

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

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

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

Absent: Sandra Grund

 comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
 Jacquie Goring, Conservation Assistant
 Matt Styckiewicz, Associate Member

Minutes: *Serena Furman made a motion to approve the minutes of November 19, 2019 as amended. Andy Snow seconded the motion and it was passed unanimously with Cortni Frecha abstaining.*

Coordinator's Report

- **Maple Street Forest Cutting Plan:** Sferra informed the Commission that a disapproval letter was issued by the Department of Conservation and Recreation (DCR) for the forest cutting plan submitted for Alan DiPietro's property. Sferra noted that the letter includes a partial approval of the plan but requires a new forest cutting plan be resubmitted to DCR with required changes. Sferra and Rebecca Longvall, Town of Bolton Conservation Agent, have emailed DCR to thank them for upholding the court decision and encouraging DiPietro to file a Notice of Intent.
- **Eversource Decision:** Sferra informed the Commission that the Eversource final decision was issued and the local permitting process would begin soon. Sferra added that a Notice of Intent filing may be submitted in January. Ingeborg Hegemann Clark recused herself noting that her company has worked with Eversource in the past. Sferra confirmed that the decision includes a condition that no herbicides be used on the right-of-way.
- **PFAS Forum:** Sferra noted that the Board of Health held a forum regarding PFAS contamination in private drinking water wells and noted that the forum is available online.
- **2020 Meeting Schedule:** The Commission reviewed the proposed 2020 meeting schedule. Hegemann Clark noted that she will not be able to attend meetings from the end of January to the beginning of May.
- **Cortni Frecha Resigning:** Frecha informed the Commission that she will be resigning from the Commission.
- **New Year's Day Hike:** Sferra informed the Commission that the annual New Year's Day hike will be at 10AM at Town Forest.

Request for Certificate of Compliance – 113 Boxboro Road – Frecha recused herself from the discussion. Hegemann Clark reviewed photos taken during her site visit and noted the work was done well. Hegemann Clark also confirmed that the depression at the culvert outlet was there before the culvert was replaced. *Andy Snow moved to issue the Certificate of Compliance. Serena Furman seconded and the motion was approved unanimously.*

Notice of Intent – Scott Prince – 22 North Shore Drive – Property owner Scott Prince was present and informed the Commission that his original Order of Conditions (DEP 299-590) to build a single family house has expired and he is filing a new Notice of Intent with the same plans to complete the project. Prince reviewed the work that has been completed so far including installation and maintenance of erosion controls, tree clearing, rough grading of the lot, installation of the house foundation and house framing. Prince added that he has not done any work on the property in 16 months. The remaining work to be completed includes installation of the septic system and driveway grading and paving. Prince added that Scott Hartwell will be doing the rough grading and septic installation this winter then in the spring the final grading, lawn and landscaping will be completed and the path to the lake and dock will be installed. Prince confirmed that the geothermal system has not been installed yet. The Commission discussed the geothermal system and confirmed that the system has been designed as a closed system and requested that the Material Safety Data Sheets (MSDS) be submitted for the liquid to be used in the system. The Commission also discussed the proximity of the geothermal system to the lake and Prince stated that it may be able to be moved. Prince also confirmed that the entire lot has been cleared of trees up to the 35' no disturb buffer.

Cortni Frecha visited the site and observed some erosion that was contained within the erosion controls and added that Prince has added straw wattle in those areas. Frecha also noted that she observed some invasive plants growing in the stockpiles onsite and offered to go back to the site to confirm. Prince stated that the intention is to pull out the plants growing on the stockpile before the material is spread. Frecha added that the erosion controls have been damaged in the past by beaver and recommended that tree plantings be protected from beavers using wire fencing. Frecha also observed some storm damage to trees within the 35' no disturb buffer. Cortni added that Prince planned to save some trees on the property between the 35' no disturb buffer and 100' buffer but the trees that were being removed were hollow and infested with insects so all the trees were cleared. Prince confirmed he would provide MSDS for the geothermal system and would contact the engineering firm to confirm if the system could be moved. The Commission discussed the location of the geothermal system and concerns about it leaking. Prince noted that the location may have been selected based on the distances from wells and septic systems and confirmed that the geothermal system will have a pressure alarm system. The Commission noted that the Order could include a perpetual condition regarding maintaining the geothermal system. Prince also confirmed that the trees shown on the plan to be topped will not be topped as discussed during the hearings for Order of Conditions 299-590. Prince clarified that he withdrew the request to top the trees during that hearing process. Prince also confirmed that he would provide the Commission a stamped plan as the plan submitted with the Notice was not stamped. *Cortni Frecha made a motion to close the public hearing. Ingeborg Hegemann Clark seconded the motion and it was passed unanimously.*

The Commission reviewed the draft Order and requested that the Order require that a new stamped plan be submitted and the MSDS be provided for the liquid in the geothermal system. The Commission also requested that the Order include a perpetual condition requiring that the geothermal system be maintained to ensure its continued function and protect the health and safety of the environment. *Ingeborg Hegemann Clark moved to issue the Order as amended. Cortni Frecha seconded and the motion was approved unanimously.*

Review/Approve Fiscal Year 2021 Budget – The Commission reviewed the draft budget for fiscal year 2021. Sferra noted that OARS is looking for funding for water chestnut removal again this year and increased their request to \$2,300. Hegemann Clark noted that she is on the OARS board and recused herself from the OARS budget request discussion. The Commission discussed the request and recommended that it not be included in the Commission's operating budget and be brought to Annual Town Meeting as a separate warrant article as it was for fiscal year 2020. Sferra also noted that she will be asking for \$5,000 to replenish the Conservation Fund which would be used to pay for the Land Steward and help cover increased plowing and harrowing costs at the Community Gardens. Sferra also noted that she will be requesting to hire a seasonal part time Summer Trail steward to walk trails, report downed trees, preform light trail maintenance, painting signs, and interacting with trail users. Sferra noted that having an additional person to work on projects that require two people will allow the office to remain open. Sferra confirmed that the position would be funded by donations received over the past year and funds already available in the Conservation Fund. Sferra also noted the benefit of having a seasonal employee to assist the Land Steward. The Commission noted that the Finance Committee has recommended in the past using volunteers. The Commission then discussed the concerns about using volunteers. The Commission also discussed

the proposed changes to the Wetland Protection Act regulations regarding issuance of permits and the potential increased cost for certified mailing. *Serena Furman moved to approve the FY21 budget. Cortni Frecha seconded and the motion was approved unanimously.*

Ratify Emergency Certification – Stow Fire Training Academy Remediation – Associate Member Matt Styckiewicz clarified that his company has worked for the Fire Training Academy, although they do not have any active projects. Styckiewicz added that as an Associate Member he is not able to vote and it will not be a conflict for him to be present during the discussion. Sferra requested that the Commission formally vote on the current practice of the Conservation Coordinator being a designee for the Commission, allowing Sferra to sign Emergency Certifications. *Ingeborg Hegemann Clark made a motion to allow the Conservation Coordinator to act as designee for the Stow Conservation Commission for Emergency Certifications. Serena Furman seconded and the motion was approved unanimously. Cortni Frecha moved to ratify the Emergency Certification for the Stow Fire Training Academy Remediation. Andy Snow seconded and the motion was approved unanimously.*

Cortni Frecha left the meeting at 8:52PM.

Request for Extension – Bentley Building Corporation – Hemenway Farm/Walcott Street – DEP #299-559 – Sferra informed the Commission that Mark White, Bentley Building Corporation, has requested a three year extension noting that the development has been held up by the site remediation. Sferra added that White will also likely request minor changes to the approved plans at a later date. The Commission discussed the request and noted that the wetland delineation should be revisited. *Ingeborg Hegemann moved to approve the three year Extension request and requested that the wetland delineation be revisited. Serena Furman seconded and the motion was approved unanimously.*

Request for Certificate of Compliance – 46 Pine Point Road – The Commission reviewed photos taken by Sandra Grund during her site visit. The Commission expressed concern that the path was constructed six inches wider than permitted and discussed requiring it be removed or requiring mitigation plantings. The Commission also expressed concern about the path not being constructed as shown in the detail on the approved plan. The Commission requested that the property owner be contacted regarding the width of the path and if the path was constructed up to the existing shoreline retaining wall as shown on the approved plan.

Request for Certificate of Compliance – Finn Road – Sferra confirmed that the outstanding issues from her initial site visit including the spreading of the pile of peastone and removal of the piece of old pipe in the wetland were completed and recommended issuance. *Ingeborg Hegemann Clark moved to issue the Certificate of Compliance. Andy Snow seconded and the motion was approved unanimously.*

Request for Certificate of Compliance – 217 Hudson Road – Jeff Saunders visited the site and confirmed the site was stable and noted that there is a pile of debris in the wetland that should be removed. The Commission agreed not to issue the Certificate until the debris was removed.

Request for Certificate of Compliance – 330 Great Road – Goring visited the site and confirmed the deck was built as approved and the trash and yard debris were removed from the wetland and recommended issuance. *Andy Snow moved to issue the Certificate of Compliance. Ingeborg Hegemann Clark seconded and the motion was approved unanimously.*

Request for Certificate of Compliance – 180 Crescent Street – Hegemann Clark and Sferra visited the site again and confirmed that 35' no disturb buffer plantings were properly delineated with boulders and the reed canary grass was removed. Hegemann Clark noted that she would like to go back after the spring rainfall to confirm the stockpiled material 40 feet from the wetland is stable. The owner is agreeable. Hegemann Clark also confirmed with Boyd at the site visit that the plantings placed on top of the ground surface did survive last winter and recommended issuance. *Ingeborg Hegemann Clark moved to issue the Certificate of Compliance. Serena Furman seconded and the motion was approved unanimously.*

Request for Partial Certificate of Compliance – Regency at Stow – Sferra noted that Toll Brothers is almost completely done with the work except for work on the basins. The Commission discussed the request and determined that they would like to wait to issue until the project is completed and would like more information from Toll Brothers on what work is remaining to be done on the basins. *Serena Furman moved to deny the Partial Certificate of Compliance request. Andy Snow seconded and the motion was approved unanimously.*

DEP Proposed Amendment to Wetland Protection Act Regulations – Comment Letter – Sferra confirmed she will be participating in a call regarding the proposed amendments to the Wetlands Protection Act and will draft a letter for the next meeting.

Enforcement Issues – 76 Treaty Elm – Unpermitted Wetland Alteration – The Commission reviewed the report in their packet and Sferra confirmed that the property owner has been in contact with her and has agreed to file a Notice of Intent. Sferra added that the property owner has also been in touch with the Building Department regarding the chicken coop and it is unclear whether or not it is in the 35' no disturb buffer.

Review/Endorse Joint Recreation-Conservation Community Preservation Act Proposals – Sferra reviewed the Community Preservation Act proposals including the Stow Acres Driving Range and the Track Road Engineering and Design Service and the Commission agreed to endorse their submittal.

Adjournment – *Ingeborg Hegemann Clark made a motion to adjourn the meeting at 9:52 PM. Serena Furman seconded the motion and it was passed unanimously.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during December 17, 2019 Conservation Commission Meeting:

Draft Minutes

Site Plans, photos, and supporting materials for 22 North Shore Drive

Site Plans, photos, and supporting materials for 113 Boxboro Road, 46 Pine Point Road, Finn Road, 217 Hudson, 330 Great Road, 180 Crescent Street, and Regency at Stow

Draft FY2021 Budget

Emergency Certification Stow Fire Training Academy

Site Plans, photos, and supporting materials for Hemenway Farms

Site Plans, photos, and supporting materials for 76 Treaty Elm

Community Preservation Act Proposals