

**Stow Conservation Commission  
Minutes  
May 5, 2020**

A meeting of the Stow Conservation Commission was held on May 5, 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  
Ingeborg Hegemann Clark

comprising a quorum of the Commission

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

**Minutes:** *Andy Snow made a motion to approve the minutes of April 21, 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, with Ingeborg Hegemann Clark abstaining.*

Dan James recused himself at 7:38 PM.

**Request for Plan Modification – 81 Barton Road – Determination of Applicability** – Dan James, 81 Barton Road, requested a plan modification to allow the construction of a patio and walkway in addition to the approved propane tank, foundation work, and grading. James confirmed the erosion controls are still in place and have been replaced as needed. Sferra reviewed the process for plan modification for a Determination of Applicability. James confirmed the patio is permeable and the grading work that has been completed has helped with the drainage issues on the property. Furman confirmed that the patio and walkway are outside the 35' no disturb buffer. *Andy Snow made a motion to approve the redline change to the plan. Andy Bass seconded the motion and it passed 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Dan James returned at 7:44 PM.

**Upcoming Hearing Schedule Discussion** – The Commission discussed the upcoming hearing schedule and continuation of 26 Pine Point Road, 8 Davis, 74 Pine Point Road, and Eversource. The Commission agreed to continue 26 Pine Point Road and 8 Davis to the next meeting on May 19, 2020 if Scott Hayes can submit the revised plans in time. The Commission also agreed to continue 74 Pine Point until June because the application has not been submitted to the Zoning Board of Appeals yet. The Commission also discussed continuing Eversource to June given the large agenda for the May 19<sup>th</sup>.

**Notice of Intent – Angelo and Paula Paolini – 2 Chestnut Street** – Dave Therrien, representative for Angelo and Paula Paolini, was present. Therrien stated that he was asked to look at the site to address septic design and other work that was done on the lot within the Commission's jurisdiction. Therrien

added that cleanup work has been completed behind the house and silt fence and straw wattle was in place during the work but may not have been installed properly. Therrien added that the Stow/Hudson town line runs through the house and noted the Stow 35' no disturb buffer bylaw and Hudson 25' buffer policy. Therrien stated that he did not see the site before the cleanup was done but was told by the property owner that the site was very messy and they wanted trash and other debris removed during the winter when the ground was frozen. Therrien added that since the area was cleaned up it was graded and seeded almost entirely within the 35' no disturb buffer. Therrien stated that some remediation will be needed in that area. Therrien added that he contacted the Hudson Conservation Commission and is trying to avoid two contradicting permits. The proposed septic system meets Title 5 but does not meet the Stow 100' set back to wetlands and a waiver has been requested with the Stow Board of Health (BOH). Therrien noted that the septic design has not been approved by the BOH to date and DEP has not issued a file number and recommended the hearing be continued. The property owner would also like to install a 14'x 30' deck and it will be installed using either concrete footings or helical piers. Therrien added that he has asked for a planting plan for the property and expects it this week and will be filing with the Hudson Conservation Commission for their May 21, 2020 meeting. Therrien added that he is concerned about the existing cesspool which is under a sheet of plywood and would like to abandon it as soon as possible because it is a safety hazard.

Sferra, Andy Snow, and Ingeborg Hegemann Clark visited the site and reviewed photos from the visit. Hegemann Clark noted erosion into the wetland and inaccurate wetland flags in Hudson and stated there is still trash remaining on the property. Snow noted the difficulty identifying the town line while onsite and agreed that the cesspool is a hazard. Therrien confirmed that the cesspool location is not shown in the correct location on the plan and is closer to the wetland than indicated on the plan. Therrien added that he observed standing water behind the house and believes it may be Isolated Land Subject to Flooding. Hegemann Clark noted that it may be connected to the wetland and should be confirmed and also observed evidence of groundwater upwelling on the Hudson portion of the property. Snow asked if a patio is proposed under the first story deck and asked that Therrien confirm and include it on the plan. The Commission also requested all other hardscaping be added to the plan. Therrien stated that the property owner would like a walkway in front of the house and will confirm if a patio is planned for under the deck. The Commission noted the preference for helical piers for the deck rather than cement footings. Therrien confirmed that the proposed plan is the same plan before the BOH and he does not have a status update on if the waiver request will be granted by the BOH.

Sferra stated that during the site visit it was noted that it would be helpful if the Stow and Hudson town line was staked in the field. Sferra added that a waiver request was not submitted for work in the 35' no disturb buffer where trash removal and grading has occurred and there has been no proposed restoration plan submitted. Sferra reviewed historical aerial photos and noted that the lot was previously vegetated but it is difficult to tell if trees were removed. Therrien confirmed the property owners have owned the property for about a year. The Commission asked that the property owner confirm what clearing was done or provided photos to clarify the need for restoration. Therrien stated that he has asked the property owners for photos before the work was done and they do not have any but he thinks the area between the house and wetland was likely vegetated with smaller trees due to the soil conditions. The Commission discussed restoration of the 35' no disturb buffer and noted an area in the photos of tall trees and shrubs which could be used as reference for a restoration plan. The Commission further reviewed the historic aerials and noted the backyard may have been previously cleared. Therrien stated that he recommended that the property owner hire a landscape architect to complete the planting plan.

The Commission noted that restoration of the 35' no disturb buffer should be proposed and confirmed there is grading proposed for the septic system in the 35' no disturb buffer. The Commission noted that planting could be limited on the grading for the septic system and asked if the grading could be pulled out of the 35' no disturb buffer. Therrien stated that the three to one grading was required by the BOH but a short retaining wall could be designed to avoid grading in the 35' no disturb buffer or mitigation could be proposed elsewhere to compensate for the grading. The Commission noted that the plan would need to be revised to show the retaining wall if proposed, as well as the correct location of the cesspool and a planting plan. Sferra noted that if the entire 35' no disturb buffer was restored it may be right up to the back of the house and noted that some restoration could be done by the brook which is the most ecologically important area on the lot. Sferra expressed concerns about the property owners wanting a tidy, landscaped and hardscape formal lot and wants to be sure they understand the Commission's jurisdiction. The Commission requested that the edge of lawn be defined on the plan. Snow and Hegemann Clark noted a large oak tree located on the Hudson side of the property in relationship to the 35' no disturb buffer. The oak can be seen on a 2016 aerial and it appears that some small trees or tall shrubs have been cleared. Therrien clarified that the cesspool is within the 35' no disturb buffer and could be abandoned by hand and he does not expect any additional clearing to be needed for the septic installation. Therrien added that the property owner would also like to remove the remaining debris and old burn pit. Snow and Hegemann Clark confirmed the area along the brook is mostly undisturbed except for an area that was likely an old vegetable garden. Therrien stated that the contractor would be onsite the next day to repair the erosion controls and confirmed the silt fence would be trenched in.

Sferra reviewed the items needed including the town line being staked on the property, properly installed erosion controls, 35' no disturb buffer waiver request, and clarity on the BOH status. Revised plans must also be submitted including a landscaping plan with any proposed hardscaping, corrected location of the cesspool, limit of lawn, any changes in grading or a retaining wall, and any fencing if proposed. The Commission also noted the invasive garlic mustard and multiflora rose on the property. Therrien requested a continuation to the next meeting. Sferra noted she would need the revised plans and additional items no later than May 14<sup>th</sup> or the hearing would have to be continued until the second meeting in June. Therrien noted that the property owners would like to move in and need the septic system installed to do so. Sferra noted that DEP can also hold their appeal up to 45 days after the State of Emergency is lifted but a request to waive the appeal can be made. Sferra confirmed she would coordinate with the Hudson Conservation Commission as well. The Commission requested that Therrien try to meet the May 14<sup>th</sup> deadline for submittals so the hearing process can move along. *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 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

**Notice of Intent – David and Rose Baird – 26 Pine Point Road –** *Andy Bass made a motion to continue the public hearing until May 19, 2020 at or after 7:30PM. Andy Snow seconded the motion and it passed 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

**Notice of Intent – K. Andrew and Tania Borg – 8 Davis Road –** *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 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

**Enforcement Update – Treaty Elm Lane** – The Commission reviewed an email from Julie Bailey with a proposal to resolve the outstanding enforcement issues. Sferra noted that Bailey has not talked with the Stow Conservation Trust (SCT) regarding the proposal but Sferra plans to speak to them about it. Sferra added that the Enforcement Order (EO) required the wetland crossing area to be restored by April 30, 2020 but it has not been completed because it has been so wet. Sferra recommended that the restoration be done under the EO and a Notice of Intent be filed for the rest of the work including deconstruction of the beaver dam and bridging of the wetland. The Commission agreed noting that they do not want the restoration work delayed. Sferra requested that the Commission set a new deadline to restore the area by smoothing the ruts and planting a wetland seed mix. *Andy Snow made a motion to extend the restoration deadline to June 30, 2020. Andy Bass seconded the motion and it passed 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

**Proposed Sign – Deerfield Lane Open Space/Red Acre Woodlands** – Sferra informed the Commission that Tom Porcher would like to install some destination signs at the Commission's Deerfield Lane Open Space adjacent to Red Acre Woodlands. Sferra noted that Porcher is a steward of Red Acre Woodlands for SCT and has installed similar signs there. Sferra reviewed the proposed signage with Land Steward Bruce Trefry and he liked them. The Commission agreed to allow Porcher to install the sign and recommended a photo be posted in the paper to thank him for his work.

**Update on Temporary Dog Leash Advisory** – Sferra updated the Commission on the temporary dog leash advisory noting that she has been visiting Town Forest and other properties and has seen an increase in compliance over the past two weeks. Sferra noted that all of the advisory signs posted at Town Forest were torn down and have been replaced. Sferra noted the email complaint regarding the advisory including a suggestion that dogs be allowed off leash during certain days and/or times. Sferra also noted that she and the Board of Health have received a complaint about people not wearing masks or face coverings at Town Forest. The Health Agent responded to the mask complaint noting that the Governor's order does not go into effect until May 6, 2020 and if people can't maintain six feet of social distancing they must wear a mask even when outdoors. Sferra noted that she observed people using good social distancing when she was at Town Forest. The Commission discussed the complaint and suggestions to allow dogs off leash at certain times or days and noted that it would be difficult for people to keep track and could cause confusion. The Commission discussed the end date for the advisory and agreed it is temporary and may end with the State of Emergency but will discuss it at their next meeting. The Commission discussed allowing one property for off leash dog walking and noted that the property would likely get significant visitor pressure and expressed concerns about wildlife. Sferra noted that SCT has not adopted any leash restrictions in response to COVID-19 so off-leash dogs may use those properties.

### **Coordinator's Report**

- **Assabet National Wildlife Refuge Hunt Plan Letter** – Sferra noted that the letter has been shared widely and there is a group of Stow residents working on a petition.
- **Summer Trail Steward Job** – Sferra informed the Commission that five applications and several emails of interest were received and were reviewed by staff. Sferra noted concerns about starting the position during the current COVID-19 concerns, the Town's fiscal position, and current staff capacity to provide oversight. The Commission agreed to defer hiring of this position.
- **Enforcement** – Sferra noted that she sent out several enforcement letters, most regarding minor issues of backyard projects that are within the Commission's jurisdiction. Sferra added that she sent a

letter regarding the septic system replacement at 250 West Acton Road requiring erosion controls be replaced and the site to be stabilized.

**Adjournment** – *Serena Furman made a motion to adjourn the meeting at 9:15 PM. Andy Bass seconded the motion and it passed 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

**Materials Used during the May 5, 2020 Conservation Commission Meeting:**

Draft Minutes

Site Plans, photos, and supporting materials for 81 Barton Road

Site Plans, photos, and supporting materials for 2 Chestnut Street

Email correspondence regarding Treaty Elm Enforcement

Email correspondence regarding dog leash advisory