

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

A meeting of the Stow Conservation Commission was held on April 21, 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

**Minutes:** *Andy Snow made a motion to approve the minutes of April 7, 2020 as amended. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

Andy Bass recused himself at 7:35PM.

**Request for Extension – 98 Gleasondale Road – #299-632** – Sferra noted that there are an unusual number of permits expiring this spring and new State legislation regarding COVID-19 that was passed which includes a provision that permits will not expire during the State of Emergency. The legislation is unclear regarding when the permits will be extended to. Sferra reached out to several applicants regarding their expiring permits and encouraged them to file for an extension or a Certificate of Compliance if the work was completed.

Sferra informed the Commission that property owner Andy Bass has requested a one year extension. All of the work has been completed except for the required plantings which will likely be delayed this spring. *Matt Styckiewicz made a motion to issue a one year extension for Order of Conditions #299-632. Andy Snow seconded the motion and it passed 4-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Andy Bass returned at 7:38PM.

**Request for Extension – Townwide Knotweed Eradication – Stow Conservation Commission – #299-627** – Sferra requested the Commission issue an extension for the townwide knotweed eradication permit the Commission issued to allow knotweed removal on any property in Stow through administrative approval. Sferra noted that only four projects have been started under the permit. Sferra added that the permit process was advertised on the Conservation Commission website and Stow Independent newspaper but staff have not reached out directly to individual homeowners with knotweed on their

properties due to time constraints. Sferra reviewed the four projects including a project on Red Acre Road being done by Serena Furman, a hand cutting project at 279 Taylor Road, a Stow Conservation Trust project at Red Acre Woodlands, and a project on Adams Drive. The total square footage of all four projects is 8,500 square feet. Sferra noted that it is too soon to know the relative effectiveness of hand cutting verse herbicide because all of the projects are still in progress. Sferra stated she is working with other Conservation staff statewide to try to advance a similar but broader invasive species removal permit with DEP. Sferra requested the permit be extended for three years. Furman recommended that any proposed cutting projects be cut twice a week and noted her experience with knotweed growing four feet in a week. *Serena Furman made a motion to issue a three year extension for permit #299-627. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Notice of Intent – David and Rose Baird – 26 Pine Point Road –** Scott Hayes, Foresite Engineering, and property owners David and Rose Baird were present. Hayes displayed the proposed plan and noted that the property is 6,000 square feet and slopes steeply to Lake Boon. Hayes added that the bank along Lake Boon is stable and reinforced with stone with no areas of exposed soils or erosion. The proposed work includes installation of erosion controls, removal of one damaged birch tree on the bank, removal of an old wooden dock and existing damaged stairs, installation of an aluminum dock, replacement of existing concrete steps with granite steps, replacement of an existing damaged deck, removal of an a concrete paver walkway, a proposed patio area where the new dock will be located, removal of an existing timber retaining wall and first floor level deck, installation of two fieldstone walls and grading, and regrading and landscaping a compacted area next to the house. Hayes noted that most of the work is in kind except for the proposed ten foot by ten foot patio at the new dock location. Hayes added that the retaining walls to be replaced will not be expanded or raised in height and the two new fieldstone walls will be eighteen inches high. Hayes stated that the area next to the house has been degraded over the years by foot traffic and is densely compacted. The area is proposed to be restored by scarifying and adding loam. Shrubs and grasses will be planted and the area will be left as a meadow with a butterfly garden and bird feeder area. Hayes noted that an existing foundation drain in front of the house will also be repaired and pressure treated wood steps from the road will be replaced with granite. Hayes clarified the area of the existing first floor level deck and the proposed replacement deck which will be extended by four feet. Hayes stated that the area under the deck is unstable exposed dirt and will be cleaned up.

Andy Snow and Dan James visited the site. James confirmed with Hayes that the footings for the deck will be dug by hand and concrete will be mixed by hand. Hayes clarified that the site is too tight and steep for equipment or concrete trucks to access the area between the house and lake. James noted that precast structural footings could be used. James asked about stockpiling and recommended that a stronger erosion control barrier be used rather than straw wattle due to the steep nature of the site. Hayes stated that no stockpiling would occur between the house and lake and agreed to use straw bales and silt fence along the shoreline and straw wattle on the slope and proposed wrapping the erosion control line along the 35' no disturb buffer line. Snow noted that there is bittersweet and poison ivy on the north side of the lot which could be removed as a public benefit. Snow added that the Bairds would like to replace rocks from the bank which have fallen in the lake and would like to move a very large boulder in the lake closer to the bank. Snow added she was not sure how the boulder could be moved and asked if replacing the rocks should be done during draw down. Snow also noted that the basement sump pump drains in the area on the bank but is stabilized with rocks. Hayes stated that they will not be removing the drain and noted that there is no erosion. Hayes confirmed the rocks in the lake could be replaced by hand and noted that he was not sure how the large boulder in the lake could be moved without heavy equipment access. Snow noted that the deck will be expanded but the area under the deck is very

degraded. Snow added that the proposed work will be an improvement including removing the crisscrossed stairs for one straight set of stairs to the lake. Hayes reviewed the proposed minor grading behind the proposed fieldstone walls and the area next to the house and stated there would be no change in grades and likely net zero fill. James noted that there would likely be a cut where the patio is proposed. The Commission requested that Hayes provide calculations for any fill or cuts and how much pervious and impervious area is existing and proposed. The Commission noted that there are other similar projects proposing work in the 35' no disturb buffer and discussed the need for a public benefit.

The Commission reviewed photos from the site visit. Sferra confirmed with Hayes that the wooden deck shown in the photos will be removed and replaced with a paver walkway. Sferra recommended that the plan be reviewed to find a way to have a small landscaped area for a more natural shoreline. The Commission requested that a landscape plan be submitted. The Commission clarified their request for existing and proposed calculations of work in the 35' no disturb buffer including natural areas, hardscape areas, and pervious and impervious coverage. The Commission confirmed they would like a planting plan before issuing a permit and noted that the hearing could not be closed tonight because a file number had not been issued by DEP. Rose Baird noted that she has been in touch with a hardscape landscaper and was told they could not provide a solid plan until the Commission reviewed the project. The Commission asked if the landscape plan could also include a replacement tree for the birch proposed for removal. Hayes stated he would try but there is not a good place to put a tree on the lot. James added that the site will be far more stable if the proposed work is completed and noted the erosion in the southeast corner of the property. The Commission discussed a continuance and Hayes confirmed he could provide revised plans and calculations by the next meeting. *Serena Furman made a motion to continue the public hearing until May 5, 2020 at or after 7:30PM. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Notice of Intent – K. Andrew and Tania Borg – 8 Davis Road –** Scott Hayes, Foresite Engineering, and property owners Andrew and Tania Borg were present. Hayes reviewed the proposed plans and noted that the lot and existing house is very small. Hayes stated that the property was recently purchased by the Borgs and the house and shoreline reinforcing structures along the lake are in disrepair. The septic system was recently replaced. Hayes stated that the existing house is not serviceable and cannot support modern construction and must be demolished. Hayes added that the footprint of the proposed house will be expanded away from the lake. Hayes showed the existing front and back decks, a wooden shoreline retaining wall which is falling down and rotting, and an existing six foot high concrete block wall five feet from the lake edge. Hayes noted that the concrete block wall is failing and a hazard. The existing house and deck are six feet from the lake. The proposed house will be constructed 20 feet from the lake with a patio thirteen feet from the lake. Hayes stated that they will be using the existing basement level and building up the foundation. The failing concrete wall will be replaced with two four foot high architectural terraced walls with a four foot wide planted terrace between the two walls. Stairs are proposed from the patio to the shoreline. Hayes stated that the proposed work has been designed to repair the existing failing structures and improve the aesthetic from the lake and increase the green space. Hayes reviewed the proposed house design and noted that there is not a substantial increase to the living space and designed to conform with the slope of the lot. Hayes reviewed the mitigation for the proposed work in the 35' no disturb buffer including using permeable pavers for the patio, roof infiltration, reduction of erosion and run off, and increase in stormwater recharge. Hayes added that the project is also before the Zoning Board of Appeals (ZBA).

Andy Bass and Andy Snow visited the site and asked for clarification regarding proposed tree removal. Andrew Borg reviewed the proposed tree removal and stated that all of the trees on the lot need to be

removed. The Commission noted that the plan did not show all of the trees to be removed and requested all trees proposed for removal are shown on the plan. Hayes confirmed the proposed patio will be ten feet by eight feet and will bow out. The Commission requested that Hayes provide the same calculations including existing and proposed work in the 35' no disturb buffer including natural areas, hardscape areas, and pervious and impervious coverage. The Commission reviewed photos from the site visit. Snow noted the significant amount of knotweed on the site and debris dumped on the bank and recommended removal. Sferra reviewed the concerns about knotweed and offered to speak with the Borgs about removal. Andrew Borg noted that the adjacent property also has knotweed. The Commission confirmed with the Borgs that the existing wooden dock will be removed and replaced and requested the style of dock be clarified and dimensions and location be added to the plan. The Commission discussed the size of the dock and preference for a smaller removable dock. Hayes confirmed that the timber shoreline retaining wall will be replaced with a small loose stone wall with the lower course set with mortar. Hayes also confirmed that he will submit a revised plan based on comments from the Commission and ZBA.

The Commission reviewed the 35' no disturb buffer with the Borg's and noted the need for public benefit and discussed the proposed plantings. The Commission requested a cross section for the proposed architectural walls and shoreline retaining wall. The Commission discussed sequencing of construction and the need to complete the shoreline retaining wall work during drawdown. Hayes confirmed that the hardscaping between the lake and the house will be done after the house has been demolished and the site contractor will work their way out. Hayes clarified that the shoreline retaining wall will be eighteen to 24 inches high and will be constructed by hand. Hayes confirmed that the two new architectural walls will be constructed no closer to the lake with the first wall from the lake being built in the same location as the existing failing concrete block wall. Sferra asked that the plans be reviewed to determine if the wall could be curved to keep the tree that sits between the concrete block wall and the lake. Andrew Borg stated the roots are impacting the existing wall. Hayes confirmed that he would add a stockpiling location on the plan and agreed to substitute straw bales and silt fence for the proposed straw wattle. Kevin Cassidy, 10 Davis Road, was present and stated that he was supportive of any work proposed to clean up the property. Tania Borg stated that Cassidy may want to remove a line of hemlock trees on the property line due to their proximity to his house. The Commission recommended that Cassidy and the Borgs work together on removing knotweed. Sferra confirmed that DEP had not issued a file number and the ZBA had continued the hearing to May 4, 2020. *Serena Furman made a motion to continue the public hearing until May 5, 2020 at or after 7:30PM. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Request for Extension – 62 South Acton Road – #299-519** – Sferra informed the Commission that property owner Maria Giovino has requested an extension for two or three years. Sferra noted that the remaining work includes removing an old driveway and they are doing the work themselves. Sferra confirmed the permit was issued in 2010 and has been extended twice. The Commission agreed to issue another extension but asked that the property owners complete the work. *Andy Snow made a motion to issue a two year extension for permit #299-519. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Request for Extension – Off Barton Road – Collings Foundation – #299-501** – Sferra informed the Commission that the Collings Foundation would like a three year extension for the permit for runway vegetation management. The Commission reviewed an email from Bob Collings regarding the request. Sferra noted that she was not certain of the timeframe for the court case regarding the legality of the

runway. *Andy Snow made a motion to issue a three year extension for permit #299-501. Matt Styckiewicz seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Request for Certificate of Compliance – #299-10 – Birch Hill Estates Phase II** – Sferra informed the Commission that she received a request for COC from an attorney handling a closing on Catherine Circle. Sferra noted that permit #299-10 was issued in 1978 for ditching of a stream associated with the construction of Robert Road, Nyra Road, and Catherine Circle as part of the Birch Hill Estates development. Sferra confirmed that all of the lots are named in the permit but not all have had a COC issued. Sferra visited the site and confirmed the ditch is functional. Sferra also spoke with the Highway Department staff who were not aware of any issues with the ditch. The Commission agreed to issue a COC for all the lots rather than just the lot being sold on Catherine Circle. *Andy Snow made a motion to issue a Certificate of Compliance for permit #299-10. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Request for Redline Change to Plan – 10 Railroad Avenue Determination of Applicability** – Steve Poole, Lakeview Engineering, has requested a redline change to the plan. Sferra displayed the approved and revised plan and noted that the Board of Health has requested changes to the approved plan. The only change in the Commission's jurisdiction is a pump chamber will be installed within the 100' buffer. Poole will resubmit a revised plan showing the 35' no disturb buffer on the plan. *Andy Bass made a motion to approve the redline change to the plan. Serena Furman seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Land Stewardship Issue – Deer Stand on Spindle Hill** – Sferra informed the Commission of a deer stand on conservation land near Wheeler Pond adjacent to land owned by Butternut Golf Course. Sferra reached out to Butternut and asked that it be removed within 30 days or would be removed by staff.

**Land Stewardship Issue – Primitive Structure at Deerfield Lane** – Sferra informed the Commission of a primitive structure found on conservation land off Deerfield Lane. Sferra was contacted by a Stow resident and his mother regarding the structure requesting that they be allowed to keep the structure up. He indicated by email that they took a lot of pride building the structure and learned a lot about architecture and construction. He indicated that he did not cut down trees to make it and only used what he could find and could take it down when the weather gets cold. The Commission noted the history of violations at Deerfield Lane including paint ball, camping platform, and a zip line. The Commission discussed concerns about night use, insurance liability and safety issues, fire danger, and precedent of allowing structures to be built on conservation land. The Commission agreed it is difficult to ask that it be removed but there is a formal process for approval of any project on conservation land. The Commission also agreed it is an impressive structure but unfortunately is not permitted by conservation land regulations or the conservation restriction that protects the property. The Commission suggested that it could be relocated to private property and would make an exception allowing the family to bring the materials home to reconstruct the structure if they wished despite the regulations prohibiting collecting. The Commission noted that this is a difficult time for children right now but agreed the structure should be removed once the stay at home order is lifted. Sferra will notify the family.

**Enforcement Update – 2 Chestnut Street – Enforcement Order** – Sferra informed the Commission of work being done without a permit at 2 Chestnut Street on the Stow/Hudson town line. The property was

sold and the house is being renovated. Sferra signed off on a building permit for interior house work and front step replacement and noted that no outside work could be done without a permit from the Commission because the entire property is within the Commission's jurisdiction. Resource areas include wetlands, wetland buffer, Riverfront Area, and Bordering Land Subject to Flooding. Sferra added that the structure is being occupied by a renter without Certificate of Occupancy and no functioning septic system. Sferra also noted that the town bound and boundary sign were removed. Extensive work has been done in the buffer zone including clearing. In addition to the letter sent by staff, the property owner has also been contacted by the Board of Health, Building Department, and the Hudson Conservation Commission. Sferra spoke with the property owner and they are working on filing for a permit by April 30, 2020. Sferra visited the site and confirmed erosion controls have been installed.

### **Coordinator's Report**

- **Stow Acres** – Sferra spoke with Stow Acres owner Peter Brown and informed him the Recreation Commission would not be pursuing the driving range for fields.
- **High Rock Church** – Sferra informed the Commission that there is a buyer for the High Rock Church and the warrant article will likely not go forward.
- **Lake Boon Commission MVP Proposal** – The Lake Boon Commission is working on a Municipal Vulnerability Preparedness Grant regarding lake and drinking water quality and has requested a letter of support from the Commission.
- **Town Forest Vandalism and Dog Issues**—Sferra informed the Commission that the steep and eroded Gardner Hill trail that was closed by vote of the Commission and covered in brush by staff and volunteers has been illegally cleared for passage and the signs taken. Sferra also noted a recent dog incident at Town Forest reported to the Board of Health and other dog complaints. Staff has been monitoring use of conservation areas during the public health emergency. In other communities, Police and Health officials have imposed closures. Many towns and other organizations have adopted leash requirements during the State of Emergency and Stow has been asked to do so by trail users. The Commission discussed requiring leashes and noted concerns about dogs running up to people and other dogs on the trail and owners having to violate the social distancing rules to retrieve them. Sferra noted her concerns about enforcing a leash requirement. The Commission noted that at least one complaint has been made to Town officials and expressed concerns about being forced to close Town conservation land. The Commission suggested the alternative of a temporary leash advisory and hopes that trail users could politely police each other. *Andy Bass made a motion to issue a temporary leash advisory on Town conservation land during the COVID-19 State of Emergency. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.* Staff will follow up with publicity and signage to get the word out.

**Notice of Intent – Eversource and Department of Conservation and Recreation – Underground Transmission Line/Mass Central Rail Trail** – *Andy Snow made a motion to continue the public hearing until May 19, 2020 at or after 7:30PM. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

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

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

**Materials Used during the April 21, 2020 Conservation Commission Meeting:**

Draft Minutes

Site Plans, photos, and supporting materials for 26 Pine Point Road and 8 Davis Road

Photographs of 2 Chestnut

Photographs of Land Stewardship Issues

Plans for 10 Railroad Avenue