



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
March 13, 2023

1
2 Present: Catherine Van Lancker (Chair)
3 Greg Wands (Vice Chair)
4 Preston Crow
5 Carl Hakansson
6 Gene Crouch
7 William Moulton
8
9 Absent: Owen Ackerman
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
20 **Notice of Intent, 299 Howe Street, Peter Bemis, Drainage Improvements, DEP File No. 95-924**
21 **Mr. Moulton recused himself from the hearing.**
22

23 Mr. Bemis summarized the revisions to the plans since the last meeting. The proposed vegetation planting
24 for the restored stream connection will be extended to include part of the existing stream channel. This
25 work is within Hopkinton but is pertinent to the work in Ashland. Within Ashland, the existing corrugated
26 metal pipe will be removed, without altering the granite box culvert that goes under the road. The channel
27 will be restored where the metal pipe is removed, with large stones mimicking the natural conditions of the
28 stream up and down stream. An Asbestos Cement (AC) Water Main passes through the stream, and is
29 currently exposed to the air due to the erosion from the water that bypassed the rotted out metal pipe. To
30 protect the water main, that section of stream restoration will include a concrete channel reinforced with
31 rebar. Natural stones will be placed into the concrete, with the concrete recessed to mimic natural
32 conditions to the maximum extent practical. Erosion control will be installed around the entire site during
33 work. If supplemental planting is needed, Mr. Bemis stated he would be willing to do so.
34

35 Mr. Carter, GCG Associates, stated that all their comments have been addressed. Mr. Carter stated that
36 there was some sediment left over from a few years, prior that needs to be cleaned form the channel by the
37 Water Treatment Plant, but that the site was in good shape now. Mr. Small, DPW Director, agreed with Mr.
38 Carter. Mr. Hakansson stated that the proposal has taken a long time to get to this point, but that it seems
39 to have come to an agreement that works for all parties.
40

41 Mr. Crouch noted that the plans presented by Mr. Bemis are different from the plans provided in the
42 meeting packet. Mr. Bemis stated that they weren't included in the materials submitted to Ms. Solomon,
43 but he wanted to advance the project and didn't want to include a new revision date. Mr. Solomon, stated

44 that the revision date is needed as the plan is different from the plan on the record. Mr. Crouch asked if the
45 work on the DCR land was still proposed. Mr. Bemis stated that they did not receive approval so It was
46 removed from the project. Mr. Hakansson added that the flow that section of the system was reduced by
47 the restored stream connection in the other direction.

48
49 Mr. Small asked how the lagoons fit into the project. Ms. Van Lancker stated that it was between the Town
50 and the Developer. Mr. Bemis added that the lagoons were outside of buffer zone and did not require
51 conservation approval. Mr. Crouch clarified that water treatment lagoons are not subject to the Wetlands
52 Protection Act.

53
54 Mr. Dasoni, 49 Hawthorne Road, commented that it was good to see all parties working together to bring
55 the project to its conclusion.

56
57 The Commission reviewed and edited the draft Order of Conditions (OOC), with the intent to continue the
58 hearing to allow the revised plans to be entered into the record.

59
60 **Motion:** Mr. Crouch moved to continue the hearing to March 27, 2023 at 7:05pm. The motion was
61 seconded by Mr. Crow.

62 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: PC, GC, CH, GW, CVL)

63
64
65 **Request for Certificate of Compliance, 123 Green Street, Joy Kazarian, DEP File No. 95-976**

66 Ms. Solomon summarized that the original OOC was for removal of invasives back in 2017, issued as part of
67 enforcement action by the Commission. Ms. Solomon noted that the while the OOC did require an as-built
68 plan, the original Notice of Intent filing (NOI) did not have formal plans included, as the previous agent Ms.
69 Dos Anjos, appeared to have supplied a rough map for the application. Because no formal plans drawn to
70 scale exist, it would not be possible to create accurate as-built plans, and as such, one was not included in
71 the Request for a Certificate of Compliance (COC). Ms. Van Lancker asked if the site looked okay during the
72 site visit. Ms. Solomon stated that everything growing appeared to be native species with the exception of
73 some non-native creeping ground cover spreading from the neighbor's lawn.

74
75 Mr. Wands asked if there were any herbicides used or if it was done by hand. Ms. Solomon stated that the
76 work was done by hand by the property owners. Mr. Crouch asked if the area had been replanted. Ms.
77 Solomon stated that appeared to have been replanted, but that it was hard to tell because of the other
78 growth. Ms. Solomon added that the plans that were in the file did not show where the plantings were
79 supposed to be. Mr. Wands asked if they had completed the two growing season monitoring period. Ms.
80 Solomon stated she did not recall that condition being in the Order of Conditions.

81
82 **Motion:** Mr. Wands moved to issue a complete Certificate of Compliance. The motion was seconded by Mr.
83 Crow.

84 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: PC, CH, WM, GW, CVL). Mr. Crouch abstained.

85
86
87 **Enforcement Order update, Delineation and Restoration Plan, 22 Nickerson Road, Margaret Bacon**

88 Ms. Bacon, Civil Site Engineering, stated that she had delineated the site as the Commission had requested
89 and was now looking to discuss with the Commission what they would like to see on the restoration. Ms.
90 Bacon suggested that the work should be done in phases. Ms. Bacon shared the delineation plans on screen
91 and highlighted the changes from the old plans approved by the original Order of Conditions. Ms. Bacon
92 summarized the work needing to be done. The berms on site were to constructed with clean fill and need to
93 be removed and rebuilt. The stormwater basin on site is not built to plan and needs to be regraded. There is
94 landscape debris and old silt fence on site that needs to be removed. Ms. Bacon suggested a general

95 cleaning of debris from the wetlands as phase 1. Then clean the 25-foot No Disturb Zone as part of phase 2,
96 along with reconstructing the berms. Phase 3 would include regrading the berm and cleaning out sediment
97 built up in the wetland to restore it.
98

99 Ms. Van Lancker asked if there was a formal plan with the phases outlined with dates. Ms. Bacon responded
100 that she wanted to go over the issues with the Commission first before developing the plan to ensure all the
101 Commission's concerns were addressed. Ms. Van Lancker asked if the weir was present. Ms. Bacon said it
102 was shown on the original plans, but she wasn't sure what the purpose of it was. Ms. Bacon recommended a
103 swale or similar structure instead. Mr. Crouch suggested that Ms. Bacon propose a restoration plan showing
104 the phases and site design. Mr. Crouch continued that the original plan had a row of boulders marking the
105 limit of disturbance allowed, which are no longer present on the site. Mr. Crouch asked if the boundary line
106 would be proposed in the new design. Ms. Bacon responded that she would propose a boundary line that's
107 a bit different, possibly a vegetated boundary. Mr. Crouch stated that there was a fence along the old berm
108 which is present but not maintained. Mr. Crow added that the boulders were likely put in as a way to clearly
109 show not to go past them; whereas a little fence may be run over. Ms. Van Lancker agreed and stated that
110 the users of the property are tenants and that the work done is industrial in nature. Whatever is decided on
111 for the boundary should make it very clear that the line cannot be crossed. Ms. Van Lancker asked for dates
112 to be included in the restoration plan.
113

114 Mr. Crouch stated that there was an old stream channel that is now dry, and that it appeared material was
115 pushed over the berm and blocked the stream causing it to redirect as shown on the plans. Ms. Bacon
116 responded that it should be left where it is now, as the stream channel is well established and changing it
117 again would not be advised.
118

119 Ms. Bacon agreed to have the restoration plan back to the Commission for the April 10, 2023 meeting.
120
121

122 **Minor Modification Request 7 Bresnick Lane, Karon Skinner Catrone, DEP File N. 95-980**

123 Ms. Skinner Catrone summarized the proposed changes to previously approved plan. The pool will be a
124 heated pool with a heater and filter as shown on the revised plan. A small catchment will be installed at the
125 location of the existing shower to collect pool water which may runoff during use, and which will be
126 connected to a sump pump that will direct the water uphill onto the lawn away from the pool and wetlands.
127 Additionally, a retaining wall will be installed as requested by the Building Inspector on the uphill side of the
128 pool.
129

130 Mr. Crow asked if the pool water is going into the shower, and expressed concern about chlorine going in
131 and mixing with town water after it's released. Ms. Heringer, the homeowner, stated that the pool would be
132 saltwater not chlorine. Ms. Solomon clarified that the Building Inspector was under the impression that the
133 pool would be chlorinated and upon seeing the shower, expressed concern about anyone washing off after
134 using the pool and having the chlorinated water flow into the wetlands. Ms. Solomon added that she was
135 not sure if the pool being saltwater instead made a difference.
136

137 Mr. Crouch asked if the bounds shown on the plan are already installed. Ms. Skinner Catrone confirmed. Ms.
138 Van Lancker asked if there were any other items that needed to be addressed. Ms. Solomon noted that the
139 existing patio had not received permits from the Commission, and that after the Notice of Intent hearing
140 was closed for the current proposal, a letter was located from the previous agent Ms. Dos Anjos informing
141 the previous homeowners of the property that the work they were doing was a violation of the Wetlands
142 Protection Act. Ms. Solomon stated that removing the patio at this point would be more impactful, and that
143 it may be worth including in the current Minor Modification proposal. Ms. Solomon clarified that the patio
144 was included on the plans approved in the current Order of Conditions for the pool. Mr. Crouch stated that
145 it may be considered a de facto approval. Ms. Heringer stated that hardscaping does not require permits.

146 The Commission informed Ms. Heringer that hardscaping does require permits when it is wetland resource
147 area or buffer zone. Mr. Crouch asked if there was a Certificate of Compliance on the house that included
148 the patio. Ms. Solomon stated that there was an Order of Conditions issued in 2009, which did receive a
149 complete Certificate of Compliance in 2011; however, the patio was not built until sometime between 2019
150 and 2021. Mr. Crouch asked if the patio was brought up during the hearing for the pool. Ms. Solomon stated
151 that the patio was there and was shown on plans, but she had not known that the patio was built without
152 permit until the letter was found in a separate box of files after the issuance of the Order of Conditions.
153

154 Mr. Crouch asked if the patio would be considered a minor modification. Mr. Crow stated that the changes
155 for the pool are a minor modification, but that the Commission needs to determine the best way to address
156 the patio, to ensure it is permitted correctly. Mr. Crouch stated that if the minor modification was just to
157 include the patio would it be a minor modification. Mr. Crow asked if the patio came as a Request for
158 Determination of Applicability would it be allowed. The Commission agreed that it likely would. Ms.
159 Solomon added that the Massachusetts Wetlands Protection Act does provide an exemption for patios
160 outside of the 50-foot buffer zone on existing lawn; however, that exemption does not exist in the local
161 Wetlands Protection Bylaw. Ms. Van Lancker suggested that the patio be approved along with the minor
162 modification.
163

164 **Motion:** Mr. Crouch moved to issue a minor modification as discussed. The motion was seconded by Mr.
165 Crow.

166 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: PC, GC, CH, WM, GW, CVL).
167

168 **Update, Upper Charles Trail, David Rosenblum**

169 Mr. Rosenblum showed the current proposed trail through Ashland and summarized the areas that will be
170 coming to the Commission for approval. Ms. Van Lancker stated that the work should meet stream crossing
171 standards where applicable. Ms. Van Lancker continued that there was a recent change as well to the
172 wetlands delineation handbook and the wetland replication handbook, which should be considered.
173

174 Mr. Crouch asked how the line for the trail was generated on the map shown. Mr. Rosenblum stated that an
175 engineering firm generated it, but that it is not final yet, and will be redrawn when it is for an accurate map.
176 Mr. Crouch asked if the ADA requirements were considered in regards to grade of the trail. Mr. Rosenblum
177 stated that they were.
178

179 Mr. Crouch asked if the project would be built by MassDOT or another funding source. Mr. Scherer, Upper
180 Charles Trail Committee, stated that it was not decided yet. Mr. Crouch added that any proposal causing
181 greater than 5,000ft² of disturbance cannot be approved by the Conservation Commission under the
182 Wetlands Protection Act. The Commission would have to deny the project and the Committee would need
183 to appeal and get a variance from DEP. Mr. Crouch continued that DEP will not provide variances for bike
184 paths. For the proposal to not be considered an impact for the entire length, any boardwalk would need to
185 be built as high as it is wide, which would be expensive. Mr. Crouch added that if it's not a raised structure,
186 then the Committee needs to find area to replicate all the disturbance as well. Ms. Solomon added that DEP
187 is revising their regulation regarding pedestrian and bike paths as they recognize them to be more
188 sustainable than roads; however, it is not clear what the timeline will be or what the regulations will allow.
189 Mr. Crouch agreed, but stated that the limited project is limited to trails on an existing rail bed.
190

191 Mr. Scherer asked what the minimum width trail they could have. Mr. Crouch stated that 8-feet is the
192 minimum, but that it's very narrow for a bike path. Mr. Crow asked if the project could be broken up into
193 sections since the project spans the whole town. Mr. Crouch responded that doing so would be considered
194 segmentation and would not be allowed. Mr. Scherer stated that the project is segmented regardless
195 because it can't all be built at once. Mr. Crouch stated that it can be segmented to a point, but it has to have
196 logical end points, not just terminating in the middle of the woods. Mr. Crow noted that the different

197 wetlands being impacted are significantly separated as well. Mr. Crouch stated that the separate sections
198 may need to each have their own parking areas as well. Mr. Crouch noted that he is not against the idea of
199 the project, but there's a lot of wetlands to considered across town.
200

201 Mr. Scherer asked if the Commission would be willing to do an informal site walk in some of the sections.
202 Ms. Van Lancker sated Ms. Solomon could do a site walk. Mr. Crouch recommended that some sections be
203 moved to be closer to the roads where possible.
204

205

206 **Review minutes 2/27/2023**

207 **2/27/2023 Meeting Minutes:**

208 Commission Members reviewed and edited the February 27, 2023 meeting minutes.
209

210 **Motion:** Mr. Hakansson moved to approve the February 27, 2023 meeting minutes as amended. The
211 motion was seconded by Mr. Crow.

212 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: PC, GC, CH, WM, GW, CVL).
213

214

215 **Update, Joint Meeting Request with Planning Board, Tentative Date**

216 Ms. Solomon stated that the Planning Board had agreed on a tentative date of March 23rd for the joint
217 meeting. The Commission discussed availability and agreed to the March 23rd date.
218

219

220 **Member Prerogative**

221

222 **Meeting Adjournment:**

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

224 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: PC, GC, CH, WM, GW, CVL)
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226

227 The meeting was adjourned at 9:17p.m.
228

229

229 **Documents reviewed by the Conservation Commission on 3/13/2022**

- 230 ● Document entitled, *Agenda, dated 3/13/2022*
- 231 ● Document entitled, *Meeting Minutes, dated 2/27/2023*
- 232 ● Plans entitled, *Site modifications Exhibit, sated 3/3/2023*
- 233 ● Plans entitled, *SWPPP Long-Term Operation and Maintenance Onsite and Offsite Stormwater*
234 *Management Systems The Trails off Legacy Farm Road, Hopkinton, MA, dated 3/3/2023*
- 235 ● Plans entitled, *Offsite Stormwater Improvements Wilson Street – Howe Street, dated 3/3/2023*
- 236 ● Document entitled, *Stormwater operation Maintenance and Pollution Prevention Plan Legacy*
237 *Farms, dated 3/3/2023*
- 238 ● Document entitled, *Cover Letter for The Trails at Legacy Farms Site modifications and Amended*
239 *Order Hopkinton, Massachusetts, dated 3/3/2023*
- 240 ● Email correspondence entitled, *Trails Site Plan Modifications Sheets 1-8 of 9, Wilson Street*
241 *Stormwater Improvements Sheets 103 of 3 and Trails SWPPP O&M Plan, dated 3-6-2023*
- 242 ● Document entitled, *WPA Form 8a 123 Green Street*
- 243 ● Document entitled, *Request for Minor Modification 7 Bresnick Lane*