

**Stow Conservation Commission
Minutes
February 4, 2020**

A meeting of the Stow Conservation Commission was held at the Stow Town Building, 380 Great Road, Stow, Massachusetts, on February 4, 2020 at 7:30 in the evening.

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

Absent: Ingeborg Hegemann Clark
 Andy Snow

 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 January 21, 2020 as amended. Andy Bass seconded the motion and it was passed unanimously.*

Review of Executive Session Minutes: *Sandra Grund made a motion to approve the executive session minutes of January 21, 2020 as written. Andy Bass seconded the motion and it was passed unanimously.*

Request for Extension of Order of Conditions – Stowaway Golf Course – Sferra informed the Commission that the Melones have requested an extension for the Order of Conditions for Stowaway Golf Course for course improvements. Sferra noted that they are focused on the stormwater and site improvements on their other site. Sferra added that they have requested a three year extension and have indicated that they are still committed to doing the project. *Serena Furman made a motion to extend the Order of Conditions for Stowaway Golf Course to March 7, 2023. Sandra Grund seconded the motion and it was passed unanimously.*

Request for Plan Revision – 10 Dawes Road – Sferra reviewed the proposed plan revision for 10 Dawes Road which includes an underground propane tank away from the lake side of the house and outside the 35' no disturb buffer to the stream. Sferra noted that the homeowner confirmed the tanks meet applicable Fire Department and building codes. *Sandra Grund made a motion to approve the requested plan revision for 10 Dawes Road. Serena Furman seconded the motion and it was passed unanimously.*

Request for Certificate of Compliance – 49 Apple Blossom Lane – DEP #299-148 – Goring noted that the Order was issued in 1992 for construction of a single family house and was never closed out after construction. The property is now being sold and the homeowner has requested a Certificate of Compliance (COC). Goring added that the file for the project included an as-built plan and a letter from the engineer stating the work was done in accordance to the plan but the required wetland replication plantings had not been in place long enough to satisfy a condition in the Order that the plantings must survive two growing seasons. Goring visited the site and noted that it appeared that the house was built according to plan and the 35' no disturb buffer was left untouched as required in the Order. Goring clarified that there are two perpetual conditions from the original Order including that there shall be no storage of fuel or hazardous materials within the 100' buffer and that the 35' no disturb buffer must remain undisturbed. *Serena Furman made a motion to issue the Certificate of Compliance for 49 Apple Blossom Lane. Sandra Grund seconded the motion and it was passed unanimously.*

Appointment – Ron Gerhardt – Discussion of Possible Gift of Land along Assabet River – Property owner Ron Gerhardt was present and described the property he would like to donate to the Commission. Gerhardt noted that he is aware the Commission owns and manages a lot of property and may have concerns about taking on more land and trails to maintain and stated he does not expect the Commission to do that but would like people to still be able to use the property. The property is 12 acres and has 1,500 feet of frontage on the Assabet River. Gerhardt noted that he has allowed OARS to use the property for functions and he has used the property as a wood lot and has logged the property a number of times. Gerhardt stated that the property has unique wetlands and plants and a lot of wildlife. Gerhardt described the property access as a land court right-of-way across land owned by the Collings Foundation. Gerhardt reviewed a map of the property and stated that Collings has a detention basin where the right-of-way is located and suggested that the right-of-way could be moved. Gerhardt offered to meet the Commission to walk the property and provide any information that may be helpful.

Sferra noted that the Commission has five large properties with parking lots and trails as well as other properties without maintained trails or parking areas that are not used aside from people in the surrounding neighborhood and expressed concern about trail maintenance capacity on the property. Gerhardt recommended that volunteers from OARS or other organizations could be used. Sferra also noted concerns about trash, fire pits and the potential for erosion on the bank from overuse. Gerhardt noted that he hasn't had many problems and people have asked to use the property and he asks that there be no fires. Gerhardt added that Sudbury Valley Trustees was previously interested in the property but the deal fell through because they wanted to restrict the amount of wood taken from the property to two cords. Gerhardt also noted that the Assabet National Wildlife Refuge abuts the property but if he gifted the land to the US Government he would not be eligible for a \$75,000 State tax credit. Sferra confirmed with Gerhardt that he is not currently on the list for the credit program and the wait list is two to three years long and recommended Gerhardt wait to do an appraisal because it must be done within the same year as the gift.

Gerhardt noted that the Town of Hudson was also interested in the property as a water source but they could not come to terms on access. The Commission discussed the proposed gift and agreed it would be worth exploring and expressed concern about the access issues. The Commission noted that they will likely be getting a parcel of land on the river as part of a development which will only have canoe access which could be an option for this property. The Commission will schedule a site visit. Bob Collings was present and noted he would like to know when the site visit is scheduled.

Notice of Intent – Massachusetts Department of Fire Services – David Leone, Licensed Site Professional (LSP), Sue Bator, LSP, and Kimberly Degutis, wetland scientist, from GZA GeoEnvironmental (GZA) were present on behalf of the Massachusetts Department of Fire Services (DFS). Leone stated that the Notice of Intent (NOI) was filed in response to per- and polyfluoroalkyl substances (PFAS) contamination at the Fire Training Academy. Leone stated that PFAS is a class of chemicals widely used in industry and reviewed products with PFAS including firefighting foam. Leone added that PFAS contamination at the Fire Training facility came to light last year when a release of PFAS was reported at Boyd Coating in Hudson. Surface water samples from White Pond had elevated levels of PFAS and the Department of Environmental Protection (DEP) identified the Fire Training Academy as a potential source. While onsite, DEP observed historic tank sediments from a 30,000 gallon water tank that were deposited in the northwest corner of the property which was sampled and found to have high levels of PFAS. Leone stated that DFS has been required by DEP to remove in sediment in the short term and DFS hired GZA to complete the environmental site work. Leone added that the scope of the sediment was determined by visual delineation as the material is notably different from the underlying soils. It is estimated that 200 yards of sediment will need to be removed and will be disposed of at a licensed facility. Additionally, several monitoring wells will need to be installed following the sediment removal. Leone noted that an Emergency Certification was issued by the Commission to complete the sediment removal work but they have been waiting for DEP approval for a disposal facility.

Degutis reviewed the wetland delineation plan and noted that she flagged the wetlands using the 2006 Order of Resource Area Delineation (ORAD). Degutis showed the area of sediment in the buffer zone and wetland and the locations of three proposed monitoring wells in the buffer. Degutis noted that the wells will be installed by hand. Bator confirmed the wells will be less than ¾ of an inch in diameter. Bator added that the sediment will be removed using a small piece of machinery such as a bobcat to bring the sediment to the bottom of the slope where it can be

removed using an excavator at the top of the slope where it will be loaded into a container for offsite disposal. The Commission confirmed that the small machinery will need to be in the wetland to remove the sediment in the wetland and that a Vactor truck would not be powerful enough to vacuum the sediment at that distance and over the slope. The Commission also confirmed that twelve inch straw wattle will be used for erosion controls. Leone noted that the monitoring wells will be in place for at least a year depending on sample results and no significant disturbance will occur to sample the wells. Degutis noted that all the proposed work within the buffer zone is outside the Natural Heritage and Endangered Species Program (NHESP) area. Two additional monitoring wells are proposed outside the buffer but within the NHESP area, one on asphalt and the other in a gravel driveway. Degutis confirmed that she has resubmitted the NOI form to DEP showing that the work within the Commission's jurisdiction is outside the NHESP area. Degutis also confirmed that she spoke with NHESP staff and confirmed the Commission could issue an Order without their response.

Jeff Saunders visited the site and confirmed that the rip rap on the slope will be removed before the sediment removal begins and replaced when work is complete. Bator noted that the sediment will be shipped by train and disposed of at a facility in Idaho and will be stored and transfer in lined containers. Leone clarified that the sediment is from the water reclamation system which is a series of catch basins which are used to collect water from fire training where sediment settles and needs to be periodically removed. Leone also confirmed that they are no longer disposing of the sediment there. Bator stated that the material is now being drummed and will likely be brought to Idaho for disposal. Bator confirmed that the water used during fire training is from the Sudbury water supply which also contains PFAS and reviewed the potential options for disposal of the water including offsite disposal and onsite treatment. Leone confirmed that DFS is working on developing a snow and leaf storage area and training employees on the buffer areas where snow and leaves cannot be dumped. The Commission discussed requiring an operation and maintenance plan.

Degutis reviewed the numbers provided with the NOI for alteration and restoration of wetland and clarified that the square footage provided for restoration was the entire area inside the proposed erosion controls including the wetland area and buffer zone. Leone confirmed that if additional remediation is needed they will file a new NOI. Leone clarified that they may need to excavate below the sediment depending on the results of sampling. Bator stated that samples will be returned within three days and they would work with DEP on additional excavation. The Commission discussed the proposed restoration and concerns about the area being restored then needing to be excavated again. Degutis noted that the proposed restoration area is larger than the proposed alteration area in the event they need to expand and remove additional sediment. The Commission noted that they would like to allow some flexibility in the Order to expand the area of removal if needed. Bator stated that overall the average thickness of the sediment is under a foot with the thicker area closest to the slope and a coating at the outer edge. Bator described the sediment material as wet sand and stated that there is a distinct difference between the sediment and underlying native material. Sferra noted that there will be a period of time between when the emergency permit expires and the appeal period will end for the Order. Leone stated that he does not believe the work will begin before the appeal period ends. Bator confirmed that the work will take up to two weeks to complete depending on weather and GZA will provide oversight of the contractor. Sferra confirmed that the proposed access to the work area has not changed. The Commission agreed that a preconstruction visit would be helpful. *Serena Furman made a motion to close the public hearing. Sandra Grund seconded the motion and it was passed unanimously.*

Request for Certificate of Compliance – DEP #299-443 – Yearly Operational Vegetation Management Plan – Minuteman Air Field – 302 Boxboro Road – Sferra informed the Commission that they have two things to consider, a COC request for the Vegetation Management Plan (VMP) for Minuteman Air Field and allowing yearly vegetation management going forward. MaryAnn DiPinto, Three Oaks Environmental, was present and noted that the Order 299-443 was for the VMP for the Air Field which included specific areas each with different treatments. DiPinto noted that saplings have come up at the approach at the end of the runway and need to be removed. DiPinto stated that there is a guidance document from DEP for VMPs at airports. DiPinto stated the guidance document provides that Yearly Operation Plans can be approved by the Commission so long as a Certificate of Compliance has been issued and the YOP is consistent with the original VMP. DiPinto submitted a YOP to cut the saplings and a request for COC. Sferra said that the Commission could issue a COC and include a perpetual condition allowing them to do maintenance under YOPs. DiPinto added that if YOPs are not submitted and work

continues the Commission could issue take enforcement action. DiPinto stated that if they would like to do anymore cutting they will file for a new NOI. The Commission reviewed the plans for the proposed cutting and confirmed with DiPinto that the YOP does not include anything outside the original VMP. Sferra recommended that a new VMP be submitted for future work. *Sandra Grund made a motion to issue the Certificate of Compliance for DEP #299-443 including a perpetual condition allowing maintenance under the submitted Yearly Operation Plan. Serena Furman seconded the motion and it was passed unanimously. Serena Furman made a motion to approve the one year Yearly Operation Plan. Sandra Grund seconded the motion and it was passed unanimously.*

Review/Approve 2019 Annual Report – The Commission reviewed the draft 2019 Annual Report and suggested that hyperlinks be added to the various items in the report. Sferra will check with the Selectmen's office about this. *Sandra Grund made a motion to approve the 2019 Annual Report as amended. Andy Bass seconded the motion and it was passed unanimously.*

Coordinator's Report

- **Treaty Elm Enforcement Issue:** The Commission visited the site and walked the trails and reviewed the crossing that has been removed. Sferra noted the other trails that were made are grass paths but some are within the 35' no disturb buffer. Sferra noted that a crossing will be needed at some point from the trail easement and reviewed the various options for the location of a future bridge. Sferra added that trail easement may need to be moved depending on the crossing location. The Commission discussed the work done by the property owner without a permit and agreed to issue an Enforcement Order to require restoration of the area by removing ruts created by machinery and spread seed.
- **Other Enforcement Issues:** Sferra received a report of a wood disposal operation in the buffer at the former Hudson Landfill. Sferra noted that the property owner has allowed the operation to bring in logs and have them chipped and taken offsite. Sferra and Goring visited the site and confirmed work is occurring within the Commission's jurisdiction and likely the 35' no disturb buffer. The property owner will be assisting the operator in filing for a permit.
- **MACC Conference:** Sferra reminded the Commission that the Massachusetts Association of Conservation Commissions annual conference is February 29, 2020.
- **Meeting Schedule:** Sferra noted that the March 3, 2020 meeting will need to be rescheduled due to the Presidential Primary. The Commission agreed to move the meeting to March 4th.
- **New Project:** Andy Bass agreed to take the lead on a NOI for 107 Boxboro Road.
- **Athens Lane:** Sferra noted that Habitech will be meeting with the Planning Board at their next meeting to discuss development at Athens Lane.
- **Stow Acres:** Sferra noted that the owner of Stow Acres has requested to meet with Sferra and Town Planner Jesse Steadman.
- **Trail Work at Town Forest:** Sferra and Goring have begun to close the steep eroded trail to the top of Gardner Hill at Town Forest.
- **DiPietro Forest Cutting Plan:** Sferra provided the Commission a copy of the approve forest cutting plan for the DiPietro property. Sferra noted that the approved plan includes conditions and to appeal the approved plan would require the Commission to go to court. Sferra noted that all of the cutting will be in Bolton and the impacts in Stow include the log landing and road crossing.

Decision – Massachusetts Department of Fire Services – The Commission reviewed a draft decision and requested that the Order include flexibility to allow field modifications as long as the work remains within the original approved limit of work shown on the plans and is associated with removal of sediment. The Commission also requested that the Order clarify that the monitoring wells will be installed by hand and all of the work within the buffer is outside the NHESP area. *Serena Furman made a motion to issue the Order of Conditions as amended. Sandra Grund seconded the motion and it was passed unanimously.*

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

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during February 4, 2020 Conservation Commission Meeting:

Draft Minutes

Site Plans, photos, and supporting materials for Massachusetts Department of Fire Services

Site Plans, photos, and supporting materials for 302 Boxboro Road