

**Stow Conservation Commission
Minutes
April 7, 2020**

A meeting of the Stow Conservation Commission was held on April 7, 2020 at 7:30 in the evening by remote Meeting VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Jeff Saunders, Chair
Serena Furman, Vice-Chair
Andy Bass
Andy Snow
Matt Styckiewicz

Absent: Ingeborg Hegemann Clark

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
Jacquie Goring, Conservation Assistant
Dan James, Associate Member

Request for Determination of Applicability – Nickole McGachey – 28 Harvard Road – Nickole McGachey was present to review the proposed fence installation and native plantings. McGachey shared a proposed site plan and noted that the PVC fence will be one sided and run along the west side of the property in a previously disturbed area of lawn. A four inch gap will be left between the bottom of the fence and the ground in the area of the ditch, then the gap will decrease as the fence runs towards the driveway, and then increase again towards the wetland in the back of the property. McGachey stated that the final panel will have a six inch gap at the bottom. Four native trees and five native shrubs will be planted and continued invasive species removal is proposed. Matt Styckiewicz visited the site and noted that the proposed fence will end approximately fifteen feet from wetlands at the end of the previously disturbed area. McGachey confirmed that about three fence panels would be within the 35' no disturb buffer in an area that is currently lawn and will be raised at least four to six inches off the ground for wildlife passage. The Commission noted the public benefit of the continued invasive species removal and proposed native plantings within the 35' no disturb buffer. McGachey noted that she also plans to plant additional trees on the property and will be purchasing the plants from New England Wetland Plant nursery. McGachey confirmed that they plan to purchase four to six foot trees and three to four foot shrubs to be sure they will be well established. McGachey also confirmed that the posts are wooden with PVC covering and will be installed using concrete. McGachey was not sure if the holes would be done by post hole digger or with machinery. The Commission discussed and noted that holes will likely be dug by hand and the concrete mixed in small batches.

Maureen Crawford, 34 Harvard Road, was present and noted that the proposed fence will be between her property and McGachey's. Crawford expressed concerns about the proximity of wetlands to the proposed fence and noted that her lawyer will be filing a lawsuit over the fence due to an adverse possession dispute. Crawford also noted concerns about utilities in the area. McGachey stated that she is aware of an electrical box and will have a gate installed in the fence in the area to allow access to the electrical box. McGachey confirmed that she will call dig safe before the fence is installed. Sferra noted that the Commission cannot determine property ownership and can only determine if the proposed

project requires additional filing or requires no further action under the Wetlands Protection Act. Crawford expressed concerns about the fencing disturbing deer and turkey. The Commission noted that the fence will only be along one side of the property and the majority of the proposed fence is outside the Commission's jurisdiction. In response to a question by the Commission, McGachey offered to eliminate the last three fence panels in the 35' no disturb buffer and put in plantings within the 35' no disturb buffer in place of the three fence panels. Styckiewicz displayed photos from the site visit. Crawford stated that she maintains her side of the drainage ditch and expressed concerns about mosquitoes and noted that the McGacheys do not maintain their side of the ditch. The Commission noted that deer will find their way around the fence and asked if there was anything on file on the neighboring property. Sferra stated she would need to confirm. Crawford continued to express concerns about mosquitoes and drainage ditch maintenance. Sferra noted that Central Mass Mosquito Control has exemptions for work in ditches but private property owners do not and she would be happy to follow up with Crawford regarding her ditch maintenance. McGachey clarified with the Commission that they would prefer plantings in the 35' no disturb buffer at the rear of the property rather than fencing. *Andy Snow made a motion to close the hearing. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Appointment – Lake Boon Commission – Extension to the Lake Boon Weed Treatment Order of Conditions #299-317: Dan Barstow, Lake Boon Commission, was present to request an extension and provide an update on the annual report on weed treatment. Barstow noted that the original Order was issued in 2001 and has been renewed every three years and will expire this year in July. Barstow reviewed the annual weed treatment report submitted by Solitude Lake Management. Barstow noted that fanwort, milfoil, and curly leaf pond weed were found in basins two, three and four last year which were treated using standard approved treatments including Sonar One, Sonar Genesis, and Reward. Barstow added that they studied the effectiveness of the treatment on invasives. Thirty locations are studied across the lake to specify the location and type of treatment. Barstow noted that the annual report included recommendations regarding the possible cyanobacteria in the lake last summer, and regarding phosphates and possible treatment methods.

Sferra confirmed she has received a copy of the report and asked if the proposed tasks in the report to manage waterlily growth including treating with glyphosate was proposed for the next year. Barstow confirmed the recommendations for waterlily management as well as the recommendation to treat algae with alum and clarified that the Lake Boon Commission is not recommending those additional treatments at this time. Barstow added that the Lake Boon Commission would like more time to consider the new recommendations and review the details including monitoring and treatment costs. The Commission noted any additional treatments would need to be reviewed by the Commission and a new Notice of Intent filed if the changes do not fit within the parameters of the original Order. Barstow reviewed the shutdown of the beach last summer by order of the Board of Health and recommended improved communication and testing for cyanobacteria. Barstow noted that a group of volunteers have formed a healthy Lake Boon initiative and have been reviewing old lake reports. Barstow also confirmed that the Order in Hudson will also need to be extended before July. *Andy Snow made a motion to extend Order of Conditions 299-317 for three years. Matt Styckiewicz seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Minutes: *Serena Furman made a motion to approve the minutes of March 31, 2020 as amended. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye*

Notice of Intent – Aleta and Anthony Labiento – 74 Pine Point Road – Dave Crossman, B&C

Associates, was present and reviewed the proposed demolition and reconstruction of a single family house at 74 Pine Point Road. Crossman stated that the new owners would like to tear down the existing house and build a new house on the lot and noted that a lot of the work is very close to Lake Boon. The Commission reviewed the proposed plan which include the existing and proposed structures, including a former boat house that is attached to the house which sits on an existing concrete wall. Crossman stated that the property owner would like to pull the house further back from the lake and put a patio between the existing concrete wall and the new house. No work is proposed on the existing concrete wall or along the shoreline of the lake. Crossman noted that the 35' no disturb buffer crosses through the middle of the existing house and the existing disturbance to the 35' no disturb buffer is 705 square feet and the proposed will be 737 square feet. Crossman stated that the proposed house will be wider but moved farther back from the lake. Crossman noted the location of the existing septic leaching pit that will be removed and the location of the proposed septic system behind the garage across Pine Point Road, out of the 100' buffer. Drainage infiltration is proposed in front of the house to manage road run off and additional grading is proposed in front of and down the sides of the property. Crossman noted there is substantial fill proposed and the plans and drainage calculations are still being revised.

Crossman noted that the plans now include the location of the leaching field and the well located in the basement. The most recent revised plans which had not been submitted to the Commission include proposed erosion controls and plantings. Dan James visited the site and expressed concerns about the elevations shown on the plan and noted they do not match the architectural drawings and the grade numbers seem off. James reviewed photos from the site visit and noted that the stairs would need to be modified to match the proposed grade changes. James also noted that there was no pump chamber shown on the plan. Crossman confirmed the proposed house will have a walkout basement and noted that the existing stairs from the road are not proposed to change. James expressed concerns about the existing stairs and elevations. Crossman confirmed that no changes are proposed to the existing concrete wall and the concrete does not extend into the garage area under the boat house. James noted that it looks like the wall is in good condition. Crossman noted that there will be a small amount of space between the proposed patio and existing concrete wall and he will confirm the construction material proposed for the patio. Crossman confirmed that the property owner would like to leave the well in place in the basement and was not sure how it was constructed or if it had been recently tested. The Commission recommended an alternate location for a well be shown on the plan in the event it must be replaced or is damaged during construction. Sferra confirmed that there is nothing on file with the Commission for the property, as there have been no prior permits for the lot, despite work that has been done.

The Commission discussed whether the boat house was part of the house or a separate structure or deck and the proposed increased encroachment into the 35' no disturb buffer. The Commission also noted that the plan does not include any proposed plantings or other mitigation to provide a public benefit for work inside the 35' no disturb buffer. Sferra noted that another filing has been submitted to the Commission for a similar tear down and rebuild project on the lake and the Commission will need to decide whether or not to allow the house footprint to expand in the 35' no disturb buffer. Sferra noted that additional 234 square feet of disturbance in the 35' no disturb buffer for the patio and added that she could not think of a time that the Commission allowed expansion of a house within the 35' no disturb buffer. Crossman confirmed that the proposed work will require both BOH and Zoning Board of Appeals (ZBA) approval and has not been submitted to either yet. The Commission requested that revised plans include clear elevations and grading as well as show erosion controls. Crossman confirmed that some of the roof runoff will be infiltrated to mitigate the proposed additional impervious area and swales are

proposed on either side of the house to prevent washout. Crossman also noted that wattles are proposed for erosion control but he is concerned they are not enough and would like to use straw bales and silt fence. The Commission reiterated the need to rectify the elevations on the plan. The Commission also requested any trees that are proposed for removal to be shown on the plan and any existing or proposed docks. Sferra noted that historic aerials show that quite a few trees have been removed on the property including trees between the house and lake and there are no permits on file. Crossman will confirm if a dock or tree removal is proposed.

Property owner Aleta Labiento was present and stated that the architect was having trouble accessing the meeting and clarified that the existing stairs from the street will be removed, the boat house will be removed in an effort to get the structure away from the lake, and the proposed house was moved eight to nine feet closer to the lake. Labiento added that the trees were removed before they purchased the property, confirmed the proposed house will have a walk out basement, and added that they are working hard on the grading plan to be sure they are not diverting water to the neighboring properties. Labiento also noted that there is an existing dock that will be removed because it is a hazard and stated the house was empty for a year before they purchased it. Labiento confirmed that the well is in the crawl space and was tested and is potable and in good condition. The Commission recommended that the architect confirm if it is safe to construct the new house around the existing well. The Commission added that the hearing should be continued to allow for Crossman to address the Commission's concerns and questions and for the plans to be revised. Labiento stated that she has been in contact with Michele Walsh, property owner of 76 Pine Point, who has a finished basement and is concerned about water runoff. The Commission recommended that the architect reconsider the patio to avoid encroachment into the 35' no disturb buffer and to consider a planting plan and alternatives to create a natural shoreline. Labiento noted that the patio is in line with the deck at 76 Pine Point and she does not think they will be setting precedence but will discuss it with the architect. The Commission discussed pulling the proposed house back to the 192 contour and the setback requirements from the road and asked that the plan be reviewed for alternatives. The Commission continued to discuss reducing the footprint in the 35' no disturb buffer and requested mitigation.

Michele Walsh, 76 Pine Point, was present and noted that all the houses in the area are within ten to 20 feet of the lake including her house which she stated is less than 15 feet from the lake. James noted that the boat house will be removed and improve the visual impacts from the lake. Walsh added that she is very concerned about the side of the property closest to hers and a four foot gully next to the existing house foundation which is only 25 feet from their property line. Walsh added that the proposed plans show the grade brought up to the street level and is unclear how runoff will then impact her property. Walsh also noted that they went through the same permitting process and were required to do plantings and does not want the plantings or house to be flooded. The Commission agreed that the grading on the plan is unclear. Labiento stated that they do not want drainage issues on either their own property or the Walsh's property. Sferra confirmed that an application has not been submitted to the ZBA and the applicant could benefit with more than two weeks to revise plans. Crossman agreed, stating that the engineered drawings are not matching the architectural drawings and both plans are not agreeing with statement from the property owner. Crossman agreed to send an email to Sferra to confirm acceptance of the continuance date. *Andy Snow made a motion to continue the public hearing until May 19, 2020 at or after 7:30PM. Matt Styckiewicz seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Notice of Intent – Eversource and Department of Conservation and Recreation – Underground Transmission Line/Mass Central Rail Trail – Serena Furman made a motion to continue the public

hearing until April 21, 2020 at or after 7:30PM. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.

Dan James left the meeting at 9:27PM.

Request for Certificate of Compliance – Taylor Road – Habitech – Order #299-476 – Sferra noted that a request for Certificate of Compliance and as-built plans were submitted for Lots 3, 4 and 5 Taylor Road. Sferra noted that the project was a small five lot subdivision with only three lots within the Commission's jurisdiction and open space behind the houses for which the Commission holds a Conservation Restriction. Sferra showed photos from her visits to the properties and noted that she went through the file and confirmed the work was done according to the approved plan and recommended issuance. She also noted she did not observe any dumping or encroachment. *Andy Snow made a motion to issue a Certificate of Compliance. Matt Styckiewicz seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Determination of Applicability – Nickole McGachey – 28 Harvard Road – The Commission discussed the proposed fence and using plantings in the 35' no disturb buffer rather than fencing. The Commission requested that the Determination include conditions that fencing is not to be installed within the 35' no disturb buffer, plantings must be completed per the plan, and all plantings within the 35' no disturb buffer must be native to the North East. *Andy Snow made a motion to issue a Negative 3 Determination. Matt Styckiewicz seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Review and Finalize Letter – Draft Hunt Plan Assabet River National Wildlife Refuge – Sferra noted that the deadline for comment has been extended further into May and the director is putting together a question and answer document for the public. The Commission agreed to send the letter now and share it with others. *Serena Furman made a motion to send the letter as amended. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Coordinator's Report

- **New Projects** –Sferra will send out an email asking for volunteers to lead with 2 new projects.
- **COVID 19 Legislative Changes** – Sferra reviewed the most recent legislative changes which suspended all permit deadlines during the State of Emergency and the opinion of Town Counsel regarding holding hearings and continuations.
- **Trail Steward Position** – 3 applications have been received to date
- **Annual Town Meeting** – The warrant has been reopened for the rescheduled Annual Town Meeting and will include a funding request for PFAS investigation.
- **Stow Acres Driving Range** – The Recreation Department plans to pass on purchasing the Stow Acres driving range for fields.

Adjournment – *Serena Furman made a motion to adjourn the meeting at 10:05 PM. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Andy Bass, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during the April 7, 2020 Conservation Commission Meeting:

Draft Minutes

Site Plans, photos, and supporting materials for 28 Harvard Road and 74 Pine Point

Supporting materials for Lake Boon weed treatment Extension

Site Plans, photos, and supporting materials for 74 Pine Point Road

Site Plans, photos, and supporting materials for Taylor Road Lots 3, 4 and 5

Draft comment letter regarding the Draft Hunt Plan for Assabet River National Wildlife Refuge