



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
January 9, 2023

1
2 Present: Catherine Van Lancker (Chair)
3 Greg Wands (Vice Chair)
4 Owen Ackerman
5 Preston Crow
6 Gene Crouch
7 Carl Hakansson
8 William Moulton
9

10
11 Agent: Becca Solomon
12

13 **Meeting held by Zoom**
14 **Call to order: 7:00 P.M.**
15

16 **Chair Catherine Van Lancker read the Ashland Conservation Commission virtual meeting protocols, and**
17 **meeting recording announcement**
18

19 **Notice of Intent, 299 Howe Street, Peter Bemis, Drainage Improvements, DEP File No. 95-924**

20 Ms. Van Lancker stated that the applicant requested a continuance to January 23, 2023.
21

22 **Motion:** Mr. Wands moved to close the hearing. The motion was seconded by Mr. Crow

23 **Vote:** The motion passed with a 6-0-1 vote. (Rollcall vote: OA, PC, GC, CH, GW, CVL) Mr. Moulton abstained.
24

25 **Certificate of Compliance, 20 Mulhall Drive, Susan McArthur, DEP File No. 95-976**

26 Ms. McArthur stated that the Certificate of Compliance (COC) was requested to close out an Order of
27 Conditions (OOC) issued in 2018. The original Notice of Intent (NOI) was filed to alleviate flooding in the
28 basement of the existing home, build a sump pump connection to an existing catch basin, deck, concrete
29 walkway, and window wells. Ms. McArthur stated the pit, which had been created without permit had been
30 filled in as required and stabilized with lawn grass. There is an additional 98ft² of concrete pad around the
31 deck that was not approved, as well grass clippings and other debris in the No Disturb Zone and a new
32 raised bed and fenced garden within the No Disturb Zone. The boundary markers for the wetland edge are
33 installed on entrenched PVC pipe, with one foot of the pipe above ground as permanent bounds.
34

35 Mr. Crouch asked for clarification on the wetland boundary. Ms. McArthur shows on the plans where the
36 wetlands boundary continued. Mr. Crouch asked if the trench and pit had solved the issue original. Ms.
37 McArthur stated it had not, but the sump pump has resolved the issue. Mr. Crouch asked what the purpose
38 of the concrete around the edges of the foundation. Mr. Silva, the homeowner, stated that the concrete was
39 to help prevent water infiltration around the foundation during heavy rains. Mr. Silva stated that he had
40 cleaned up all the debris as requested by Ms. Solomon during a site visit, and moved the garden back from
41 the No Disturb Zone. Ms. McArthur showed before and after photos submitted to her by Mr. Silva.
42

43 Mr. Wands asked if there was a physical connection of the sump pump to the catch basin or if it was a hose
44 laying at surface level. Ms. McArthur stated that the sump pump is underground and connects directly to
45 the catch basin. Mr. Silva stated that it was a 2½ inch pipe that was installed with approval from the Ashland
46 DPW.

47
48 **Motion:** Mr. Crouch moved to issue a Certificate of Compliance with a Complete determination. The motion
49 was seconded by Mr. Crow.

50 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)

51

52 **Review minutes from 12/19/2022**

53 **12/19/2022 Meeting Minutes:**

54 Commission Members reviewed and edited the December 19, 2022 meeting minutes.

55

56 Mr. Crouch noted during the meeting minute review that under the Massachusetts Wetlands Protection Act,
57 applicants should be filing for all local permits prior to filing a Notice of Intent. Applications are not
58 complete until local permits have been at least applied for.

59

60 **Motion:** Mr. Crouch motioned to approve the December 19, 2022 meeting minutes as amended. The
61 motion was seconded by Mr. Crow.

62 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)

63

64 **Discussion, Wetlands Violations, 23 and 26 Mulhall Drive**

65 Ms. Solomon stated that during the site visit for the 20 Mulhall Drive COC, it was observed that the abutting
66 properties of 23 and 26 Mulhall Drive had landscape debris and straw wattle deposited on it, within the
67 buffer zone of a resource area, as well as straw wattle installed on the perimeter of 26 Mulhall Drive. There
68 is an intermittent stream that appeared to be dredged. There is an extensive wetland on the two properties,
69 with the Bay Circuit Trail transecting between them. Both properties are owned by the same person and a
70 letter was sent to them explaining the situation and requesting that they contact the Conservation Office.
71 The two properties are undeveloped and the owner lives in another town. Ms. Solomon showed the photos
72 on the screen.

73

74 Mr. Crouch asked if the area dredged was to drain water off the cul-de-sac. Ms. Solomon stated that it was
75 possible, but there were no permits in the area, and the wattle was not placed in just the area of
76 disturbance. Mr. Moulton asked if it was a stream or a drainage ditch. Mr. Crouch stated that it was a
77 drainage ditch. Ms. Solomon showed on the plans where the drainage ditch was located and there is a
78 natural stream elsewhere on site. The drainage ditch goes into the wetlands. Mr. Crow asked if the Ashland
79 DPW may have done the work. Ms. Solomon stated she had asked at Town Hall and did not get answers on
80 whether it was done by DPW or not. Mr. Hakansson noted that it may have been related to the trail work to
81 prevent flooding on site. Ms. Solomon stated that it was unclear who did the work, so the letter was sent
82 out to the owners as a starting point, and the item was added to the agenda to confirm if the Commission
83 wanted more done. Ms. Van Lancker asked for the item to be included on the following agenda to discuss
84 what further information is found after the property owner receives the letter.

85

86 Mr. Wands asked what the direction of flow was. Ms. Solomon stated the majority was flowing to the
87 wetland and away from the cul-de-sac but there was some pooling at the cul-de-sac possible due to the
88 straw wattle. MS. Solomon noted that the connecting ditch from the cul-de-sac to the drainage ditch did go
89 over a raised section and may be back flowing some into the cul-de-sac. Mr. Hakansson noted that
90 regardless of the purpose, the work was done within wetland and buffer zone without permit. Mr. Crow
91 asked that the abutters be reached out to as well.

92

93 **Member Prerogative**

94 Mr. Crouch presented a summary and explanation of the Massachusetts Wetlands Protection Act
95 Regulations for Bank (310 CMR 10.54). The Commission reviewed and discussed the regulations for Bank to
96 better understand them.

97
98 Mr. Hakansson stated that the culvert in front of Reliable Fence appeared to be being replaced by MassDOT
99 and asked Ms. Solomon if that was accurate. Ms. Solomon stated she was unaware of plans to replace the
100 culvert, but would visit the area and confirm.

101
102 **Meeting Adjournment:**

103 **Motion:** Mr. Hakansson moved to adjourn the meeting. The motion was seconded by Mr. Crow.

104 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)

105
106
107 The meeting was adjourned at 8:46p.m.

108
109 **Documents reviewed by the Conservation Commission on 1/9/2022**

- 110 ● Document entitled, *Agenda, dated 1/9/2022*
- 111 ● Document entitled, *Meeting Minutes, dated 12/19/2022*
- 112 ● Document entitled, *Request for Certificate of Compliance 20 Mulhall Drive, dated 12/20/2022*
- 113 ● Document entitled, *310cmr10a*
- 114 ● Document entitled, *310cmr10b*
- 115 ● Document entitled, *Resource Area Graphic*
- 116 ● Document entitled, *310 CMR 10.00 Introduction*
- 117 ● Document entitled, *310 CMR 10.54 Bank*