

**Stow Conservation Commission  
Minutes  
October 29, 2019**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on October 29, 2019 at 7:30 in the evening.

There were present:     Jeff Saunders, Chair  
                                 Sandra Grund  
                                 Ingeborg Hegemann Clark  
                                 Andy Snow

Absent:                     Serena Furman, Vice-Chair  
                                 Cortni Frecha

                                 comprising a quorum of the Commission

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

**Minutes:** *Sandra Grund made a motion to approve the minutes of October 15, 2019 as written. Andy Snow seconded the motion and it was passed unanimously.*

**Appointment – Andy Bass** – Andy Bass was present to discuss his interest in joining the Conservation Commission. Bass noted that he has lived in Stow for four years and would like to get involved with the Town. Bass noted that he works in social media support and enjoys walking on Town conservation land and is interested in going on site visits and learning wetlands regulations. Bass added that he has previously gone through the Notice of Intent process. The Commission discussed Bass' interest in joining the Commission and noted his professional background in technical support as an asset to dealing with difficult situations. *Sandra Grund made a motion to recommend the appointment of Andy Bass to the Conservation Commission. Andy Snow seconded the motion and it was passed unanimously.*

**Request for Amendment – Nicole and Matt Fanning – 148 Hudson Road** – David Cowell, Hancock Associates, homeowner Nicole Fanning, Lizett Frias, and Bob Valchuis, site contractor, were present to review the request for amendment to Order of Conditions DEP #299-629. Cowell stated that the Fannings would like to install a perimeter fence around the lawn. Cowell noted that the Order included a perpetual condition that fencing should be set back 50' from wetlands and stated that the Fannings were struggling to see the merit of the condition. Cowell added that a fence is proposed on the 35' no disturb buffer line at the limit of disturbance. Cowell showed the 35' no disturb buffer, 100' buffer, and proposed fence location. Snow noted that she did the initial site visit and clarified that the Commission included the perpetual condition regarding fencing was to avoid the Fannings having to come back to file for a fence if fencing was proposed more than 50 feet from the wetland. Snow added that the Order approved the lawn expansion up to the 35' no disturb buffer. Cowell confirmed that no trees will be removed to install the fence and the fence would be installed to avoid the trees planted as part of the Order. Valchuis stated that he made a point to stay off the 35' no disturb buffer line at least three feet or more when completing the yard expansion project under the Order and placed rocks 38 to 39 feet from the wetland. Fanning clarified that the fence would be between the boulders and the new shrub plantings. Cowell confirmed that the proposed fence will be a four foot tall plastic vinyl picket fence with a six inch gap at the bottom to allow for small animals to pass underneath. The Commission discussed the need for a bottom gap in the fence and agreed that a five inch gap would be sufficient. Cowell confirmed that a post hole digger would be used to install the fence. Cowell stated that the amended Order would be recorded at the Registry and once the fence was installed the as built will be completed to include the fence and they will request a Certificate of Compliance. Sferra clarified that the amendment will not extend the permit date. *Andy Snow made a motion to close the public hearing. Sandra Grund seconded the motion and it was passed unanimously.*

The Commission requested that a condition be added that if any tree is damaged while the fence is being installed it should be replaced and that the fence must be installed by hand. The Commission also confirmed that they would like perpetual condition A regarding no dumping in the 35' no disturb buffer to remain in the Order due to concerns about the proposed gate in the back of the yard shown on the plan. *Andy Snow moved to issue the Order as amended. Sandra Grund seconded and the motion was approved unanimously.*

**Appointment – Collings Foundation – Off Barton Road – DEP #299-656** – Bob Collings was present. Sferra noted that the Foundation has requested an extension for the restoration of the gravel pit to coincide with the Planning Board deadline in 2021. Sferra noted that she and Town Planner Jesse Steadman met with Bob and Rob Collings and reviewed the two decisions and have recommended the Collings Foundation meet with Planning Board. Collings stated that there are huge differences between the two decisions. They do not have a problem with the Commission's decision but have substantial concerns about the Planning Board decision. Collings reviewed his concerns about the Planning Board decision including bringing material in to fill in the gravel pit which Collings stated would take 250 truckloads which he stated would be a problem for them and the neighbors. Collings noted that there is a hill on the property that would have enough material to be moved and may meet the requirement without trucks coming from offsite and outside fill material. Sferra recommended that the Commission extend the deadline to the fall of 2020 to ensure that the work commences next season. Sferra also recommended the Collings attend the second Commission meeting in January to report on the Collings Foundation's meeting with the Planning Board regarding using the hill created by the museum viewing area to fill in the pit. Collings stated that the hill is the same material as the rest of the site and they would not have to worry about what is in it. Collings also expressed concerns about the amount of work (plans, approvals, etc.) required by the Planning Board decision before the restoration work can be started. Sferra noted that each of these items has been discussed, they may not be as onerous as they seem, and that at the staff meeting they had discussed a plan for each of these items to be further discussed with the Planning Board. The Commission discussed extending the deadline for completing grading and planting to October 30, 2020 and asked that Collings come to the January 21, 2020 Commission meeting and provide an update. *Sandra Grund moved to extend the restoration deadline to October 30, 2020. Andy Snow seconded and the motion was approved unanimously.*

**Appointment – Duncan Thorne – 227 Harvard Road** – Duncan Thorne, former owner and builder of 227 Harvard Road, and Beth Davis and Laura Regis, property owners, were present. Sferra noted that Thorne requested a Certificate of Compliance and Scott Hayes, Foresite Engineering, noted deviations from the approved plan including a split rail fence around the existing lawn. Sferra showed photos of the fence and noted woodchips have also been placed outside the fence and both the fence and woodchips are within the 35' no disturb buffer. Davis stated that they installed the fence along the existing lawn area to keep their dogs contained and in some areas moved the fence in eight feet from the edge of lawn to keep it away from the stream. Sferra noted that the Commission should consider whether the fence should be moved or if they believe they would have approved the fence they should have the homeowners apply for an amendment. Davis noted that the fence is eight feet tall and has no gap at the bottom because they own a dog that is aggressive towards children and likes to dig. The Commission noted that a fence at that height with no lower gap would block wildlife passage although they could get around it and is partially located within the 35' no disturb buffer. Davis and Regis confirmed the woodchips could be removed and the posts could be moved with some difficulty. The Commission noted that an area of existing lawn could be planted and allowed to naturalize. Davis confirmed that the woodchips outside the fence was meant to keep back invasives. The Commission discussed mowing around the fenced area and naturalizing the 35' no disturb buffer using a seed mix. Davis and Regis confirmed they would file an amendment for the fence.

#### **Coordinator's Report**

- **46 Davis Road:** Sferra will email the Commission to assign the project.
- **High Rock Church Site Visit:** Sferra noted that a number of Town entities are interested in purchasing the property. Sferra noted the Commission's interest in securing overflow parking for Town Center Park.

**Review and Approve Regency at Stow Monitoring Report** – The Commission reviewed the Regency at Stow monitoring report and requested that the plan be labeled to show the monitoring locations. Sferra will follow up with Ducharme and Dillis on when the monitoring will be done.

**Town Forest Trail Marking Violation** – Sferra reviewed the unauthorized extensive trail marking at Town Forest with pink paint which was done twice and noted that staff are still in the process of covering the second round of markings. A number of trail users are upset about the pink paint. Sferra reviewed photos of the marking and noted that she spoke with the individual responsible for the marking and she was not aware that this was a violation of the Town's regulations. The Commission discussed the incident which could be subject to a fine up to \$300 based on the Commission's Conservation Land Regulations. Sferra noted that she calculated the time spent by staff and the cost of the paint to cover the markings which amounts to approximately \$300 and confirmed with the individual that they would be willing to make a donation to the Conservation Fund for that amount in lieu of other enforcement options like fines. *Sandra Grund moved to accept a \$300 donation to the Conservation Fund in lieu of fines for the Town Forest trail marking violation. Ingeborg Hegemann Clark seconded and the motion was approved unanimously.*

**Trail Opening/Closing Policy** – Sferra noted that staff is preparing to open a significant expansion of the red trail at Town Forest including a new section of trail along the orchard at Carver Hill and have recently blazed the portion of trail between Red Acre Woodlands and Deerfield Lane. Sferra asked that the Commission discuss adoption of a policy that would delegate to staff the authority to temporarily close trails, such as after a storm, or make minor relocations to trails, but that the Commission itself should vote on new trail openings and permanent trail closings. The Commission should also consider what, if any, formal process to have for public comment prior to making these decisions. Sferra offered to draft a policy if the Commission was in agreement. She noted that neither state law nor the regulations require a formal public comment process or hearing. The Commission agreed that it would make sense to consider some trail closings as part of the process of opening new trails. It was agreed to pick out a few of the logical changes that were discussed as part of the Town Forest master planning effort last year and propose them at the same time. The Commission noted that they reviewed the process while reviewing the Town Forest trails and agreed that minor adjustments should be able to be done by staff but it would be appropriate for the Commission to vote to open new trails and close others at a public meeting. The Commission added that any trail users could be solicited to provide opinions. Sferra noted that the very steep trail down Gardner Hill and the old dirt bike tracks in Town Forest would be the most practical to close while opening the new Red loop. The Commission agreed that a draft policy for trail opening and closing should be brought to an upcoming meeting including the ability for the Chair to make decisions during an emergency.

**CPA Funding Availability** – Sferra noted that the deadline for Community Preservation Act funding for Annual Town Meeting is December 1<sup>st</sup> and added that staff considered a request for capital improvements to the Community Gardens but decided not to make the request this year to allow for more planning.

**Shepherd Memorial Woodlands Beaver Dam follow up** – Sferra noted that she spoke with one of the land owners who owns a portion of the beaver dam at Shepherd Memorial Woodlands and they have been collecting water level data which may be helpful for the Stow Conservation Trust. Sferra has put the landowner in contact with the Trust.

**Adjournment** – *Andy Snow made a motion to adjourn the meeting at 9:28 PM. Sandra Grund seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

**Materials Used during October 29, 2019 Conservation Commission Meeting:**

Draft Minutes

148 Hudson Road – Site Plans, photos, and supporting materials

227 Harvard Road – Site Plans, photos, and supporting materials