland –** Sferra followed up with the homeowner regarding removal of the bridge in the wetland found during the site visit and has not received a response. Sferra will follow up with a certified letter.
- **Jillian's Lane –** Sferra provided the Commission a letter from Nancy Allen Scannell and noted that the work is done and they are waiting on the as built from Ducharme & Dillis.
- **561 Great Road –** The Commission discussed that they have not received a filing for the work that was done and requested that staff send a letter to the property owner requesting that they file a permit.

Adjournment – *Sandra Grund made a motion to adjourn the meeting at 10:16 PM. Andy Snow seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during September 17, 2019 Conservation Commission Meeting:

Draft Minutes

OARS Invoice #208

108-118 Great Road – Site Plans

181 Randall Road – Site Plans, photos, and supporting materials

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

Adams Drive Lot 3 – Site Plans, photos, and supporting materials