



Town of Ashland

MASSACHUSETTS

Conservation Commission

Minutes

3/28/2016 7:00 PM

Present: Gene Crouch (Chair):
Bill Moulton (Vice Chair)
Carl Hakansson
Jeffrey Lingham
Cathy Van Lancker
Paul Wiencek
Absent: K.G. Narayana
Maeghan Walters (Agent)

Call to order: 7:06 P.M.

7:06 Request for COC, 95-448, Warren Conference Center, 529 Chestnut Street, Mr. Carl Hakansson recused himself from the hearing.

Public hearing to consider a Request for Certificate of Compliance to close out an Order of Conditions that was issued in late 1998 to Northeastern University. The Certificate of Compliance is needed to sell the property. The sale of the property is currently in discussions with Framingham State University.

Warren Fairbanks (Framingham State University) was present for the hearing. The Commission reviewed as-built plans stamped by Mr. Fairbanks. Agent stated that the work from the OOC was for the construction of the building known as Warren Conference Center, and for the installation of a sewer line. A portion of the sewer line was within the bordering vegetated wetland. Agent also stated that the wetland restoration appeared to have been constructed given the fact that the silt fence was still on the property. Fairbanks stated that it was in close compliance but that the building moved one to two feet away from the wetland and into the upland area.

Mr. Bill Moulton made a motion, seconded by Ms. Van Lancker, to close the public hearing and issue a Certificate of Compliance. Motion passed 5-0-0.

Mr. Carl Hakansson returned to the meeting.

7:15 NOI, Capital Group Properties, 133 West Union St, continued from 3/14/16
Public hearing to consider a Stormwater Management Permit and a Notice of Intent for the construction of a 40B housing development project.

William DePeietri (Capital Group Properties), Scott Goddard (Goddard Consulting, LLC), Steven Smith (Hydrogeologist), Peter Lavoie (Engineer), and Angelo Catanzaro (attorney) were present for the hearing. The Commission reviewed a report entitled, Groundwater Modeling Evaluation, prepared by Mr. Smith and Smith summarized the report.

Mr. Smith stated that the intermittent stream flows to the north. Smith also stated that two retaining walls need to be installed and dewatering will be necessary. Dewatering will be sent to a trench and basins adjacent to the stream but out of the buffer zone. Mr. Smith explained his reasoning for the modeling stating he used seasonal high groundwater level.

The Commission expressed a concern for the drainage under proposed conditions which flows into an existing culvert. The project engineer stated that stormwater infiltration will increase on site.

An abutter asked if Mr. Smith did site visits and performed testing. Mr. Smith stated that he did not and used data that has already been done. Mr. Smith also stated that he was confident in the data that was used and modeling that was created.

Ms. Jeanie Gilligan, abutter, stated that she lives on Indian Spring Road and had a concern of the retaining wall's ability to withstand the pressure of runoff from the hill. Ms. Gilligan also had a concern of the wall holding water and directing it toward her subdivision and home. Ms. Gilligan distributed photos for the Commission's review of runoff from the 1960s which showed an eroded path from drainage.

Mr. Lavoie stated that French drains will be installed and that each infiltration area was calculated separately.

The Commission asked for the report to be given to the Town's consultant for review.

Ms. Van Lancker made a motion, seconded by Mr. Moulton, to continue the public hearing to April 11, 2016. Motion passed 6-0-0.



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8:52 NOI, Steve Hickey, Hillside Estates, continued from 2/22/16
Public hearing to consider a continued Notice of Intent and Stormwater Management Permit filed by Steve Hickey for the construction of subdivision, stormwater management systems, and associated work.

Joyce Hastings (GLM Engineering-consultant) was present for the hearing. Hastings stated that a site walk was held and some flags were moved. The buffer zone and no disturb zone changed as a result of the flags being moved, but it did not impact the work. The Commission reviewed revised plans. Ms. Hastings also stated that the hearing was closed with the Planning Board and that the houses will come back for individual permits.

Ms. Van Lancker made a motion, seconded by Mr. Lingham, to close the public hearing and issue an Order of Conditions. Motion passed 6-0-0.

Mr. Moulton made a motion, seconded by Ms. Van Lancker to close the public hearing and issue a Stormwater Management Permit. Motion passed 6-0-0

9:01 Violation, Jonathan Kazarian, 123 Green Street,
Mr. Gene Crouch recused himself from the meeting
Discussion for a violation that occurred at 123 Green Street which included vegetation cutting and removal.

Jonathan Kazarian was present for the discussion. Agent stated that vines were cut but not to the ground. Work was performed out of the No Disturb Zone but within the 100' Buffer Zone. Agent also stated that there is a vernal pool in the area. Agent also stated that Mr. Kazarian wanted to clean the area and plant with native plantings. Agent stated that permission was given to remove yard waste that was dumped by previous owners. The Commission discussed different permitting options for restoration work.

Mr. Lingham made a motion, seconded by Ms. Van Lancker issue an Enforcement Order requiring a Notice of Intent to be filed with restoration work. Motion passed 5-0-0

Mr. Gene Crouch returned to the meeting.

9:12 RDA, Five D Realty Trust, 366 Pond Street, continued from 3/14/2016
Public hearing to consider a continued Request for Determination of Applicability filed by Five D Realty Trust, for the construction of parking spaces and a sidewalk in an existing lawn area. Work will also include two rain gardens.

George Connors (Connorstone Engineering) was present for the hearing. The Commission reviewed a letter from Mr. Connors which included a FEIR (requested at the last meeting), and calculations for the Riverfront Area. Mr. Connors went over the information and stated that the work was never done under the FEIR.

Mr. Lingham made a motion, seconded by Ms. Van Lancker, to close the public hearing and issue a Negative Determination of Applicability. Motion passed 5-0-1. Mr. Moulton abstained.

9:23 RDA, Keolis Commuter Services, Purple Line Right of Way,
Mr. Gene Crouch recused himself from the meeting
Public hearing to consider a Request for Determination of Applicability filed by Keolis Commuter Services for vegetation management along a rail line right of way.

Mr. Kyle Fields (Fair Dermody Consulting Engineers) was present for the hearing. Mr. Fields stated that an approval was received from the Commission for the Vegetation Management in 2013.

The Commission reviewed the filing documents and Mr. Fields explained that there are limited sections of herbicide treatments along the right of way in Ashland given proximity to wetlands. The Commission asked for Trolley Brook to be added to the plans. Agent asked for the plans to also show Potential Vernal Pools.

Ms. Van Lancker made a motion, seconded by Mr. Lingham, to continue the public hearing to April 11, 2016. Motion passed 5-0-0.

Mr. Gene Crouch returned to the meeting.

9:39 ANRAD, Alan Marks, 0 Tri Street
Continued public hearing to consider an Abbreviated Notice of Resource Area Delineation filed by Alan Marks, for a wetland delineation.

Scott Goddard (Goddard Consulting LLC) and George Connors were present for the hearing. Mr. Goddard summarized a site visit held with some members of the Commission and said that in addition to two flags that were previously located, two more flags (36R and 38R) were relocated.



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Mr. Goddard asked about the official bylaw and the Commission stated that the official version is what is filed with the Town Clerk's office. Mr. Goddard stated that while there is an isolated wetland on site, the bylaw does not have provisions for protecting isolated wetlands. The Commission and Goddard deliberated on the wetland to determine if it was bordering or isolated.

Mr. Crouch stated that flow was observed within the isolated wetland and the wetland constitutes bordering wetland. The Commission asked if peer review was appropriate for this matter.

Mr. Richard James, stated that a sewer line was installed and when the line was installed water was pumped. The Commission stated that the line may have fragmented the wetlands.

The Commission asked if Mr. Goddard is willing to go to a peer review. Mr. Goddard stated that he would need to speak with his client in regards to a peer review.

Mr. Lingham made a motion, seconded by Ms. Van Lancker, to continue the hearing to April 11, 2016 at 7:15 p.m. Motion passed 6-0-0.

10:16 NOI, Mark Orlando, 0 Megunko Road, continued from 3/14/16
Continued public hearing to consider a Notice of Intent filed by Mark Orlando for the construction of a commercial building, stormwater management and associated work.

George Connors (Connorstone Engineering) was present for the hearing. Mr. Crouch stated that he performed stream stats and the watershed size of Trolley Brook is 0.34 square miles and 0.47 square miles with Chemical Brook. Mr. Crouch also stated that at the 50% flow duration, Chemical Brook has a predicted flow rate of 0.442 cubic feet per second. Mr. Crouch went on to state that USGS's Beta Model does not provide information on the 99% flow duration.

Mr. Connors stated that discharge is at 20 cubic feet per second. Mr. Lingham stated that brook is at bankful capacity at the culvert. The culvert is adjacent to the property. Mr. Connors stated that the proposed project is not adding any increase in the flow of the design. The Commission stated a concern of localized flooding at Cherry Street and surrounding areas. The Commission gave Mr. Connors a brief explanation of the downtown drainage system. Mr. Connors offered solutions to the concern.

The Commission also discussed using NOAA Atlas 14 over TP 40 for design storm events.

Mr. Crouch asked for revised materials to be submitted to the town's consultant.

Ms. Van Lancker made a motion, seconded by Mr. Lingham to continue the hearing to April 11, 2016 at 7:15 p.m.

10:38 Violation, Whittemore Estates, NOI and SMP subdivision of land, Whittemore Drive
Discussion for remedies that took place at Whittemore Estates including failed erosion controls, sediment runoff, and fill in vernal pool (from the runoff) and detention basins. Also, a continued public hearing to consider a Notice of Intent and Stormwater Management Permit filed by Steve Ross for a subdivision.

Dixon Wood and George Connors was present for the hearing. Agent stated that the main concern was coming from the top of the hill and a stone berm was created at the base of the hill behind the access road which wraps around a house being constructed. Mr. Dixon Wood stated that a floc log is on order and will be placed in the constructed basin.

Dixon Wood told the Commission that the previous developer left the site clear cut and in disarray and Wood tried to stabilize the site. Mr. Wood stated that no work took place to remedy the vernal pool due to site conditions at the time of the site visit with the Agent. Work to remove erosion from the vernal pool will take place by hand. Mr. Wood also stated that hay bales were installed as they could obtain them. The Commission told Mr. Wood to use mulch tubes in place of straw wattles.

George Connors also asked about the continued hearing on the NOI filing for Whittemore Estates and if the Commission reviewed the two peer review letters. The Commission stated that they had not received them.

Ms. Van Lancker made a motion seconded by Mr. Lingham to continue the hearing to April 11, 2016. Motion passed 6:0:0

11:00 Occupancy Permit, 42 Whittemore Drive
Agent stated that 42 Whittemore Drive, the house at the base of the development, is in between a Purchase and Sale Agreement and that the occupancy permit was not signed off due to the violation. Agent stated that she wanted to wait for the meeting on the violation prior to signing the occupancy permit. The Commission stated that the occupancy permit can be signed.

11:02 Request for Certificate of Compliance (95-853), 280, 330 & 350 Pleasant St.
Agent stated that a Request for Certificate of Compliance came in to close an Order for work to create a fenced-in children's area and drainage improvements. The Request came in with the proper forms and plans. The Commission signed the Certificate of Compliance.

11:03 Request for Certificate of Compliance (95-647), 74 Whittemore Drive
Agent stated that a Request for Certificate of Compliance came in to close an Order for an addition to a home. The Order was older and the request did not come in with as-built plans. Agent used on site conditions with aerial photography and compared it to the plans.



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Ms. Van Lancker made a motion, seconded by Mr. Lingham to issue a Certificate of Compliance. Motion passed 6-0-0. The Commission signed the Certificate of Compliance.

11:04 Request for reissuance of an OOC 95-656

Agent stated that a request came in to close an Order of Conditions for 2 Aikens Road which borders into the Town of Hopkinton. Agent stated that the Hopkinton permits were closed, but in researching the file there was no proof of recording of the Ashland Order, but there are notes from the previous agent from site walks. Agent stated that for the Order to be closed, an Order must be reissued and recorded prior to a Request for Certificate of Compliance. The Commission signed the Order.

11:06 Discussion, Intermittent Stream versus Perennial Stream

Gene Crouch clarified the meaning of the flow duration with USGS standards. The percentage gives the low flow calculations of the stream. Mr. Crouch also gave clarification on the new StreamStats program run by USGS.

The Commission had a question on wetland fragmentation and asked for clarification.

11:14 Discussion, 58 Union Street

Agent stated that potential buyers of 58 Union Street would like to install a fence but the fence would fall within the 200' Riverfront Area and Bordering Land Subject to Flooding. The property does contain 25' No Disturb Zone but the fence would be outside this area. The Commission recommend that they file a NOI.

11:26 Adjournment

Ms. Van Lancker made a motion, seconded by Mr. Lingham, to adjourn the meeting at 11:26 p.m. Motion passed 6-0-0.

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ASHLAND CONSERVATION COMMISSION
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