

**Stow Conservation Commission  
Minutes  
January 21, 2020**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on January 21, 2020 at 7:30 in the evening.

There were present:     Jeff Saunders, Chair  
                                      Serena Furman, Vice-Chair  
                                      Andy Snow  
                                      Andy Bass  
                                      Sandra Grund

Absent:                        Ingeborg Hegemann Clark

                                     comprising a quorum of the Commission

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

**Minutes:** *Sandra Grund made a motion to approve the minutes of January 7, 2020 as amended. Serena Furman seconded the motion and it was passed unanimously.*

**Review/Release of Executive Session Minutes:** *Serena Furman made a motion to approve and release the executive session minutes of February 7, 2017, June 6, 2017, June 20, 2017 and December 5, 2017. Sandra Grund seconded the motion and it was passed unanimously.*

**Accept Resignation/Associate Member Appointment – Sandra Grund –** *Andy Snow moved to accept Sandra Grund's resignation letter and appoint Grund as an Associate member of the Commission as of February 4, 2020. Serena Furman seconded and the motion was approved unanimously.*

**Certificates of Compliance Requests –** Sferra updated the Commission that the Request for Certificate of Compliance for 250 West Acton Road was not submitted. Sferra also noted that the site visit for 49 Apple Blossom Road was not completed due to snow cover and will be added to the next agenda.

**Request for Certificate of Compliance – 42 Boxboro Road –** Goring informed the Commission that Ingeborg Hegemann Clark visited the site and noted that grass had not grown in after the septic upgrade. The site is stable because the ground is frozen and the erosion controls are in good shape. Hegemann Clark recommended that either straw or additional erosion control blankets be used to stabilize the area. Hegemann Clark also reported that the brush pile was removed as required. The Commission agreed to revisit the request once the site is stabilized.

**Review/Approve Letter to DEP on Proposed Regulatory Changes –** *Sandra Grund made a motion to approve and submit the draft letter to DEP on the proposed regulatory changes as written. Serena Furman seconded the motion and it was passed unanimously.*

**Pending Enforcement Issues – 76 Treaty Elm – Site Visit Discussion –** Sferra noted that the site visit for 76 Treaty Elm was postponed due to snow. The Commission agreed to reschedule the site visit to February 2, 2020.

**Private Horse Access to Heath Hen Meadow Brook Conservation Area –** Sferra noted that she put the discussion on the agenda after being contacted by a horse boarding facility who was considering purchasing a property near Heath Hen Meadow Brook Conservation Area. The facility owners would like to ride horses from the private property through Shelburne Farm between the stonewall and orchard fence and into Heath Hen. Sferra

recommended the horse facility owners submit a letter to the Commission to discuss the proposed horse access to Heath Hen but did not submit the letter prior to the meeting. Sferra reviewed a map of the private property and noted that the horse trail would have to cross the brook. Concerns include using a bridge to cross the brook that was built without a permit, the required crossing through private property on Shelburne Farm, and allowing a commercial horse operation to access Heath Hen privately and use the trail which is prohibited in the current Conservation Land regulations. Sferra noted that the facility owners stated that they would not ask people to pay to trail ride and it would be safer than trailering horses. Sferra also noted that Heath Hen is a very low and wet property and the trails are often very muddy. The facility owners asked Sferra if the boardwalks could be added or trails be relocated into areas that are less muddy. Sferra noted that if trails are relocated they will also likely get compacted and become muddy over time. The Commission noted their concerns about relocating trails for one trail user and horses not being able to use boardwalks and crossing in the brook. The Commission also noted that the brook is very wide in that area and expressed concerns about allowing exclusive use to conservation land from one private property. The Commission added that it is not known if Shelburne Farm would allow access through their property. The Commission also noted that Heath Hen is very wet and rocky and not an ideal property for horses.

**Revised DiPietro Forest Cutting Plan** – DCR denied the DiPietro Forest Cutting Plan and recommended revisions including keeping all cutting out of wetlands. The revised Forest Cutting Plan includes a reduced acreage from fourteen acres in the original plan to eight in the revised plan. Sferra noted that the access is still in Stow and the log landing will be on Maple Street in Stow. Rebecca Longvall, Bolton Conservation Agent, emailed DCR and noted that much of the existing structures, roads, and crossing were built without a permit and should be clarified on the plan as existing and unpermitted. Sferra also emailed DCR and noted that the wetlands have not been delineated and are based on aerial photography and not the 2005 wetland delineation which was done by Bolton. Sferra also noted that if DCR is going to approve the revised forest cutting plan it should be contingent on the court ordered restoration and expressed concern about the use of the unpermitted road. The Commission noted the proposed use of the illegal road and concerns about the proposed wetland crossing. The Commission asked that Sferra submit additional comments on these issues to DCR.

**Collings Foundation – Update on discussions with Planning Board re: Site Restoration** – Bob and Rob Collings, Collings Foundation, were present. Bob Collings stated that they just met with the Planning Board to discuss the Board's decision for site restoration. Collings stated that the Foundation was more in agreement with the Conservation Commission than the Planning Board as the latter's decision included more extensive site restoration. Collings stated that the Planning Board decision requires that material be replaced in the area that was disturbed and raised to an elevation of 211' and is currently at 208'. Collings stated to replace the required three feet of material would require about 300 truckloads, and expressed concerns about bringing in fill from other places. Collings stated that he met with Sferra and Jesse Steadman, Town Planner, and suggested that material be taken from the site and moved to disturbed area. Collings added that it is the same sand and gravel material and is clean material.

Collings stated that he did not get any direct feedback while meeting with the Planning Board at their earlier meeting except that the current site plan would need to be modified and would require a public hearing for a major modification. Collings showed the site plan and showed the area west of the museum building proposed to be used as backfill and noted that the material from the top of the hill was used around the foundation of the building. Sferra asked if the Planning Board was receptive to the proposed modifications and Collings stated that they were but would like the requested revisions to the plan. Collings stated he would provide one plan that would satisfy both the Conservation Commission and the Planning Board. Collings confirmed that the backfill will still be covered with engineered top soil which is dense and will prevent invasive species. Collings added that he would like to propose using a seed mix that will only grow three to four feet tall rather than planting shrubs which they will need to cut later. Collings stated that the engineered top soil will need two months to sit before hydroseeding and if they could get approval for the modification in March the work would begin moving the material and backfilling in April, spread the top soil, allow it to sit for two months and then hydroseed in the fall.

Collings noted that the soil on the site is all sand and gravel and drains very well and stated that shrubs won't work and the proposed seed mix is specifically designed for sand and gravel pits. The Commission clarified that Collings

is proposing to no longer use the approved planting plan. Sferra noted that a request for modification to the permit would need to be submitted including the additional restoration requirements in the Planning Board decision and a revised planting plan. The Commission noted that a dense meadow could be good for bird habitat. Sferra clarified for Collings that the Commission approved a plan including grading which would need to be modified to comply with the Planning Board decision. Collings confirmed he would like to complete the restoration by this fall provided they receive Planning Board approval. Collings added that the Planning Board decision had a deadline in 2021 but is aware the deadline with the Commission has passed. Rob Collings noted that the Planning Board will be scheduling a site visit and will invite the Commission. Sferra noted that the Commission previously voted to extend the restoration deadline to October 31, 2020 providing Collings attended tonight's meeting.

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

- **Treaty Elm Enforcement Issue:** The Commission rescheduled the site visit for February 2, 2020 at 9AM.
- **Other Enforcement Issues:** Sferra noted that when reviewing the private horse access request to Heath Hen it was discovered that a new bridge had been built crossing the brook at 107 Boxboro Road. Sferra sent a letter to the property owners requesting they contact the office to file for a permit. Sferra also noted that it appears that 287 West Acton may have removed trees and brush across the brook from Whitney Field CR. Sferra also informed the Commission of a report of a possible violation at the former Hudson dump where there is a ongoing wood cutting operation with potential impacts to flood plain and wetlands. Sferra also received a report of tree removal at Stow Acres which the owner confirmed is outside the Commission's jurisdiction and confirmed they will be filing for a permit for ongoing golf course maintenance.
- **Minute Man Air Field Vegetation Management Plan:** Sferra noted that MaryAnn DiPinto submitted an updated vegetation management plan for Minute Man Air Field. Sferra stated that the Commission approved the vegetation management plan in 2006, it expired after five years in 2011 but was extended an additional four years to 2015 with the Permit Extension Act. DiPinto provided Sferra a guidance document stating that once a permit expires the applicant can request a Certificate of Compliance and the Commission may approve Yearly Operational Plans for maintenance as long as the plan is within the parameters of the original Vegetation Management Plan. Sferra has emailed DEP requesting clarification. Don McPherson would like to do three days of cutting in February. Sferra confirmed that the delineation has not been reviewed since 2006.

#### **Executive Session – Real Estate Acquisition**

At 9:05 PM Sandra Grund made a motion to go into Executive Session pursuant to MGL Chapter 30A, Section 21 A(6), for the purpose of discussing real estate acquisition negotiations, and to adjourn thereafter. And Snow seconded the motion and it passed 5-0 on a roll call vote: Jeff Saunders, aye, Serena Furman, aye, Sandra Grund, aye, Andy Snow, aye, Andy Bass, aye.

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

#### **Materials Used during January 21, 2020 Conservation Commission Meeting:**

Draft Minutes and Executive Session Minutes  
Site Plans, photos, and supporting materials for 42 Boxboro Road  
Revised DiPietro forest cutting plan  
Site Plans, photos, and supporting materials for Collings Foundation