

**Stow Conservation Commission
Minutes
October 20, 2020**

A meeting of the Stow Conservation Commission was held on October 20, 2020 at 7:30 pm in the evening by remote Meeting VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Serena Furman, Vice-Chair
Andy Snow
Ingeborg Hegemann Clark (*left early*)
Matt Styckiewicz
Andy Bass
Doug Morse
comprising a quorum of the Commission

Absent: Jeff Saunders, Chair

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

Serena Furman called the meeting to order at 7:30 pm.

Minutes:

Andy Snow made a motion to approve the minutes of October 6, 2020 as amended. Ingeborg Hegemann Clark seconded the motion and it passed 6-0 on a roll call vote: Matt Styckiewicz - aye, Serena Furman - aye, Ingeborg Hegemann Clark - aye, Andy Bass - aye, Andy Snow - aye, Doug Morse - aye.

Continued Public Hearing – Lake Boon Commission – Notice of Intent – Drawdown

Serena Furman reopened the public hearing for the Lake Boon Drawdown. Members of the Lake Boon Commission (LBC), Kris Krablin and Dan Barstow were present for the discussion. Dan thanked the Commission for their time providing a thoughtful review of the project and explained the revised draft of the conditions that had been distributed, noting the discussion that had occurred with the Hudson Conservation Commission. He said that Hudson preferred to stick with a three year permit. He noted their interest in reviewing the results of the Municipal Vulnerability Project grant and incorporating them into any permit renewal. He also noted that this year's drawdown had just commenced. He said that the LBC had reached consensus on providing residents with three week's notice of the anticipated drawdown date and said that the preference was to commence drawdown between October 15 and October 31, noting that ideally they would provide notice on October 1 and begin drawdown on October 21st.

Kathy Sferra noted that Dave Gray of the Lake Boon Association has provided information on the amount of Land Under Water that would be exposed in Stow and Hudson. A total of 1.65 acres would be exposed in Hudson and 3.55 acres in Stow, for a total of 5.2 acres or 226,534 square feet.

The Commission discussed the need for findings to address the permit process and the Notice in the Environmental Monitor raised by DEP, noting that the drawdown project had been initiated prior to the changes in the regulations and was a continuation of that project. Also the recommendation for a November 1st start to the drawdown will need to be addressed in the findings.

Ingeborg Hegemann Clark moved to close the public hearing. Andy Snow seconded and the motion passed 6-0 on a roll call vote: Matt Styckiewicz - aye, Serena Furman - aye, Ingeborg Hegemann Clark - aye, Andy Bass – aye, Andy Snow – aye, Doug Morse – aye.

Request for Certificate of Compliance – 107 Boxboro Road

Kathy Sferra noted that the bridge construction project at 107 Boxboro Road is complete and the owner has requested a Certificate of Compliance. Matt conducted a site visit and showed photos of the completed work noting that it was done in accordance with the plan. The Commission praised the appearance and workmanship of the bridges and said they might be a good model for conservation land bridges. *Andy Snow moved to issue the Certificate of Compliance, Andy Bass seconded the motion and it passed 6-0 on a roll call vote: Matt Styckiewicz - aye, Serena Furman - aye, Ingeborg Hegemann Clark - aye, Andy Bass – aye, Andy Snow – aye, Doug Morse – aye.*

Request for Duplicate Order of Conditions – 16 Pine Point

Kathy Sferra asked that this be added to the agenda as an emergency item as the owner has lost his original and is preparing to begin construction of the septic system. *Ingeborg Hegemann Clark moved to add it to the agenda as an emergency item. Andy Snow seconded and the motion passed 6-0 on a roll call vote: Matt Styckiewicz - aye, Serena Furman - aye, Ingeborg Hegemann Clark - aye, Andy Bass – aye, Andy Snow – aye, Doug Morse – aye. Andy Snow moved to issue a duplicate Order of Conditions for 16 Pine Point. Ingeborg Hegemann Clark seconded and the motion passed 6-0 on a roll call vote: Matt Styckiewicz - aye, Serena Furman - aye, Ingeborg Hegemann Clark - aye, Andy Bass – aye, Andy Snow – aye, Doug Morse – aye.*

Coordinator & Commission Member Reports:

- Sferra reported that Matt Styckiewicz had visited the Town Forest bridge with her recently and did not feel that the headwall has been comprised by the beaver dam. The concrete that is broken is just facing on a fieldstone support. Styckiewicz reviewed his observations and confirmed this.
- Sferra noted that there will be new applications for 76 North Shore Drive and for house construction on Joanne Drive. She will follow up by email about project assignments.
- Andy Snow noted that her wild turkey crossing signs on Hudson Road had been stolen recently.

Ingeborg Hegemann Clark left the meeting

Public Hearing – 44 Pine Point – Notice of Intent - Cramer

Serena Furman opened the public hearing and explained the hearing procedure. Kathy Sferra read the hearing notice. Present were wetlands consultant Arthur Allen of EcoTech, project engineer Kevin Quinn of Quinn Engineering, and the site contractor from Greendale LLC. The applicants were also present.

Allen explained the project using the existing and proposed conditions plans. There is an existing dwelling located approximately 50' from Lake Boon and an existing cesspool located north of the house. The lot slopes steeply toward the water. The site is grassed with low vegetation along the slope and some tall white pines on the lot. There are stairs down the bank to a dock and both are dilapidated. A stone retaining wall made of boulders is located along the shoreline of the Lake and is leaning outward. A 12' section of the wall has collapsed into the lake near the stairs.

The applicants are proposing to construct a larger house that is pulled back slightly from the Lake. They are also proposing to remove 10 pine trees and relocate the septic across the street. They would like to

construct 2 retaining walls to stabilize the slope – the lower wall is in the 35' no disturb buffer and the second wall is along the 35' buffer line. They have submitted a waiver request for this. The new structural walls would relieve the load on the shoreline retaining wall and would allow them to repair the shoreline retaining wall in place during drawdown. They would also like to move the stairs and the dock to the north side of the property. They are proposing planting of grass and native saplings and shrubs at the base of the retaining walls. The septic plan has been filed with the Board of Health and is currently under review. He noted that staff had provided detailed, helpful comments. They have not prepared a written response yet, but will provide revised plans and a narrative to address staff's comments and others made tonight.

Kevin Quinn presented additional information about the retaining walls. He said that the three foot high stone wall along the lake edge is tipping forward or has collapsed and the embankment terminates on top of the wall. He said that the wall is not engineered. He said that his clients like the look of it and would like to keep it. The goal of the proposed retaining walls is to take some of the load off the lower wall at the water line. He said that his firm has done a lot of work with terraces and has good experience with them on steep slopes. There will be terraced areas along the lake edge and between the walls. The terraces will help infiltrate water and provide a vegetated buffer, minimizing any sedimentation to the Lake. He thinks preserving the wall is advantageous and avoids "major surgery" to this shoreline retaining wall. The repair work can be done by a mason during drawdown and the wall can be rebuilt in place. He also noted that the roof leaders from the house will go into stormwater galleys which will help capture and remove surface runoff. This will also help minimize erosion and sedimentation by reducing peak flows. The existing house has a cesspool within 50' of the Lake and the new leaching field will be 150' away. This will reduce nutrients and contaminants to the Lake. He feels that the overall plan provides a significant improvement over existing conditions. He noted that he is worried about erosion during construction given the grading that will be required, but once the site is built and stabilized it will be an improvement. He feels that these improvements are justification for granting a waiver of the 35' no disturb requirement and make the project in the public interest.

Doug and Matt did the site visit and displayed photos of the site. They noted that there is extensive Japanese knotweed along both sides of the stairs and on the other side of the road. They showed photos of the vegetation on the slope in the area of the proposed stairs as well as photos of the existing retaining wall. Matt indicated that the slope appeared fairly stable and well-vegetated. Matt asked about the grading and Kevin noted that the grading is shown on the plan in blue, but is difficult to see because the terraces are so flat.

Kathy Sferra noted that the plans that were submitted are very difficult to read with landscaping on top of the grading. She said that a 10 scale plan would be helpful. Doug asked to see the existing tree line on the plan. Kevin noted that the brushy areas are difficult to show but that they had inventoried the trees. Doug noted that Tree #19 seemed to be marked in the field for removal but he thought it might be able to stay. Kevin said that tree is a source of concern because it is close to the retaining wall, but is not proposed for removal.

Andy S. asked about the construction of the walls. Quinn noted that they will need to excavate back from the shoreline retaining wall and dig down to anchor the upper wall. The terrace will extend level from existing wall to first retaining wall. The terrace at the Lake edge will be 16' wide and the second, upper terrace will be 20' wide with a 2% slope. The upper wall creates a terrace for the dwelling. The owner is not seeking to use the middle and lower terraced areas as yard areas and will landscape the areas. The Commission asked about the wall design and Quinn stated that it was a precast segmented concrete

block wall and is shown on Sheet 2. The blocks would be 16" tall by 48" wide and there would be no geotextile fabric behind them. The Commission noted that the sheet showing the wall design was not included in the submittal. Quinn said that they have good experience with these walls as they give and take with frost. There is crushed stone and drainage behind the walls. The Commission asked to see a 10 scale plan of the proposed work as well as a detail sheet showing the wall and profile sections showing what the walls and grading would look like.

The Commission asked about the size of the dock and this information will be added to the plans. The Commission noted that a Chapter 91 license will be required for the dock and included in the conditions. Sferra noted that a DEP file number had been issued.

The Commission discussed the trees proposed for removal for the staircase. Serena asked if the intent was to leave as much vegetation as possible. Quinn said that he would leave as much of the brush as possible under the stairs. Sferra noted that it appeared there was grading in this area. Morse noted that all the vegetation would be gone, and Quinn agreed. The right side of the stairs will be regraded.

The Commission asked about the turbidity curtain and whether this would really be necessary if the work was being done during drawdown. Quinn stated that they preferred to include it as an option if it is needed. Sferra said that the conditions would likely require that the work occur during drawdown.

Tom Porcher asked about trees # TR 13 and TR 18 and whether tree wells would be required around them. Quinn said that they would need to look at that. They are planning to keep them.

Sferra addressed some of the items in the staff report. She noted that she had not raised the knotweed issue, but that would likely need to be addressed by way of both treatment of the plants and management of the soil that was being removed from the site. Eradication is likely to take several years even using herbicide given the size of the infested area. She noted the comparison with 8 Davis. It was noted that the problem extends to neighboring lots and would ideally involve a cooperative effort with neighbors to be effective. She added that she doesn't think that she has ever seen a project that has altered so much of the 35' buffer on a relatively undisturbed site. She understands the rationale for doing it. The proposal is to excavate 14' of bank and she noted that this is unprecedented and not what the Commission had in mind when it adopted the regulations. She thinks the roof drainage solution will make a big difference in terms of erosion. She said that she understands the desire to keep the shoreline wall but this seems to be an extraordinary amount of work to accomplish that. As an alternative, the shoreline wall could be replaced. How do you say no to the next project if you approve this? Quinn said that they had worked with the owners extensively and it is a challenging site. He noted the steepness of the site and the condition of the existing retaining wall. They want to comply with the spirit of the Act and Bylaw. Sferra asked about alternatives. Quinn said they looked at replacing the existing rock wall and leaving the slope as is. He said that slope scares him. He thinks the work on the shoreline wall will be invasive. Sferra noted that other shoreline walls in the area had been replaced.

Doug suggested moving the dock and stairs back to the center of the lot where the lot is more disturbed and open so that the vegetation along the bank and property line could remain. He noted that the Commission had seen similar sites in the past. He said that he would be more comfortable if the plan showed the proposed development focused on the center of the lot, leaving undisturbed areas at the edges so as not to wipe out the whole back yard slope. Could the walls be shortened? He thinks some of the vegetation is quite nice and the area on the north side of the lot where the stairs are proposed is extremely steep and vegetated.

Serena asked why they have to change the grading between the lakefront and the front wall. Quinn said they are trying to blend the slope in so that it is not as steep approaching the water. Sferra asked if the goal was to have a flat area for the clients to enjoy the water. Quinn said that it was not. They just want to remove the load from the existing wall. They don't think it is appropriate to pull it 3' back, they want to keep it away from water. There is no way to remove the load from the front wall without excavating back.

Matt asked about replacing the shoreline wall. Would the Commission prefer this? Sferra said that there have been property owners who have replaced retaining walls in this section of shoreline. Some used interlocking block, some used concrete walls, and some have built sloped revetments on steep slopes. She suggested that Quinn look at the shoreline around the lake. There are many lots that are quite steep. She said that terracing walls like this is not in keeping with the regulations. Quinn said that they want to revegetate the buffer to make it natural again. Sferra said that if the goal is to restore a natural bank, they should be looking to plant oaks and maples and a suite of shrubs that are more natural than landscaping. Quinn said another option would be to create a 20' wall. He thought that would look horrid. Matt said that he thought the upper wall was more important and wondered if the middle wall could be removed and the natural slope retained.

The Commission discussed the walls at length. Concern was expressed by Commission members and staff about the amount of grading that was being proposed within the 35' buffer, with suggestions for improvements including a steeper slope between the walls, elimination of either the middle wall or the upper wall, and bringing it closer to the Lake edge. There was agreement that the middle wall was troubling. The Commission indicated that they would prefer to see the shoreline wall replaced than the extensive disturbance proposed in the buffer on the plan. They would like to see the slope maintained. They would also like to see the stairs remain in the current location. Quinn said that he would work on a revision to the plan to address the concerns. He thinks the upper wall is necessary for the house and septic. They can look at grading between the walls to maintain more slope. Sferra asked about re-using the existing stones with the new shoreline retaining wall to create the same aesthetic if that is desired. She asked for a cross-section between the house and the shoreline.

The Commission noted that all walkways, patios, landscaped areas, etc. should be shown on the plan. It is not clear how the owners will access the stairs from the house. The Commission also asked about the need for the proposed fence at the top of the wall and asked to see a detail for this.

Susan and David Brush of 42 Pine Point were present and said that their walls also needed work. Susan expressed concern about erosion on the site and said that the existing trees along the property line help absorb water and reduce stormwater flow down the hillside. There are no storm drains on this section of Pine Point Rd. She is concerned about removal of the five trees that is proposed at the front of the lot. She also noted that there is an eight foot right of way along the northern lot line that is not shown on the plan. It was noted that the drainage infiltration system is resulting in the removal of these trees and the Commission asked if this system could be relocated to the other side of the lot. Doug Morse noted that if excavation will occur within eight feet of tree roots there is risk of damaging the root system of the trees.

Quinn said that they would research the right of way and add it to the plan as needed. They will look again at the trees that need to be removed in terms of the construction and hazards to the house.

The Commission discussed possible continuation dates and agreed to continue the hearing to November 17th. Revised plans are due to the Commission no later than November 12th. Sferra offered to meet with

the applicant to discuss the plans if desired. Kevin noted that they are working with three different boards right now. Sferra noted the importance of making sure that the final plan is what the Commission approves. Kevin said they would ask the hearing be kept open until they conclude their other processes. He is not sure when the next hearing is with ZBA. They have just received comments from Board of Health.

Andy Snow moved to continue the public hearing to November 17, 2020 at or after 7:30 pm. Matt Styckiewicz seconded. The motion was approved unanimously 5-0. Matt Styckiewicz - aye, Serena Furman - aye, Andy Bass – aye, Andy Snow – aye, Doug Morse – aye.

Adjournment – *Andy Snow made a motion to adjourn the meeting at 9:20 PM. Doug Morse seconded the motion and it passed 5-0 on a roll call vote: Matt Styckiewicz - aye, Serena Furman - aye, Andy Bass – aye, Andy Snow – aye, Doug Morse – aye.*

Respectfully submitted,

Kathy Sferra
Conservation Coordinator

Materials Used during the October 20, 2020 Conservation Commission Meeting:

Revised Conditions and Supplemental Information for Lake Boon drawdown
Application, Plans and Photographs for 44 Pine Point Road
Photographs of construction at 107 Boxboro Road
Draft Minutes of October 6, 2020 Meeting