

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

A meeting of the Stow Conservation Commission was held on August 4, 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
Matt Styckiewicz
Doug Morse

Absent: Andy Bass

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator
Tom Porcher, Associate Member

Minutes: *Andy Snow made a motion to approve the minutes of July 21, 2020 as amended. Serena Furman seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Request for Redline Change to Plan – 98 Gleasondale Road – Andy Bass – Andy Bass has requested a redline change to remove one hazard tree which was not part of the approved plan for Order #299-632 to install a dog fence and deck. Sferra confirmed the tree is not within the 35' no disturb buffer and is nonnative evergreen. *Andy Snow made a motion to approve the redline change to the plan for Order 299-632. Matt Styckiewicz seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.*

Coordinator's Report

- **Track Road Survey** – Ingeborg Hegemann Clark confirmed she completed the wetland delineation for the Track Road Survey. The Commission thanked her for her work.
- **OARS River Passage Project** – Sferra noted that OARS has started a river passage project which allows river users to report obstacles to river passage.
- **Complaints regarding unpermitted work** – Sferra informed the Commission that she received a complaint about the work occurring at Stow House of Pizza. Sferra confirmed the work is not within the Commission's jurisdiction. The Planning Board is following up. Sferra also received a complaint about work occurring at 220 Great Road. Staff followed up with the owner and confirmed they did do work within the Commission's jurisdiction and will be filing for an after the fact permit and include any additional work they would like to do on the property. Sferra confirmed the area at the front of the property is outside the Commission's jurisdiction.
- **Building Permit Request 148 Hudson Road** – Sferra informed the Commission that she reviewed a building permit request for a shed at 148 Hudson Road off the driveway turnaround. The shed is proposed 50 feet from wetlands and is an exempt minor project.

- **New Projects** – Matt Styckiewicz and Dan James will visit 54 Pine Point, Andy Snow will visit 227 Harvard Road, and Styckiewicz and Hegemann Clark will visit the Hudson Road culvert project for the next meeting.

Doug Morse arrived at 7:43 PM

Appointment – Barry Evers, Stow Fire Department – Fire Pond/Water Hole Projects – Lieutenant Barry Evers, Stow Fire Department, was present to review upcoming fire pond maintenance and improvement projects. Lieutenant Evers stated that Chief Landry has put him in charge of the water hole maintenance for the Stow Fire Department and many have been neglected. Lieutenant Evers noted that the fire pond on South Acton Road has collected silt and leaf litter over the years and is not as deep as it should be and is now unusable and dangerous. Lieutenant Evers has spoken to excavating contractors and confirmed that in order to access the pond with equipment to dredge it they need to remove four trees located close to the road. A second fire pond on Harvard Road will require more work and is located in an area with much more dense housing. Lieutenant Evers stated that to get the fire pond on Harvard Road functional it will require more tree removal and removal of vegetation around the pond which he hopes to do next year at this time. Lieutenant Evers would like to complete the maintenance on the South Acton Road fire pond soon. Lieutenant Evers added that he would also like to expand the Harvard Road fire pond which is fed by nearby wetlands. Lieutenant Evers stated that over time the Harvard Road fire pond has also filled with silt and debris and would like to dredge the pond and allow the water to flow better. The Commission agreed that Lieutenant Evers should apply for what is needed in his opinion to maintain the Harvard Road fire pond for the safety of the neighborhood given the density of housing in the area.

Lieutenant Evers confirmed that the cost of the contractor will include removal of the dredged material offsite. Lieutenant Evers added that both ponds have knotweed in the area which will increase the cost of removal of the material. Tom Porcher noted that he has been removing the knotweed around the South Acton Road fire pond on Stow Conservation Trust (SCT) property as part of a three year project. Sferra noted that she does not think there is knotweed near the Harvard Road fire pond and Lieutenant Evers stated he thought there was some on the far side but wasn't sure. Lieutenant Evers confirmed that the tree removal for the South Acton Road fire pond is necessary for the excavator to swing. The four trees are located away from the pond and directly next to the road. Lieutenant Evers added that clearing the trees will allow the area to remain open for maintenance and noted that the dry hydrant is also blocking maintenance access and needs to be relocated to face the road and make it more usable.

The Commission reviewed the Commission's 2016 Policy on Maintenance of Fire Ponds and discussed the filing requirements for the South Acton Road and Harvard Road Fire Ponds. Lieutenant Evers confirmed that the existing dry hydrant on South Acton Road needs to be adjusted three to four feet from the original location. The Commission agreed that the dredging, tree removal, and adjustment of the dry hydrant at the South Acton fire pond falls within maintenance parameters included in the policy. The Commission also agreed that Notice of Intent should be filed for the more extensive clearing and expansion of the Harvard Road fire pond. Sferra confirmed the Harvard Road fire pond is on Marble Hill property and the South Acton Pond is on Stow Conservation Trust land on which the Town holds a CR. Approval should be requested from SCT. Sferra will provide Lieutenant Evers with contact information for SCT. Lieutenant Evers confirmed he would file for the Harvard Road fire pond when he is ready. Lieutenant Evers added that at a later date he would like to put dry hydrants on Great Road at Ministers Pond and Box Mill Road. Sferra recommended that Lieutenant Evers file for those together as a generic dry hydrant installation permit. *Ingeborg Hegemann Clark made a motion to approve the South Acton*

Road fire pond maintenance under the Conservation Commission's 2016 Policy on Maintenance of Fire Ponds. Matt Styckiewicz seconded the motion and it passed 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Doug Morse, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye.

Notice of Intent – Red Aylward – 33 Hale Road – Greg Roy, Ducharme & Dillis, and homeowners Red and Noelle Aylward were present to review the proposed rock revetment and tree removal at 33 Hale Road. Roy stated that the Aylwards have concerns about shoreline erosion on their property. Their property is located at the end of Hale Road on a peninsula into Lake Boon between the second and third basin in an area popular for water skiing. Roy noted the property is surrounded by water on three sides with significant wave action on the east and west side of the property. Roy stated that the plan was designed to resolve the erosion issues while taking a naturalized approach. The Aylwards had previously put logs along the shoreline and secured them with rebar to curb erosion. Roy noted that the eastern bank is slightly taller and has some significant holes undermining the bank with several trees leaning toward the water. Roy added that a number of trees have fallen into the lake from the Aylward's property. A rock revetment is proposed which includes setting large stones starting from the water line at the toe of the slope and building the bank back up with additional stones to above the wave action. Roy stated that the revetment would be two to three feet tall on the westerly side and higher where the bank is steeper on the easterly side. Roy reviewed the proposed cross section and noted filter fabric would be installed behind the stone to keep fines from washing out between the rocks. More than 50 feet of bank work is proposed requiring a wildlife habitat evaluation completed by Dan Wells of Goddard Consulting. Roy noted that DEP had not issued a file number. Red Aylward noted that they are losing one to two trees a year along the shoreline that fall into the lake and have to be removed due to boat traffic.

Ingeborg Hegemann Clark, Doug Morse and Kathy Sferra visited the site. Hegemann Clark reviewed photos from the site visit and identified the trees proposed for removal and the red maple the Aylwards would like to protect with a tree well. Hegemann Clark added that during the site visit Sferra suggested that one tree proposed for removal could be limbed at the top and that some of the lower branches are a nice habitat feature. The western shoreline is more densely vegetated with shrubs including sweet pepperbush and high bush blueberry. Hegemann Clark confirmed most of the bank was undercut. Morse noted that they could not see a lot of erosion on the western bank because of the existing vegetation and it was difficult to get a sense of how much bank is eroding on the eastern side because it is steeper. Hegemann Clark showed photos of the logs put in by the Aylwards along the shoreline and the shrubs along the western shoreline which are proposed to be removed and replaced. Roy added that only one pine is proposed to be removed on the eastern side which is leaning significantly towards the water. Roy confirmed the shrubs along the shoreline will be removed in order to get the correct pitch of the revetment and install the filter fabric. Roy added that the Aylwards love the sweet pepperbush and blueberries and they are a great shoreline stabilizer but the roots are undercut. Roy also noted that he thinks there are places where they don't need to remove the shrubs and it would likely be a judgment call during construction. Roy stated where there is significant undercutting the shrubs should be removed and mitigated up the slope. Roy added the Aylwards don't want the shoreline to look uniform and would like it to look natural and as if the stone was already there.

The Commission discussed visiting the site during draw down to observe the erosion and limiting tree removal to trees that are actually really leaning and in danger of falling into the lake. Hegemann Clark noted that the tree Sferra recommended just be limbed during the site visit appears to be just curving and not leaning into the lake. Aylward noted that the shoreline is exposed during drawdown on the west side but not the east. The Commission discussed concerns about erosion once the shrubs are removed and

the revetment is built noting that it will take time to establish new plantings on the bank. Roy stated that although there is a potential for erosion, the eastern bank on the property is much less steep than other places on the lake and the soils are very sandy. Hegemann Clark suggested that some of the root vegetation could be left in place and the stones placed around them without the fabric as an alternative to pulling out the shrubs completely. Hegemann Clark added that during the site visit they discussed putting the stones off the bank to break the wave velocity but noted that doing so would fill land under water. Roy stated that he is happy to do another site visit to look at the bank again from the water. The Commission asked if photos could be provided of the rock revetment at 176 and 178 Barton to see how the shoreline looks after a few years.

Hegemann Clark noted that during the site visit they observed some of the undercut areas that could be great habitat for fish which was not addressed in the wildlife habitat evaluation. Roy confirmed he will reach out to Wells and ask him to provide additional narrative. The Commission clarified that they are aware that is not required as part of the wildlife habitat evaluation but is part of the interests of the Wetlands Protection Act. Aylward confirmed that the point of the peninsula is in a no wake zone and does not have the same erosion issues as the eastern and western banks. Aylward stated that they believe the east side is more problematic and if it requires more review by the Commission they would be happy to separate the two projects and deal with the west side first. The Commission appreciated the flexibility but noted they would prefer the Aylwards to only have to file once. Roy confirmed the Commission could visit the site again before the next hearing and he would reach out to Wells regarding the fish habitat and DEP regarding the file number. The Commission also noted that flat pieces of natural stone could be used instead of the proposed granite steps. *Andy Snow made a motion to continue the public hearing to August 18, 2020 at or after 7:30PM. Serena Furman seconded the motion and it passed 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Doug Morse, aye, Jeff Saunders, aye.*

68 Pine Point – Steve Poole – As Built/Certificate of Compliance Request – Sferra informed the Commission that she received the as built plan for 68 Pine Point along with a request for Certificate of Compliance (COC) and request for the Commission to sign off on the Enforcement Order (EO). Sferra noted that the last thing required as part of EO after plantings were completed was to prepare an as built plan in recordable form with the idea that plan would be recorded on the deed with a statement that the flood storage area not be filled. Sferra added that a site visit will need to be completed but she wanted the Commission to discuss whether or not the as built plan is adequate. Sferra confirmed there was also a separate planting plan with more detail on the plantings but normally the Commission does not ask for plants to be shown on the as built. Sferra added that the purpose of recorded as built is to put future buyers on notice through the as built plan and continuing condition in the COC that the area is not to be filled. Sferra noted that the as built plan includes a note stating that there can be no alteration below the 188 contour but recommended that a dimensioned box be placed on the as built plan around the compensatory flood storage so future owners know where the off limits areas are for changing the grade.

John Shea, Mackie Shea Durning, representing the Trustees of 68 Pine Point was present and agreed the as built could be made clearer and requested that after the Commission visits the site and reviews a revised as built plan the Commission issue a COC with a continuing condition that prohibits any change in grade below the 188 contour and the as built be recorded at the Registry of Deeds. Steve Poole confirmed he could revise the as built plan as discussed and can be present for the site visit.

Renee Murphy and Chris Gahagan, 66 Pine Point, were present and expressed concern about the letter requesting a COC submitted by Steve Poole of Lakeview Engineering. Gahagan took issue with the COC

request letter which stated that the work was done substantially to the plans in the Order of Conditions. Gahagan stated that they agree the work was done in accordance to the EO but not the Order of Conditions and would like the documentation to reflect that. Murphy added that work that was done was substantially more than the work that was approved by the Order including the cement pad under the gazebo, the ramp, and the wall extending farther than the approved plan. The Commission said they will reference the EO as part of issuance of the COC. Sferra added that when the COC is issued it will be required to be recorded with a copy of the as built plan. The Commission noted that is not typically required but they want it to be clear to all future homeowners that this issue has come up. The Commission also noted that the as built plan also refers to the EO under the project notes.

Update - Enforcement Order - Elizabeth Brook Wetland/Conservation Land Violation – Marshall – Sferra provided the Commission a letter from Rick Marshall regarding the EO. Sferra noted that the EO required that Marshall let the Commission know his intent to comply within 48 hours which the letter did not confirm. Sferra spoke with Marshall by phone and he apologized for doing the work without a permit and stressed that he perceived there was a safety issue there. Sferra clarified with Marshall that he needs to put together a plan to remove the fill. Marshall confirmed his intent to comply and submit a plan by the August 27, 2020 deadline. Sferra noted that Marshall is still required to hire a wetland scientist and the Commission can do a site visit once the plan is submitted. Marshall also informed Sferra that he believes he can remove most of the material by hand. Sferra has followed up with an email confirming the conversation.

Hallocks Point Update – Sferra informed the Commission that there will be a meeting with the Community Preservation Committee (CPC) on August 17, 2020 to discuss the CPC contributing approximately \$350,000 to the project. Sferra has also been working on getting opinions of value from real estate brokers for the two lots the Town would sell off to raise additional funding. Lake Boon residents are working with SCT President Bob Wilber on fundraising planning. Sferra noted that the target is to go back to the Board of Selectmen on September 8, 2020 with a proposal.

Lake Boon Dog Beach Site Visit – Sferra noted that the discussion should be postponed until Andy Bass who conducted the site visit can be present. Sferra added that she has reviewed the photos from the site visit and discussed it with Bass and there was no evidence of additional erosion at the dog beach from chairs being dug into the bank.

Temporary Leash Advisory Update – Sferra informed the Commission that there has been a petition for Weston to reopen one of their properties for off leash dog walking which the Weston Conservation Commission will discuss at their next meeting. Sferra noted she has not received any complaints and believes compliance is around 75%. Sferra also noted a complaint from a resident to various Town departments regarding mask or face coverings and a request for signage. The Commission discussed the leash advisory and agreed to keep the advisory in place and discuss it at the next meeting. The Commission noted that they do not want to be the last to lift the advisory. Sferra added that she does not want to lift the advisory and have to reinstate it later. The Commission did not feel that signage was needed for masks, noting that compliance is generally good and the risk is relatively low on the trails.

Decision – 76 Treaty Elm Lane – The Commission reviewed the draft Order and requested that the conditions include that straw wattle should be used if trenching or excavation is required. The Commission also requested that the conditions require that the crossing be no wider than 4 feet and no fill or soil may be added to the brook to stabilize the bridge. *Ingeborg Hegemann Clark made a motion to issue the Order as amended. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy*

Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye, with Doug Morse abstaining.

Decision – Collings Foundation – Sferra noted that she received a letter from Mark Sargent for the Commission this week. She reminded him that the public hearing was already closed. The Commission reviewed a draft of the Amended Order of Conditions and requested that the conditions include the required shrub plantings and that a revised plan be submitted showing the revised grading and required nine clusters of plantings. The Commission also requested that the conditions include that the invasives must be removed in accordance with the submitted plan and a report for the loam to be imported into the site be provided. The findings were also amended to include that the applicant has requested the substitution of approximately 7,000 yards of imported soil for manufactured soil. *Serena Furman made a motion to issue the Amended Order. Ingeborg Hegemann Clark seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Jeff Saunders, aye, with Doug Morse abstaining.*

Adjournment – *Andy Snow made a motion to adjourn the meeting at 9:50 PM. Doug Morse seconded the motion and it passed 6-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Ingeborg Hegemann Clark, aye, Doug Morse, aye, Jeff Saunders, aye.*

Respectfully submitted,

Jacquie Goring
Conservation Assistant

Materials Used during the August 4, 2020 Conservation Commission Meeting:

Draft Minutes
Site Plans, photos, and supporting materials for 33 Hale Road
Site Plans, photos, and supporting materials for 68 Pine Point
Fire Pond Policy Letter and Photos
Resident Letter regarding masks
Draft decisions – Collings, 76 Treaty Elm
Letter re White Pond Violation
Plan showing 148 Hudson shed