



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
February 27, 2023

1
2 Present: Catherine Van Lancker (Chair)
3 Greg Wands (Vice Chair)
4 Owen Ackerman
5 Preston Crow
6 Carl Hakansson
7 Gene Crouch
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 **Request for Amended Order of Conditions, 29 Hardwick Road, GLM Engineering, Home Additions, DEP File**
20 **No. 95-975**

21 Ms. Hastings, GLM Engineering, summarized the proposed changes to the plan. In the location of an existing
22 rear access door, a 5'x5' area is proposed to provide improved access to the previously approved addition,
23 as well as an increased patio area. All work is within the existing limit of work.
24

25 Mr. Moulton asked if work had started. Ms. Hastings stated that the applicants have moved beyond the
26 planning stage but work has not started. Mr. Moulton asked what the total increase in impervious surface
27 would be. Ms. Hastings stated it would just be the 5 feet by 5 feet addition and the patio which is about 9
28 feet by 12 feet. Mr. Crouch clarified what work was already approved on the plan.
29

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

31 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)
32

33 **Motion:** Mr. Hakansson moved to issue an Amended Order of Conditions with the revised plan as
34 discussed. The motion was seconded by Mr. Crow.

35 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)
36

37 **Request for Amended Order of Conditions, 9 Pennock Road, GLM Engineering, Single Family Home, DEP**
38 **File No. 95-944**

39 Ms. Hastings summarized the history of the property. An Order of Conditions (OOC) had be issued and
40 subsequently appealed to MassDEP (DEP) under the state law, as well as the Superior Court under the local
41 bylaw. DEP had issued a Superseding Order of Conditions (SOC) which had also been appealed. Ultimately, a
42 settlement was reached between the parties and the appeal of the SOC as well as the appeal in Superior
43 Court had been withdrawn. The SOC is the standing Order; however, the applicant is required to return to

44 the Conservation Commission for an amended OOC under the local bylaw to comply with the local 25-foot
45 No Disturb Zone (NDZ) requirements. The plan approved by the SOC includes revised wetland delineations,
46 and the house was moved further north. The orientation of the garage and driveway was slightly altered
47 with the house placement. With the new wetlands delineations, there is an increase in the square footage
48 of disturbance in the NDZ and Bordering Vegetated Wetlands (BVW). Consequently, the plans include an
49 increase in the NDZ mitigation area and wetlands replication areas previously approved. Stormwater
50 infiltration systems were moved with the house.

51
52 Ms. Van Lancker asked if the stormwater infiltration will process the same amount of stormwater. Ms.
53 Hastings confirmed.

54
55 Mr. Dassoni, 49 Hawthorne Road, asked if the appeal had not happened would the property have been built
56 already. Mr. Crouch stated that the work could not be started while the appeal was in process. Had the
57 appeal not occurred, most likely the house would be built already. Mr. Dassoni asked for clarification if that
58 is what occurred. Mr. Hastings confirmed. Mr. Dassoni asked if the project was going forward now. Ms.
59 Hastings confirmed that once all the permits are received, the project will move forward.

60
61 Mr. Duich, 15 Pennock Road, stated that the property is very wet, and asked if that was being filled. Ms.
62 Hastings responded that the plan shows the wetland delineations and anything filled is being replicated. Mr.
63 Duich asked how this would affect the gas line on the property. Ms. Hastings stated that the gas lines will
64 remain and driveway will bridge over it. Mr. Duich asked how fire and emergency services would access the
65 house. Ms. Van Lancker responded that there is a driveway which is shown on the plan. Mr. Duich stated it
66 is a long driveway.

67
68 Ms. Shea, 81 Frankland Road, reiterated Mr. Duich's comments that the land is very wet, and asked how it
69 would affect her property. Ms. Hastings showed on the plan where the wetlands are, and showed that the
70 house is on the other side of the wetlands. Ms. Hastings showed on the plans where the stormwater will
71 flow. Ms. Van Lancker summarized that the wetland hydrology will not be changed by the construction. Ms.
72 Shea reiterated Mr. Duich's concerns over the gas line. Ms. Van Lancker stated that the gas line will not be
73 affected. Ms. Shea asked why so much was being done to build in that location. Ms. Van Lancker responded
74 that the question was not jurisdictional to the Conservation Commission.

75
76 **Motion:** Mr. Moulton moved to close the hearing. The motion was seconded by Mr. Crow

77 **Vote:** The motion passed with a 6-0-1 vote. (Rollcall vote: OA, PC, GC, WM, GW, CVL) Mr. Hakansson
78 abstained.

79
80 **Motion:** Mr. Moulton moved to issue an Amended Order of Conditions with the revised plan as discussed.
81 The motion was seconded by Mr. Crow.

82 **Vote:** The motion passed with a 6-0-1 vote. (Rollcall vote: OA, PC, GC, WM, GW, CVL) Mr. Hakansson
83 abstained.

84
85
86 **Notice of Intent, 299 Howe Street, Peter Bemis, Drainage Improvements, DEP File No. 95-924**

87 **Mr. Moulton recused himself from the hearing.**

88
89 Ms. Van Lancker stated that Mr. Bemis had requested continuance to March 13, 2023.

90
91 **Motion:** Mr. Hakansson moved to continue the hearing to March 13, 2023 at 7:05pm. The motion was
92 seconded by Mr. Crow.

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

94

95 **Emergency Certification Ratification, Cross and High Street, Emergency Culvert Stabilization**
96 Ms. Solomon stated that DPW had contacted her regarding a sinkhole that had presented with hazardous
97 conditions. Upon arriving at the site it was observed that the sinkhole was obstructing traffic and created a
98 hazard. Ms. Solomon issued an Emergency Certification to open up the road at the point of the sinkhole to
99 create a temporary stabilization of the culvert beneath, and inspect the conditions. Upon opening the road,
100 it was found that the culver had completely rotted on the bottom, and water which had passed through the
101 sinkhole was rotting away the roof of the culvert. The Emergency Certification required the road cut to be
102 closed and repaved by the end of the day.

103
104 Mr. White, Town Engineer, shared photos of the culvert, and described the deterioration in further detail.
105 Mr. White stated that the conditions will not improve on their own, so a Notice of Intent will be submitted
106 in the future for a replacement of the culvert. Mr. Crouch asked how large the culvert was. Mr. White stated
107 he did not get a measurement, but that it appeared to be an 18 or 24-inch culvert. Mr. Crouch asked if there
108 were any utilities in the street. Mr. White stated he did not believe so, but that they would confirm prior to
109 submitting the Notice of Intent for replacement. Mr. Crouch stated that a stream crossing standards analysis
110 will need to be included when the Notice of Intent is submitted, and if there are utilities present that will
111 affect the design and response to the standards.

112
113 **Motion:** Mr. Crouch moved to ratify the Emergency Certification. The motion was seconded by Mr. Crow.
114 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, GC, CH,WM, CVL) Mr. Wands was unable
115 to vote due to connection issues with the Zoom meeting.

116
117 **OOO Extension Request 12 Wilson Circle, Edivaldo Drumond, Single Family Home, DEP File No. 95-915**
118 Ms. Solomon summarized that the Order of Conditions originally approved in 2017. It had received one
119 extension previously, and was further extended by Governor Baker’s Emergency Order during COVID. The
120 Order of Conditions is now set to expire on March 26th, 2023 and work has not been completed. The current
121 property owners are requesting a three year extension, and plan to have a meeting in spring with Ms.
122 Solomon to go over the remaining work tasks to comply with the Order of Conditions.

123
124 Mr. Crow asked what work was approved. Ms. Solomon stated the Order of Conditions was for construction
125 of a new single family home. The driveway crosses a stream appears to have a box culvert associated with it.
126 Mr. Crow asked how far along the work was. Ms. Solomon stated that it appears the house, driveway, and
127 culvert are completed, and that mostly it is grading and stabilization left. Ms. Solomon added that there
128 was replication involved as well that needed to be reviewed.

129
130 Mr. Hakansson expressed concern over why the work was not completed yet. Ms. Solomon stated that the
131 property has changed ownership, and that there have been supply chain issues that may have further
132 slowed the work. Mr. Crow asked if providing an extension less than three years would have any affect. Ms.
133 Solomon stated that there’s usually a monitoring period of two growing seasons on replications and if the
134 extension is less than that, they will need to come back to request another. Mr. Crouch stated that a one
135 year extension could be provided. Mr. Hakansson agreed.

136
137 **Motion:** Mr. Crouch moved to issue an extension permit for one year. The motion was seconded by Mr.
138 Crow.

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

140
141
142 **Discussion, Request for Clarification, Permitting for Installation of Engraved Boulder, Marathon Park**
143 Ms. Solomon summarized that the original plan to paint a line on the road commemorating the original start
144 line of the Boston Marathon, which unfortunately was not able to be done. The new proposal is to install a
145 5-foot by 5-foot engraved boulder. The boulder would be moved from a nearby property and would not

146 involve any excavation; however, as the Wetlands Protection Act includes rocks and boulders as fill, and the
147 property is within Riverfront Area, clarification is requested if a Request for Determination of Applicability
148 (RDA) is needed for the placement of the boulder. Ms. Van Lancker asked if the boulder will be placed closer
149 to the road. Mr. Greenberg confirmed. Mr. Crouch asked if the rock was on the original RDA approved. Ms.
150 Solomon stated it was not, and that Mr. Greenberg was asking the Commission for clarification on the
151 process for that reason. Mr. Crouch stated that RDAs cannot be amended. Mr. Crouch stated that the only
152 way to permit the rock is through an RDA.

153
154 **Discussion, Request for Clarification, Removal of Tree Fallen into Stream, Mindess Elementary**

155 Ms. Solomon summarized that the Mindess Elementary team had been made aware of a tree that had fallen
156 into a stream adjacent to a culvert outlet, and was asking the Commission if the tree should be removed to
157 prevent blocking the culvert, or left for wildlife purposes. Ms. Solomon shared photos of the tree. Mr.
158 Crouch stated that the tree would eventually collapse into the stream and block the culvert. Mr. Crow asked
159 the direction of flow. Ms. Solomon stated it flowed out of the culvert towards the tree. Ms. Van Lancker
160 stated that an RDA would be needed for its removal. Mr. Crow asked if it needed to come out. Mr. Crouch
161 stated that it is bridging over the stream currently, and that it is re-growing in the horizontal positions. Mr.
162 Hakansson stated that it may be a bridge for wildlife and is not blocking the water. Mr. Hakansson suggested
163 the tree be left for wildlife. Mr. Kendall stated he is fine with either decision. Mr. Kendall noted that it may
164 be more difficult to remove when it does become a problem. Mr. Crouch responded that at least one of the
165 trunks of the tree is still alive and will support itself. Mr. Hakansson asked if it would be an attractive
166 nuisance for school kids. Mr. Kendall stated that it likely wouldn't be easily seen, and hasn't been an issue so
167 far. Ms. Van Lancker stated that it should be left but monitored for worsening conditions.

168
169 **Review minutes 2/13/2023**

170 **2/13/2023 Meeting Minutes:**

171 Commission Members reviewed and edited the February 13, 2023 meeting minutes.

172
173 **Motion:** Mr. Ackerman motioned to approve the February 13, 2023 meeting minutes as amended. The
174 motion was seconded by Mr. Crow.

175 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, WM, CVL) Mr. Crouch and Mr. Wands
176 abstained.

177
178 **Discussion, In-person or Hybrid Meeting Format**

179 The Commission discussed the pros and cons of the in-person vs hybrid meetings for after the expiration of
180 the remote meeting allowance. The Commission decided to hold hybrid meetings starting in April 2023.

181
182 **Discussion, Request for Joint-Meeting with Planning Board**

183 Ms. Solomon summarized that the Planning Board have decided to hold meetings with other Boards and
184 Commissions with which their jurisdiction overlaps. Several projects that come before the Planning Board
185 also come before the Conservation Commission, particularly regarding stormwater management. The
186 Planning Board hopes to get a better understanding of the Conservation Commission's process and
187 requirements and vice versa the Conservation Commission an understanding of the Planning Board's, to
188 ensure a smoother permitting process going forward.

189
190 Ms. Van Lancker asked if a specific project was spurring this on. Ms. Solomon stated that no specific project
191 was suggested; however, there are larger projects in the future that are expected. Ms. Solomon continued
192 that several projects that Conservation had approved several months back, were just now being approved
193 by the Planning Board, and that the understanding may help prevent projects going back and forth between
194 the two with amended plans. Mr. Hakansson noted that there are newer members on the Planning Board as
195 well, and it can be confusing where the jurisdictional lines are drawn. Mr. Crouch expressed concern about
196 discussing any particular project that may come before the Commission in future, and that the discussion

197 needs to be only concerning process. Ms. Van Lancker agreed with Mr. Crouch. The Commission agreed to
198 have a joint-meeting with the Planning Board at one of the Planning Board meetings.
199

200 **Member Prerogative**

201 Mr. Crouch presented a summary and explanation of the Massachusetts Wetlands Protection Act
202 Regulations for Bordering Vegetated Wetlands (310 CMR 10.55). The Commission reviewed and discussed
203 the regulations for Bordering Vegetated Wetlands to better understand them.
204

205 **Meeting Adjournment:**

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

207 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)
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209

210 The meeting was adjourned at 9:19p.m.
211

212 **Documents reviewed by the Conservation Commission on 2/27/2022**

- 213 ● Document entitled, *Agenda, dated 2/27/2022*
- 214 ● Document entitled, *Meeting Minutes, dated 2/13/2023*
- 215 ● Plans entitled, *Proposed Addition Plan 29 Hardwick Road, dated 2/2/2023*
- 216 ● Document entitled, *Request to Amend Order of Conditions 29 Hardwick Road, dated 2/7/2023*
- 217 ● Plans entitled, *Proposed House Location Plan 9 Pennock Road, dated 8/31/2021*
- 218 ● Document entitled, *Request to Amend Local Bylaw Order of Conditions 9 Pennock Road, dated*
219 *1/24/2023*
- 220 ● Document entitled, *WPA Emergency Certification Form Cross and High street, dated 2/14/2023*
- 221 ● Document entitled, *OOE Extension Request 12 Wilson Circle*
- 222 ● Document entitled, *Bordering Vegetated Wetlands Regulations*