



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
January 23, 2023

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

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9 Absent: Carl Hakansson

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12 Agent: Becca Solomon

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

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

19
20 **Hearing to Review and vote on an Amendment to the Ashland Stormwater Management Regulations,**
21 **Town Code Chapter 343.7.6.16(c)**

22 The Commission reviewed the proposed language for an amendment to the Ashland Stormwater
23 Regulations, requiring the use of NOAA Atlas 14 precipitation data for stormwater calculations, or more
24 current data as approved by the Conservation Commission.

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26 Mr. Crouch clarified that the NOAA Atlas 14 data is more conservative than what is currently used and
27 increases precipitation for rainfall events during different storm, such as the 100-year storm. For example,
28 the older TP40 calculations would show 7-inches of rain within 24 hours for a 100-year storm event,
29 whereas NOAA Atlas 14 is around 8.2-inches. It is more current and accounts for the changing climate. Mr.
30 Moulton added that TP40 was calculated during the 1960s and NOAA Atlas 14 was calculated in 2014.

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32 **Mr. Crow joined the meeting at this time.**

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34 **Motion:** Mr. Crouch moved to approve the regulation change as discussed. The motion was seconded by
35 Mr. Moulton

36 **Vote:** The motion passed with a 5-0-1 vote. (Rollcall vote: OA, GC, WM, GW, CVL) Mr. Crow abstained.

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38 Mr. Crow stated that he supported the change, but abstained as he was not part of the discussion prior to
39 voting.

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41 **Request for Determination of Applicability, 34 Whittemore Drive, Vivian Williams, Tree Removal**

42 Ms. Solomon stated that Ms. Williams had submitted the application to remove a tree which had split in late
43 December. Ms. Williams stated she could leave the stump if the Commission felt it necessary. Mr. Crouch

44 stated it looked like what had fallen already was cut up. Ms. Williams stated when the tree split, the fallen
45 part landed on the road and took several smaller branches with it, which had to be cleared. Mr. Moulton
46 stated that he had gone on the site visit and that it was a large pine that split in two parts and it looked like
47 there was rot where it had split, but it did not appear there was rot at the base of the tree. Mr. Moulton
48 stated that it did not seem like an emergency tree. Mr. Moulton added that the tree is on the edge of the
49 wetland but not fully in it. Ms. Williams shared photos of the tree. Mr. Crouch felt that the wood could be
50 left where it lays or taken out.

51

52 **Motion:** Mr. Ackerman moved to issue a Determination of Applicability with a negative 3 determination.

53 The motion was seconded by Mr. Crow

54 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, GC, WM, GW, CVL)

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56 **Notice of Intent, 7 Bresnick Lane, Karon Skinner Catrone, Porch Pool and Patio Construction, DEP File No.**

57 **Note Issued**

58 Ms. Skinner Catrone shared plans on the screen and summarized the proposed work. A pool, patio and
59 porch will be constructed and eleven trees removed. All work is outside the No Disturb Zone. There is an
60 existing fence on site. Construction Access is from the road, through the existing fence to the pond. Ms. Van
61 Lancker asked if there were bounds on the site already. Ms. Skinner Catrone stated there were, but were
62 not easy to find. Mr. Crouch asked if the pool would be in-ground. Ms. Skinner Catrone confirmed. Mr.
63 Crouch asked if the material would be removed or spread, and if the wood from the trees would be
64 removed. Ms. Skinner Catrone stated that the removed fill will be taken offsite. Ms. Heringer, the
65 homeowner, stated that they were open to suggestions. Ms. Solomon stated that there is a three- foot
66 retaining wall with the trees on the low side, which would make removal of the trees difficult. Ms. Solomon
67 recommended the trees be left as snagged trees to eliminate risk of branches falling into the yard. Ms.
68 Solomon explained that snagged trees are those with the crown cut off but the trunk left behind. Ms. Van
69 Lancker stated that the cut branches should be left in the woods where they lay.

70

71 Mr. Wands asked if groundwater may be reached while digging the pool. Ms. Skinner Catrone stated there
72 was a large elevation change from the work area to the wetlands. Mr. Wands requested that a dewatering
73 plan be provided in case water is reached. Ms. Van Lancker asked for the elevations to be made more clear
74 on the plan.

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76 **Motion:** Mr. Moulton moved to continue the hearing to February 13, 2023 at 7:05pm. The motion was

77 seconded by Mr. Crow

78 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, GC, WM, GW, CVL)

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80 **Notice of Intent, 0 High Street Map 13 Parcel 160, Karon Skinner Catrone, Single Family Home, DEP File**
81 **No. 95-979**

82 Ms. Skinner Catrone showed the plans on screen and summarized the changes on the plan. The septic
83 design was changed and moved entirely outside the 100-foot buffer zone. The house was moved closer to
84 High Street and the driveway shortened. The driveway will be paved to prevent gravel falling into the
85 wetland. Wall construction was limited to the south side of the driveway with field stone or manufactured
86 rock. The existing pipe along High Street will be replaced with a 12-inch HDPE pipe. Mr. Crow noted that
87 there is a paper road to the east side of the property and that there is a plan to route a trail through it, and
88 that the applicants should be aware of the plan.

89

90 The Commission reviewed and discussed the special conditions for the property.

91

92 **Motion:** Mr. Crouch moved to close the hearing to February 13, 2023 at 7:05pm. The motion was seconded
93 by Mr. Crow

94 **Vote:** The motion passed with a 5-0-1 vote. (Rollcall vote: OA, PC, GC, GW, CVL) Mr. Moulton abstained.

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Motion: Mr. Wands moved to approve the Order of Conditions with conditions as discussed. The motion was seconded by Mr. Crow

Vote: The motion passed with a 5-0-1 vote. (Rollcall vote: OA, PC, GC, GW, CVL) Mr. Moulton abstained.

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

Mr. Moulton recused himself from the hearing.

Mr. Bemis summarized that the resource areas have been delineated. The changes to the stream channels at the Water Treatment Plant Driveway is limited. The channels are stable, grass lined channels and that riprap was not necessary; however, the joints at the culvert headwalls was separating and the plan does propose to repair them. At the outlet of the culvert across from the lagoon access road, the metal corrugated pipe is still proposed to be removed. A natural stone mortared channel is still proposed in order to protect the currently exposed water main which passes through it. The plans are still before peer review. Additionally, the stream connection was modified to include native plantings, with coir logs on the embankments and natural stone on the bottom of the channel consistent with the natural channels adjacent.

Mr. Crouch asked if Mr. Bemis had contacted DEP after receiving comments. Mr. Bemis responded that he had, but no further comments were received. Mr. Crouch noted that the DEP comments were significant. Mr. Bemis noted that he felt he had adequately responded with the change to the stream bank to include native plantings rather than riprap, and the riprap for the channels at the Water Treatment Plan being removed from the plan. Mr. Crouch asked if there was going to be any stabilization of the existing stream along the lagoon access road. Mr. Bemis stated there was not. Ms. Solomon added that the rate of stormwater coming off site from Hopkinton is being additionally mitigated by increases to the stormwater basins on the Hopkinton side of work. Mr. Bemis summarized the changes on the Hopkinton side, showing the plans on screen. Mr. Crouch noted that the Ashland Conservation Commission did not have jurisdiction on the stormwater basins as they were in Hopkinton. Mr. Bemis responded that he was still open to hearing comment from Ashland. Ms. Solomon added that the Hopkinton Conservation Commission has continued to be open to hearing comment from Ashland as well.

Mr. Crouch noted that DEP had commented that the project as it was proposed was not permissible. Mr. Bemis responded that he felt they had made enough changes to satisfy the requirements, but it was not possible to remove the natural stone mortar channel from the one area due to the steep slopes and exposed water main. The water main pipe is suspended in the air above the water level and through the stream bank. Mr. Crouch stated that it is unlikely that DEP will provide an additional response. Mr. Crouch asked what the condition of the metal pipe was. Mr. Bemis stated that the metal pipe was entirely failed and would be removed. MS. Solomon clarified that the granite box culvert passed under the road before meeting the metal corrugated pipe which sits at the same level. The metal pipe has separated from the box culvert, and water is now passing under the pipe. Mr. Bemis added that there was an existing concrete collar that connected the metal pipe to the box culvert which has now deteriorated. The concrete collar will be removed and the proposed channel will begin at that point. Mr. Crouch noted that the channel is being restored for the length of the metal pipe. Mr. Crouch asked why the pipe was installed originally. Mr. Bemis responded that it was likely installed to protect the water main sixty or more years ago.

Mr. Crouch clarified that the pipe will be backfilled over and build the channel over it. Mr. Bemis confirmed and clarified that the pipe will be encapsulated with mortar over top to protect it. Mr. Crouch asked if there was any concern of the pipe freezing from lack of cover. Mr. Bemis stated the pipe hasn't frozen yet and is fully exposed to the air. There will be rebar reinforcement to ensure the protection is stable. Mr. Wands asked how long the mortar will take to set. Mr. Bemis stated that it will set in 24 hours.

146 Mr. Dassoni, 49 Hawthorne Road, noted that there appeared to be better communication between both
147 towns than previously. Mr. Dassoni asked if the project would affect the rate of flow coming off the
148 Hopkinton site. Mr. Bemis responded that the project would restore the flow of water to a natural path.
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150 Ms. Van Lancker stated that the peer review is still pending.

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152 **Motion:** Mr. Crouch moved to continue the hearing to February 13, 2023 at 7:05pm. The motion was
153 seconded by Mr. Crow.

154 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, GC, WM, GW, CVL).
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156 **Ms. Van Lancker temporarily left the meeting at this time. Mr. Wands took over as Chair.**
157

158 **Wetlands Violations, 23 and 36 Mulhall Drive**

159 Ms. Solomon summarized the new findings from the last meeting. It was determined that there was
160 significant historic dumping in addition to the new issues, which had resulted in an outfall being buried. The
161 Ashland Department of Public Works (DPW) had done work to unbury the outfall without knowing the
162 wetland was adjacent. Additionally, Eversource had done work in the area and were responsible for the
163 straw wattle that was left on site, and additional dumping had occurred from unknown origin. The property
164 owner met Ms. Solomon on site and agreed to clean up some of the dumped material, and planned to speak
165 with the neighbors to determine the origin of the dumping. The DPW had agreed to get some straw matting
166 down as temporary stabilization and a native seed mix to help restore the area. Mr. Crouch asked if the
167 wetland itself had been altered. Ms. Solomon stated it was difficult to determine because of the extent of
168 the historic dumping. There sloped area on the north side of the drainage ditch appeared to consist of
169 mostly dumped materials and had wetland directly on the other side. The area may have historically been
170 wetland as well. As far as existing conditions, the edge of the wetland to the north east does come up part
171 of the drainage ditch, which is in the No Disturb Zone. There is an additional disturbed area with water flow
172 connecting from the cul-de-sac to the drainage ditch, and it is unclear if that work was natural, done by
173 hand tool, or inadvertently by sump pump, but it was not done by the DPW as part of their work. Mr.
174 Crouch noted that it was a significant amount of dumping. Ms. Solomon agreed and added that the material
175 appeared to be mostly landscape debris, but there were bricks, concrete, and other construction debris
176 mixed in that were visible even from the banks.
177

178 Mr. Crouch asked if the neighbors had been contacted. Ms. Solomon stated they were not home during the
179 second site visit, but the property owner planned to reach out to them himself. Mr. Crow asked what the
180 most recent dumping was. Ms. Solomon responded that the grass clipping and leaves deposited that were
181 one or two years old.
182

183 Ms. Solomon added that the owners just recently inherited the properties and they were unaware of the
184 issue. Mr. Crouch noted that there was a stream in the rear of the properties, and that there have been
185 issues in the neighborhood in the past. Mr. Crouch added that for Chase Circle, just south of Mulhall Drive,
186 the Commission had required the developer to put in a swale and drainage property out the rear to prevent
187 runoff from entering the backyards of the homes and making the wet conditions worse.
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189 Mr. Crouch asked what should be done with the drainage ditch. Mr. White, Town Engineer, stated that as it
190 is right now, there shouldn't be a problem as long as there isn't continued dumping. Mr. White added that
191 he would like to see the historically dumped material removed, but it isn't necessary for the function of the
192 system as it is now. Mr. Crouch what the depth of the material was. Mr. White said that he wasn't sure, but
193 the piled area was about 4 feet in height. Ms. Solomon agreed and added that without digging into it until
194 natural soil was reached, it would be difficult to tell. Mr. Crouch stated that there was a dump trucks worth
195 of material. Ms. Solomon added that at least some of the materials was likely from the development of the
196 street or older, but the newest material is not.

197 Ms. Ottaviani, property owner, stated that they had inherited the property from their parents who had co-
198 owned them with another couple who had also passed. The heirs of the other couple never filed their
199 estate, leaving Ms. Ottaviani with the two properties as the titles cannot be cleared. The properties will be
200 turned over to the Town at some point. Regarding the dumping, Ms. Ottaviani noted that her brother had
201 gone to the site to clear up what he could, and will continue to do so.

202
203 Ms. Van Lancker asked if Ms. Solomon could send out notices to the abutters letting them know the
204 wetlands are in the area and that material should not be dumped. Mr. White added that the DPW can put a
205 no dumping sign within their easement. Mr. Moulton recommended that boulders be placed if the property
206 owners are accepting.

207
208 Ms. Van Lancker asked if the item should be moved to the next meeting. Ms. Solomon recommended that it
209 be tabled until the seeding was put down unless new information presented itself. Mr. Crouch
210 recommended that DPW use an erosion control mix when seeding the area. Ms. Ottaviani agreed to the
211 seeding, sign, and boulders. Mr. Wands asked if there was enough light for germination. Ms. Solomon
212 responded that the area was fairly opened, but that there are seed mixes for shady sites.

213
214 **No motion was made and no vote taken.**

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216 **Review minutes 1/9/2023**

217 **1/9/2023 Meeting Minutes:**

218 Commission Members reviewed and edited the January 9, 2023 meeting minutes.

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220 **Motion:** Mr. Moulton motioned to approve the January 9, 2023 meeting minutes as amended. The motion
221 was seconded by Mr. Crow.

222 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, GC , WM, GW, CVL)

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225 **Member Prerogative**

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227 **Meeting Adjournment:**

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

229 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, GC, WM, GW, CVL)

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232 The meeting was adjourned at 8:58p.m.

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234 **Documents reviewed by the Conservation Commission on 1/23/2022**

- 235 ● Document entitled, *Agenda, dated 1/23/2022*
- 236 ● Document entitled, *Meeting Minutes, dated 1/9/2023*
- 237 ● Document entitled, *Stormwater Regulation Amendment Draft Language*
- 238 ● Plans entitled, *Septic System Construction Lot 0 High Street, dated 1/17/2023*
- 239 ● Document entitled, *EcoTec Memo RE 299 Wilson Street, dated 1/12/2023*
- 240 ● Document entitled, *Wetland Resource Evaluation, Wilson Street, dated 11/21/2022*
- 241 ● Document entitled, *Stormwater Calculations The Trails, dated 1/10/2023*
- 242 ● Document entitled, *RE Offsite Stormwater Improvements The Trails at Legacy Farms, dated*
243 *1/17/2023*
- 244 ● Plans entitled, *Site Modifications Exhibit, dated 1/4/2023*
- 245 ● Document entitled, *WPA Form 1 Request for Determination of Applicability 34 Whittemore Drive,*
246 *dated 1/5/2023*
- 247 ● Email correspondence entitled, *Tree damage in wetlands 34 Whittemore, dated 12/26/2022*