

**Stow Conservation Commission
Minutes
June 30, 2020**

A meeting of the Stow Conservation Commission was held on June 30, 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 Snow
Ingeborg Hegemann Clark
Andy Bass
Matt Styckiewicz

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
Jacquie Goring, Conservation Assistant

Minutes: *Andy Bass made a motion to approve the minutes of June 16, 2020 as amended. Serena Furman seconded the motion and it passed 5-0 on a roll call vote: Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Andy Snow arrived at 7:33PM.

Review/Comment – Hallocks Point Chapter 61 Withdrawal – Sferra informed the Commission that the Town was notified of the Hallocks Point Chapter 61 withdrawal. Sferra noted that due to Chapter 53 of the Acts of 2020, the town will have 120 days to act following 90 days after the State of Emergency ends. Sferra noted that she has received a number of calls from Lake Boon residents hoping the property can be protected. Sferra provided the Commission notes from the Open Space Committee's last meeting when they discussed the Chapter 61 withdrawal. The Open Space Committee discussed the possibility of using a combination of funds including some Town funds, private donations, and possibility selling the two lots on Sudbury Road to raise the one million dollars needed to purchase the land. The Stow Conservation Trust planned to discuss the Chapter 61 withdrawal at their most recent meeting as well. Sferra noted the other potential land protection opportunities that may be coming up. Sferra added that it would need to be determined who would manage the land and what it would be used for and the next step would be for the Selectmen to hold a Joint Boards meeting. Sferra confirmed that additional land protection on Lake Boon is a priority in the Open Space and Recreation Plan. The Commission discussed the Chapter 61 withdrawal and agreed that using a combination of funding would be best and discussed a potential kayak launch, boat use on Lake Boon, and the value of the land as Open Space in respect to the water quality of Lake Boon.

Continuation – Notice of Intent – Angelo and Paula Paolini – 2 Chestnut Street – Dave Therrien, representative for Angelo and Paula Paolini, and property owner Paula Paolini were present. Therrien stated that he went back and revised the potential compensatory flood storage area using a better survey and provided a revised plan and cross section work sheets. Therrien noted the area of fill in flood plain and the proposed compensatory flood storage area. The proposed area is near the well to be filled and partially within the 35' no disturb buffer area. Therrien stated that the grade in the compensatory flood

storage area will be brought down a foot below flood elevation to allow organic material to be brought in to restore the area while providing enough flood storage.

Therrien confirmed that based on the additional topographic data used to revise the plans, the northwest side of the septic area is no longer in flood plain. Therrien also confirmed that the revised plan does not include the additional topographic data. The Commission asked if the additional topographic information could be added to the plan and Therrien stated it couldn't be done without a full survey because the original survey and new topographic information are not on the same datum. The Commission reiterated that the revised plan should have been updated with the additional topographic data sufficient to support the calculations Therrien provided. The Commission reviewed the worksheet cross sections and Therrien confirmed the proposed fill in flood plain is between elevations 95.00 and 95.29. The Commission noted that the proposed compensatory flood storage is at elevations 94.29 to 95.29 which does not meet the regulatory requirement for increment by increment compensatory flood storage. Therrien disagreed stating that the proposed compensatory flood storage provides enough volume for the proposed fill in flood plain. The Commission noted that compensatory flood storage cannot be within the 100 year flood plain as proposed. The Commission discussed the elevations and estimated that four of the 8 cubic yards of proposed compensatory flood storage was above elevation 95.00 and therefore within the 100 year flood plain. The Commission requested that Therrien find the additional four cubic yards elsewhere and outside the flood plain. Sferra confirmed that the Wetlands Protection Act requires one to one flood storage replacement and the bylaw requires 110% replacement. Therrien clarified that the Commission is looking for eight cubic yards of compensatory flood storage between elevations 95 and 95.29 and the additional topographic information be added to the plan.

Therrien stated that he would like to get a determination from DEP on the compensatory flood storage regulation because he disagrees with the Commission's interpretation. The Commission agreed Therrien could do that. Therrien added that the Commission is within their right to waive the compensatory flood storage requirement if the amount is incidental enough that it won't create additional flooding and noted that seven cubic yards is half a truck load of material. The Commission noted that it has not been shown that providing enough compensatory flood storage is not possible and would not consider waving the requirement. Sferra read the regulation from the WPA regarding compensatory flood storage noting "Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation." Therrien confirmed again that the Commission would like a plan showing eight cubic yards of compensatory flood storage between elevations 95 and 95.29, flood plain, and additional topographic data Therrien used for the cross sections.

Paolini expressed concerns about continuing the hearing noting that they have sold their other house and requested the Commission to waive the compensatory flood storage requirement. The Commission noted that they understand the hardship but were clear at the last hearing what was needed from Therrien and do not typically waive the requirement and are not comfortable doing so. The Commission added that the request to waive the requirement was made only because the required information has not been adequately provided. The Commission discussed the request and agreed they were not comfortable issuing an Order with a condition for a revised plans and did not agree with Therrien's interpretation of the regulations. Therrien confirmed he would provide a revised plan for the next meeting on July 7, 2020. Therrien also confirmed the Commission agreed to filling the old well in the 35' no disturb buffer with 5 cubic yards of clean gravel or sand. The Commission confirmed they received the revised planting plan and noted that they have been very clear with what they have been asking for in terms of compensatory storage. The Commission added that they understood this is difficult for Paolini and stated that they are

being consistent with other permits in the past. *Andy Snow made a motion to continue the public hearing to July 7, 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.*

The Commission agreed to discuss reorganization at their next meeting.

Ingeborg Hegemann Clark left the meeting at 8:28 PM.

Conservation Commission Deliberation/Vote – Eversource/DCR Decision – DEP #299-677 –

Members of the Eversource and DCR team were present. Sferra noted that the hearing is closed and there could be no new information submitted. The Commission reviewed the draft decision including the findings and conditions. The Commission discussed the potential time gap between Phase 1 and 2 of the project and the need to maintain erosion controls as well as ensure site stabilization. The Commission agreed to add a statement to the findings and conditions noting that Eversource is the responsible party until Phase 2 commences. The Commission discussed whether to find that the existing Riverfront Area as previously developed as presented by Eversource and DCR. The Commission determined that they would make no finding, noting that they agreed with DEP's determination that the project meets the requirements for a limited project.

The Commission requested that the conditions clarify that there will be no filling of land or excavation beyond the limit of work and stockpile locations must be shown on the approved plan. The Commission discussed limiting reuse of soil from other parts of the project outside of Stow. The Commission discussed concerns about potential contamination, potential erosion, and invasive species due to reuse of soil from Hudson. In response to a question from the Commission, Barry Fogel; Keegan Werlin LLP, noted the difficulty of not being able to move material outside of Town lines and stated that only residential soils would be used in residential areas. Denise Bartone, Eversource, noted that soils from Hudson would only be used as base material and the area is proposed to be covered with loam and vegetated and inspected for invasives. The Commission reviewed the minutes from the final hearing and confirmed that it was stated by the applicant's representative that soils from Hudson would not be used in Stow. Mike Hager, Eversource Project Manager, stated that from a practical standpoint there may be some comingling of soils from Hudson into Stow given that the excavation will be done in a linear fashion along the rail bed. The Commission noted the adjacent soil analytical data from Hudson that was provided as part of the hearing process and agreed that any fill or borrow material brought onto the project site in Stow from outside Stow must be either from immediately adjacent areas, certified as clean fill by the supplier, or subject to analytical testing.

The Commission continued to discuss their concerns about invasives from fill material and requested that the conditions require that the environmental monitor identify and document any areas contaminated with knotweed within 500 feet to the east and west of the town line prior to commencing construction. The Commission discussed the draft perpetual conditions and agreed that if Hudson restricts the use of herbicides within the Zone II Wellhead Protection Area for the Cranberry well the restriction should also apply to the Stow portion of the Zone II. The Commission confirmed that the conditions required that Operation and Maintenance Plan for the stormwater structure and the soil and groundwater management plan be must submitted for the Commission's review. *Andy Snow made a motion to issue the Order of Conditions as amended. 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.*

Conservation Land Issues

- **Temporary Leash Advisory Update/Discussion** – Sferra provided the Commission a summary on the status of the leash advisories in surrounding communities and nonprofits and confirmed none are considering lifting leash advisories at this time. Sferra is planning on pulling together a group of the other communities and Land Trusts this summer to discuss a joint approach to this issue.

- **Land Steward Appointment/Contract Renewal** – Sferra confirmed there were no other applicants for the Land Steward position other than current Land Steward Bruce Trefry. *Serena Furman made a motion to renew the Land Steward contract with Bruce Trefry for three years. 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.*

Adjournment – *Serena Furman made a motion to adjourn the meeting at 10:07 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 June 30, 2020 Conservation Commission Meeting:

Draft Minutes

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

Draft decision and supporting materials for Eversource and Department of Conservation and Recreation

Underground Transmission Line/Mass Central Rail Trail

Posting, application and draft Land Stewards Contract

Regional Leash regulation information

Hallocks Point Chapter 61 Materials and Maps