

ORDER OF CONDITIONS #299-0678
Massachusetts Wetlands Protection Act and Town of Stow Wetland Bylaw
74 Pine Point Road Stow, MA
Assessors Map U1, Parcel 27

Final Plans

Existing Conditions Plan, 74 Pine Point Road, Stow, MA, by McCarty Engineering, Inc., unstamped, and dated August 7, 2020.

Site Plan, 74 Pine Point Road, Stow, MA, by McCarty Engineering, Inc., Stamped and signed by Lawrence C. Green, and dated April 3, 2020 and revised July 1, August 7, and August 12, 2020 (2nd revision), showing the water supply well on the lot.

Grading Plan, 74 Pine Point Road, Stow, MA, by McCarty Engineering, Inc., Stamped and signed by Lawrence C. Green, and dated April 3, 2020 and revised July 1, August 7, and August 12, 2020.

Landscape Plan, 74 Pine Point Road, Stow, MA, by McCarty Engineering, Inc., Stamped and signed by Lawrence C. Green, and dated April 3, 2020 and revised July 1 and August 7, 2020.

Architectural Drawings, 74 Pine Point Road, Stow, MA, by Thomas Rovero, Stamped and signed by Thomas L. Rovero, and dated February 2, 2019 and revised March 1 and March 23, 2019.

Other Submittals:

- Revised Project Narrative, 74 Pine Point Road, dated July 1, 2020.

Findings:

The applicant has filed a Notice of Intent for work proposed within an area subject to regulation under the Wetlands Protection Act, MGL CH 131, Section 40 and subject to protection under the Town of Stow Wetlands Protection Bylaw and Regulations.

The applicant is proposing demolition and reconstruction of a house within the buffer zone of Lake Boon. The majority of the lot is within the 100' buffer and slopes steeply to the Lake. There is also associated land under water, bank, and bordering land subject to flooding (100 year floodplain). The existing structure is located within 15' of the top of bank on the shoreline.

The proposed work includes:

- demolition of the existing dwelling and construction of a new dwelling with roof infiltration,
- installation of infiltration trenches for roof runoff,
- installation of a generator pad
- installation of peastone diaphragms,
- permeable paver patio,

- landscaping,
- installation of a water supply well
- installation of septic system components, exclusive of a leaching field
- removal of a section of concrete on the shoreline
- landscaping, and
- installation of a seasonal removable dock

Portions of the proposed work including demolition of the existing structure, construction of the new dwelling, patio, peastone diaphragms, landscaping, and dock installation are within the 35' no disturb buffer area required by the Town of Stow Wetlands Regulations. The applicant has requested a waiver for this work. The southernmost edge of the house will be pulled back from the edge of Lake Boon by fourteen feet. As conditioned in this decision, there will be no net increase in impervious area within the 35 foot No Disturb Zone. The Commission reviewed the proposed waiver request and finds that it is appropriate to grant this waiver as it will result in an overall net improvement of impacts on the Lake.

Special Conditions:

20. A Stow Conservation Commissioner, agent of the Commission or the Department of Environmental Protection reserves the **right to enter and inspect the property at all reasonable times**, until a Certificate of Compliance is issued, to evaluate compliance with these conditions and to require submittal of any data deemed necessary by the Commission for that evaluation. Further, work shall be halted on the site if the Commissioner, agent or DEP determines that any of the work is not in compliance with this Order. Work shall not resume until the Commission is satisfied that the work will comply, and has so notified the applicant in writing.
21. The form provided at the end of this Order shall be completed and stamped at the Middlesex Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. This form shall be returned to the Commission in accordance with General Condition #8, and prior to the commencement of work.
22. All work shall be performed in accordance with the final plan as described in the Notice of Intent or as specified in this Order of Conditions. As an exception the applicant shall modify the final plan to show the removal of at least 30 square feet of the concrete wall located between the dock and the patio so that this area is restored to a pervious condition. This area shall be planted with native plants and shrubs and not maintained as lawn. A planting list shall be provided in advance to the Commission. **No landscaping or hardscaping beyond what is shown on the plans is permitted within the 100' buffer.** Any deviation from the approved plans, including any modifications made by the Zoning Board of Appeals or Board of Health shall require prior approval from the Stow Conservation Commission or their designee. This may require resubmission or modification of the Notice of Intent.
23. **The Stow Conservation Commission shall be notified a minimum of 72 hours prior to the start of construction and given the opportunity to inspect the erosion**

controls. The applicant shall advise the Commission of the name(s) and telephone numbers(s) of the person(s) responsible on site for compliance with this Order. A copy of this Order including final plans shall be on the site upon commencement and during any site work for contractors to view and adhere to.

24. All plantings shall be in accordance with the landscaping plan and shall be species that are native to the northeastern U.S. Shrubs shall be 2-3' in height and the tree shall be 1 ½ inch caliper minimum. Any trees or shrubs that die within a year of planting shall be replaced.
25. The final grades of the peastone diaphragms shall be confirmed in the field prior to installation of the plantings.
26. The applicant shall seek approval for the dock from the DEP Waterways Program and/or the Lake Boon Commission as necessary and shall provide the Conservation commission with a copy of any approvals granted.
27. No filling of land beyond the limits or above the grades on the submitted plans is authorized.
28. All stockpiling of materials shall occur in the location shown on the plan. Stockpiles shall be managed with erosion controls as needed, and to protect from wind if greater than 15' in height.
29. **Erosion control devices shall consist of straw bales and silt fence.** Erosion controls shall be installed prior to the beginning of any phases of construction, and shall be maintained during construction. These erosion controls shall serve as a limit of work and no activity, including stockpiling or storage of material, is permitted beyond the erosion controls. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; the Commission may require additional measures. These will be maintained until the disturbed area is re-vegetated and stabilized to the satisfaction of the Stow Conservation Commission at which time they must be removed. The Stow Conservation Commission shall be contacted and approval obtained prior to removal of erosion controls.
30. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls shall be inspected at this time, and repaired or reinforced or replaced as necessary.
31. Concrete wash-out water shall not be discarded within the 100' buffer or within 100' of any drainage system that may discharge to wetlands. All washout materials will be managed with an appropriate BMP. If concrete is spilled during construction, spilled materials shall be removed from the buffer zone and properly disposed of.
32. If disturbed areas are not permanently stabilized by the end of the growing season, the owner must monitor the area and install or repair erosion controls to protect the resource area.

33. There shall be no outside storage of chemicals, oil, fuel, fertilizer, or other potentially hazardous materials within the 35 foot buffer.
34. All waste and excavated material shall be disposed of in accordance with applicable laws.
35. All fill material brought onto the site shall be clean fill and reasonably free of invasive species.
36. Upon completion of this project, the applicant shall submit the following to the Stow Conservation Commission to receive a Certificate of Compliance.
 - a. A letter from the applicant requesting a Certificate of Compliance.
 - b. A written statement from a registered professional engineer of the Commonwealth and an as-built plan signed and stamped by a registered professional engineer or land surveyor certifying that all work has been constructed as shown on the plan(s) and documents referenced above, and as conditioned by the Commission.

Perpetual Conditions:

- A. No dumping of leaves, yard waste, dog waste, excessive snow and any other materials shall occur in the 35' no disturb area upgradient of Lake Boon.
- B. The dock shall be a seasonal dock and stored on the shoreline or removed from the site in the winter.