



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
March 14, 2022

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

10 Agent: Becca Solomon

11 Meeting held by Zoom
12 Call to order: 7:01 P.M.
13

14 **Chair Cathy Van Lancker read the Ashland Conservation Commission virtual meeting protocols, and**
15 **meeting recording announcement.**
16

17 **Review minutes from 2/28/22**

18 **2/28/22 Meeting Minutes:**

19 Commission Members reviewed and edited the February 28, 2021 meeting
20 minutes.

21 **Motion:** Mr. Wands motioned to approve the February 28, 2021 meeting minutes as amended. The motion
22 was seconded by Mr. Crow.

23 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: PC, GC, CH, GW, CVL). It is noted that Mr.
24 Ackerman, while present, was having audio difficulties and was unable to vote on this item.
25

26
27 **Certificate of Compliance, Ninety Waverly, LLC, 90 Waverly Street, DEP File Number 95-632**

28 Ms. Solomon summarized the Order had expired and no work had begun. The current conditions on the lot
29 are undisturbed woods. An Invalid Order determination may be provided to close the order as it has expired
30 and no work begun. Mr. Hakansson asked if a site visit had been done. Ms. Solomon confirmed with recent
31 satellite imagery as well as a drive by visit that no disturbance had occurred on the property.
32

33 **Motion:** Mr. Crouch motioned to issue a Certificate of Compliance with the Invalid Order determination.
34 This motion was seconded by Mr. Crow.

35 **Vote:** The motion passed with a 6-0-0 vote (rollcall vote: OA, PC, GC, CH, GW, CVL)
36
37

38 **Request for Determination of Applicability, Patricia Davidson, 5 Kathryn Drive tree removal**

39 Ms. Davidson summarized the proposed work to remove some diseased and hazardous trees in proximity to
40 their home. Wetlands had been delineated for another part of their project, and it was noted that some of the
41 trees were within the buffer zone. Ms. Solomon added that the trees varied in size and the shortest distance to
42 the wetland was estimated to be 80 feet. It is recommended to condition that the trees be left where they lay
43 for habitat. It was determined that leaving “snag” trees would still present a risk to the property due to
44 proximity. The trees should be cut and laid down in the buffer zone. Ms. Davidson stated that she was
45 accepting of the limitation and would ensure that it was met.
46

47 Mr. Wands asked if there was enough room for the woody debris, and if would present a fire risk in dry
48 conditions. Ms. Davidson responded that she felt there was enough room and not significantly dense. Ms.
49 Solomon stated it was unclear how much leaf litter there was in the woods due to snow presence at the time
50 of the site visit. Smaller sapling trees would be easily cut to firewood size and hauled off if necessary. There
51 was enough space to spread out the debris. Ms. Van Lancker proposed that two of the larger trees be left
52 where they lay for wildlife, the rest could be removed to reduce fire hazard. The Commission discussed the
53 location of the property.
54

55 **Motion:** Mr. Wands motioned to issue a Determination of Applicability with a Negative 3 determination and
56 the condition to leave at least two large trees in their entirety felled within the woods. This motion was
57 seconded by Mr. Crow.

58 **Vote:** The motion passed with a 6-0-0 (rollcall vote: OA, PC, GC, CH, GW, CVL)
59
60

61 **Discussion of 0 Prospect Street Resource Area Restrictions**

62 Ms. McArthur shared her screen showing a draft plan of wetlands located on the property, and a rough
63 location of proposed work. Mr. Narayana gave an overview of the surrounding properties, frontage, and
64 access points for the property. A wetland is located in the front of the property; the back is upland area. Ms.
65 McArthur explained when the delineations took place on the wetlands, making note that is jurisdictional as
66 Isolated Land Subject to Flooding (ILSF), which does not have a buffer zone under the State Wetlands
67 Protection Act. The ILSF is a certified vernal pool. Ms. McArthur mentioned a sump pump pipe which was
68 previously discussed by the Commission during the January 24th, 2022 meeting. Other wetlands on adjacent
69 properties are also certified vernal pools, but the boundaries could not be determined as they were denied
70 access to those properties. Under the Local Wetlands Protection Bylaw, the ILSF does have a 100' buffer
71 zone and 25' no-disturb zone. The intent is to build a single family house in the back upland area. A request
72 was made to abutters to be provided access through adjacent properties to avoid impacting the wetland, which
73 was denied. Ms. McArthur stated that a solution was to put the driveway on pilings to minimize impact to the
74 vernal pool and provide access to the upland area. Mr. Narayana summarized the setbacks and requirements
75 for the driveway. Ms. McArthur summarized that they would be filing a NOI strictly for access first, separate
76 from the house. They would be requesting a waiver to work in the resource area and No-Disturb Zone, if it is
77 demonstrated to meet performance standards. Ms. McArthur asked the Commission to provide any concerns
78 they may have prior to filing the NOI so that they may be addressed.
79

80 Ms. Van Lancker asked the applicant to address how the water coming off the driveway does not go into the
81 vernal pool. Additionally, the visibility of the driveway may need to be addressed with abutters. Mr.
82 Ackerman asked if the pilings were going to be treated to prevent rot. Mr. Crow asked to have on record that
83 one of the abutters listed, Katherine Crowe, is not a family relation, and not a Conflict of Interest. Mr. Crow
84 continued that from a Planning Board perspective, this would be better if the driveway could be run from an
85 abutter's driveway, and that it may be worth going back to the abutter's if approval is received. Mr. Crouch
86 asked how long the bridge would be. Ms. McArthur stated that the bridge would be around 60 feet. Mr.
87 Crouch stated it might be closer to 90 feet to provide enough clearance on the vernal pool. Mr. Crouch asked
88 how much clearing would be needed. Ms. McArthur stated it would be the extent needed for the driveway.
89 Mr. Narayana estimated it would be 1400ft². Mr. Crouch asked about the depth of the structure and height
90 from the ground. Mr. Crouch recommended a pre-constructed bridge be considered.
91

92 Mr. Crouch asked if the un-surveyed wetlands on other properties are within 100 feet of the property. Ms.
93 McArthur confirmed. Ms. Solomon recommended that NHESP be reached out to and see if they have
94 delineations or photographs of the vernal pools. Mr. Narayana stated that they had reached out and they do
95 not have them. He does have a wetland delineation that was done for 30 Raymond Way in 2007, with a
96 marked 25' no-disturb zone around the vernal pool for 30 Raymond, which is right at the bottom of the
97 property. Mr. Ackerman reiterated that they should look into the pilings and bridging options. Mr. Narayana
98 responded that he would leave it to a structural engineer to determine. Mr. Narayana asked if he could put a
99 fence around his property to prevent encroachment. Ms. Van Lancker recommended it be added to the NOI
100 application.

101 No motion was made, and no vote was taken.

102

103 **Discussion of Town Forest Ongoing and Proposed Work**

104 Ms. Solomon summarized that work had been done in the Town Forest on existing trails. A prefab foot bridge
105 was placed on a trail, which the Town Forest Committee stated was placed overnight by an unknown person.
106 Additionally, work was done just before the placement of that bridge on the Purple Trail, where fallen trees
107 had caused increased flooding. Rocks that had existed on the trail were repositioned to make a flat raised
108 surface that could be walked over, but would allow water to continue to flow. The rocks having only been
109 repositioned and not brought in from outside, would not be considered fill. In regard to culverts, Ashland
110 DPW has submitted an RDA for culvert replacement, and it will be discussed at the next meeting. Flagging
111 was put up for a new trail starting at the Oak Street Conservation Restriction. There are two sets of flags,
112 representing two different plans only one of which will be used. One was walked by Ms. Solomon and a
113 preliminary map was provided to the Commission to show roughly where the trail would be in proximity to
114 resource areas. The Town Forest Committee is looking to submit a Notice of Intent for ongoing operations
115 and maintenance. Ms. Solomon listed some of the work that was planned to be included. Ms. Solomon stated
116 that any concerns brought up at this meeting could be put into a letter and sent to the Town Forest Committee
117 for them to respond.

118

119 Mr. Hakansson asked if there was a new trail on the Nicolo Property as well as the Oak Street CR. Ms.
120 Solomon pulled up a map to show where the trail was. Mr. Crow stated that the trail on the Oak Street CR
121 extends onto the Nicolo Property. Ms. Solomon confirmed that it is one trail extending across both. Mr.
122 Crouch asked for clarification on the map symbology. The Commission discussed the approximate location of
123 adjacent wetland systems, and general topography in relation to Oak Street.

124

125 Ms. Van Lancker asked that the Town Forest Committee be notified of the existing resource areas, and that
126 they be made aware of the need to file with the Conservation Commission when working in those areas. Mr.
127 Van Lancker asked Ms. Solomon to draft a letter with any additional concerns. Mr. Crouch asked if a more
128 accurate map of the trails system was available. Ms. Solomon stated there might be some in old filings, but
129 for the most part the data existed on GIS, and that was in the process of being updated. Mr. Crouch asked that
130 the Town Forest Committee submit more accurate plans showing the wetland areas and setbacks in relation to
131 trails. Ms. Van Lancker stated that the Town Forest Committee should contact Ms. Solomon when doing
132 work to confirm proximity to wetlands. Mr. Crouch agreed with the statement. Ms. Van Lancker asked that it
133 be added to the letter. Ms. Solomon showed a recent map submitted in a NOI submitted in 2018, and asked if
134 that style of mapping, while not entirely accurate, would be acceptable. Ms. Van Lancker and Mr. Hakansson
135 both stated that it would be acceptable.

136

137 **Discussion of Legacy Farms Peer Review Report**

138 Mr. Crow asked if this project was a continuation or a new filing relative to when he joined the Commission.
139 Ms. Van Lancker explained the timeline. Mr. Crouch stated that the Notice has not been filed yet. Mr.
140 Hakansson further added some background information on how the project came before the Conservation
141 Commission and involvement of both Ashland and Hopkinton's Commissions. Mr. Crow clarified that what
142 is before them now will be a legally separate filing from the rest of the previous issues.

143

144 Mr. Carter of GCG Associates summarized the peer review and provided some visuals to clarify. Mr. Carter
145 had visited the site, and looked at both the draft NOI and the project in Hopkinton. Drainage flows from the
146 development down to Howe Street/ Wilson Street and into the Reservoir. The submitted plans do not show
147 delineated resource areas or parcel boundaries. The pumping station has had to use more chemicals year
148 round to treat the sediment runoff coming from the Legacy Farms development. Additionally, the lagoons
149 owned by Ashland are being subject to a continuous water flow, which has undermined the liner of one
150 lagoon and have made it non-functional. Mr. Carter continued to describe concerns with the original
151 approved plans for the development. The Cn value may have been too high a value for the original site
152 conditions and resulted in the basins being designed too small. It was noted that BETA Engineering, peer
153 review for Hopkinton, had originally made a note of the Cn value during the permitting process, and it was
154 never addressed. Additionally, one of the established basins, which is meant to be an infiltration basin, has

155 degraded with the amount of silt entering the basin, and has become overgrown with wetland plants. Another
156 basin (Basin 3) on the steeper slope outflows towards Howe Street/ Wilson Street, and the swale is at least a
157 2:1 slope, and may not be efficiently addressing the stormwater. Other than the Cn Value, BETA Engineering
158 agreed with the GCG Peer Review Report.
159

160 Mr. Hakansson asked if the siltation would be mitigated once the development is completed. Additionally,
161 how can the Ashland Conservation Commission address these concerns when the development is in
162 Hopkinton. Mr. Carter stated that the run-off would be reduced once the development had been completed.
163 Mr. Hakansson asked if the work within the Ashland boundaries, marked on the map in red, should be moved
164 forward with, as that is what is before this Commission. Mr. Carter felt that the proposed work would resolve
165 the silt coming off the development. Ms. Van Lancker asked if the proposal would improve the flow of water
166 coming down the slopes. Mr. Carter stated that with some modifications, they may, but he did not feel that
167 they would as currently designed. Mr. Hakansson clarified that what is being reviewed is work that Mr.
168 Bemis of EDC, Inc., the engineer, had volunteered to do in lieu of fines. Mr. Hakansson further stated that the
169 work in Hopkinton that was being discussed was not jurisdictional to the Ashland Conservation Commission.
170 Ms. Van Lancker asked if the BETA review was of the site right now. Mr. Carter responded that BETA had
171 been doing ongoing review, particularly with the SWPPP reports. Ms. Ciaramicoli, the Hopkinton
172 Conservation Administrator, clarified that BETA monitors the site once a week, and has completed a peer
173 review of GCG's peer Review. Ms. Van Lancker asked if BETA also reviewed the comments GCG made
174 regarding the infiltration basins. Ms. Ciaramicoli confirmed and reiterated that BETA largely agreed with
175 GCG's comments with the one exception of the Cn value used.
176

177 Mr. Bemis stated that the original work was designed by Bohler engineering, and he was brought in later on
178 by Heritage Properties, at which point the layout of the buildings was changed, reducing the number of
179 homes. EDC did not make changes to the stormwater systems at that point. Issues began at around Phase
180 Three, as a result of the significant rainfall in the past Summer. Mr. Bemis continued that the focus of their
181 work was a subdivision with a number of stormwater treatment systems, believed to be correctly constructed,
182 two of which were stated to be bio-control cells. Mr. Bemis stated that the basin shown with vegetation and
183 silt was not an infiltration basin to his knowledge, and that they intend to remediate the basin once work
184 completes in that area. Basin 3 was modified to be larger than original plan, but they did not feel it was their
185 place to redesign the entire project. The basin did become silted and had less infiltrative capacity over the past
186 Summer, but it was cleaned out as soon as the weather improved in the fall. Mr. Bemis stated that the draft
187 NOI was intended to improve the offsite infrastructure as a response to the storm events the past Summer. Mr.
188 Bemis felt the culvert where the water is currently flowing goes towards an undersized culvert, when it could
189 be redirected to a larger box culvert more west, improving the flow path coming out of the infiltration basin.
190 Mr. Bemis stated that they would have EcoTec, the environmental consultant for the development, flag the
191 wetlands to be shown on the final NOI. Mr. Bemis summarized more of the existing drainage systems.
192

193 **Ms. Van Lancker temporarily left the meeting at this point, and Mr. Wands took over as Chair of the**
194 **meeting.**
195

196 Mr. Hakansson asked if the culverts going under Wilson Street and under the pumping station driveway was
197 still planned to include riprap. Mr. Bemis confirmed. Mr. Crouch asked Mr. Carter what he felt the Cn value
198 should have been. Mr. Carter described the Cn value used, 83, was typically for poor conditions, a fair value
199 would be between 77 and 79. The difference of Cn Value on the scale of the project, the lower Cn Value
200 could result in a 20% increase of water flow over the site. Mr. Carter showed a letter from BETA dated
201 January 22, 2018 on page 3 or 6 in which the Cn Value was recommended to be corrected to model "good
202 condition" instead of poor. The following BETA Peer Review letter shown stated that "BETA defers to
203 previous review of this project by others" regarding the Cn value, as the model had been previously submitted
204 and approved in a separate NOI in 2012. Mr. Bemis agreed with that assessment and stated that it was the
205 reason why they had increased the size of Basin 3. Mr. Bemis also referred to improving Basin 2 when it is
206 eventually mucked out. Mr. Bemis felt they did not have issues in that part of the wetland and that the
207 stormwater had been improved in that area. Mr. Bemis continued to describe the current water flow on the
208 property and the mitigations done over the Winter. Mr. Bemis stated they had found an underground pipe that

209 had been perforated last summer that had been leaching turbid water, which was removed with Hopkinton
210 approval to solve the resulting turbidity issue.

211
212 Mr. Crouch, referring to the basin which Mr. Carter called an infiltration basin, and Mr. Bemis called a bio-
213 cell, asked how it could be determined what type of basin it was. Additionally, that if it is filled with
214 sediment, that needs to be addressed either way. Mr. Bemis stated that the basin would be treated this Summer.
215 Mr. Carter stated that one of BETA's SWPPP Reports had flagged the basin and referred to it as an
216 infiltration basin. Mr. Crouch asked where the sediment was coming from. Mr. Carter showed on the plan
217 where a drainage ditch exists along the now named Birkdale Lane, and stated that it is not fully stabilized due
218 to ongoing construction.

219
220 **Bill Moulton joined the meeting at this time**

221
222 Mr. Bemis continued that most of the drainage concerns are from the very fine siltation that was depositing in
223 the basins, and that once the siltation was removed those infiltration basins functioned as designed. Mr.
224 Bemis described the loam and seeding as well as sodding efforts undertaken to stabilize the site. Mr. Crouch
225 asked, regarding the undermined lagoon liner, what the process is to repair it as well as the timeline. Mr.
226 Carter stated that it needs to be fixed as the lagoons are alternated. Currently a continuous flow of water is
227 breaking out and continuing to cause issues. Mr. Carter speculated as to some of the possible causes.

228
229 **Cathy Van Lancker rejoined the meeting and took back over as Chair at this time.**

230
231 Mr. Bemis stated that he would look into the liner issue, and that there was an interceptor there which stops
232 around Unit 83, and he would certainly look to mitigate the issue. Mr. Crouch recalled that on a previous site
233 walk the roof rains were stated to be tied in to a dry well. Mr. Bemis confirmed this was the case. Ms. Van
234 Lancker asked Mr. Bemis to meet with Mr. Small from Ashland DPW to discuss and submit a report. Mr.
235 Carter stated that the liner was not just a winter issue, and that Mr. Small had previously stated that the liner
236 was undermined last Spring. Mr. Small stated that he had notified the Town Planner and others and thought it
237 had been mentioned to Conservation as well. Mr. Hakansson stated he recalled that issue being brought up,
238 but it was not discussed as part of the remediation that was sent to be peer reviewed. Mr. Hakansson asked
239 when the area along the named Weston Lane would be stabilized. Mr. Bemis confirmed it would be stabilized
240 this season. Mr. Hakansson asked for clarification if the turbidity issue would be resolved once the site had
241 been stabilized. Mr. Bemis confirmed. Mr. Carter stated that would be the case if the basins are maintained
242 continuously. Mr. Hakansson asked for a separation between the issue on Wilson Street and the pumping
243 station so the Commission could move forward on the application. Ms. Van Lancker clarified that the request
244 was to separate the two draft NOIs from the other issues discussed. Mr. Bemis clarified that both projects
245 were on land owned by the Town of Ashland and require signatures from the Town Manager, with one
246 section on land owned by the Department of Conservation and Recreation (DCR). Mr. Hakansson added that
247 the lagoons are located in Hopkinton as is Wilson Street. The box culvert and Howe Street is in Ashland. Ms.
248 Ciaramicoli reiterated that Hopkinton understands the issues and will be doing everything they can to employ
249 the developer to come into compliance with the SWPPP. If there are ways to coordinate, they would be open
250 to it. Ms. Van Lancker responded that the lagoon issue should be addressed. Mr. Small stated that the Water
251 Treatment Plant (WTP) was the primary and sole source of drinking water for Ashland and additionally
252 supplies some of Hopkinton's water. The WTP is critical, and since the development started at Legacy, the
253 cost to treat has increased each year, and the amount of chemicals needed to treat has increased. There is
254 sediment entering the water, and there have been algal blooms which had not occurred previously. Mr. Bemis
255 responded that they test the water as it leaves the site and they have not had an issue with the water quality.
256 Ms. Van Lancker asked Mr. Bemis to amend the NOI to address those changes. Ms. Van Lancker asked Ms.
257 Solomon to update Town Management.

258
259 Mr. Carter asked what would be done concerning the sediment that entered the reservoir near the WTP. Mr.
260 Small stated that it was DCR's property and he did not know what the procedure would be. They have seen
261 an increase in the amount of water entering the reservoir has increased, from the development area. DCR was
262 contacted, but no response was received. Mr. Bemis stated the previous Agent Ms. Dos Anjos, had been

263 provided with documentation of the streams being cleaned. Ms. Van Lancker responded that the issue was in
264 the reservoir not the streams. Mr. Crouch asked if the roof runoff design was included in the Stormwater, to
265 run into the basin. If the water is being directed to the basin rather than direct to the ground, the calculations
266 should be redone. Mr. Crouch requested that Mr. Bemis re-run the calculation to ensure the basin is large
267 enough and that the rate of run off is not being increased.

268
269 Mr. Hakansson summarized that the Commission was ready to move forward with the work within the red
270 rectangles on the map, and the lagoon issue will be taken separately. Mr. Crouch added that DEP had advised
271 on a previous meeting that the Ashland Conservation Commission can extend their jurisdiction as far as
272 needed, including into another town, to correct a problem affecting a resource in Ashland.

273
274

275 **Discussion of Marathon Park Changes**

276 Ms. Solomon summarized the request to follow the original plans approved on the RDA by the Conservation
277 Commission, with one exception to include the raised bed and the three arborvitae which would be confirmed
278 to be native plants with the Agent. The applicant requested if this change was significant enough to require a
279 new permit filing.

280

281 Mr. Crouch asked if the changes were by the street. Ms. Van Lancker confirmed. Ms. Solomon pulled up the
282 plans showing. Mr. Crouch asked why this was approach taken. Ms. Solomon responded that she understood
283 the applicant wanted to get as much work done as possible that was originally approved as part of the RDA,
284 and future changes would be put on a future NOI that was planned for the River Walk connection. Mr.
285 Hakansson stated that the new intention brings the project out of line with what was approved by CPC. Ms.
286 Solomon stated that she felt the intention of the applicant was intending to come into compliance with the
287 CPC plans by including those changes as part of the later NOI. Mr. Crow clarified that question before the
288 Commission is only if the raised bed and additional three plantings, which would be native, constitute a
289 significant change. Mr. Moulton asked if the areas were existing lawn. Ms. Van Lancker confirmed. Mr.
290 Moulton stated he did not have an issue if it was on existing lawn. Mr. Crow stated he did not see how the
291 change would have a negative impact on the resource. Ms. Van Lancker agreed. Mr. Crouch stated he agreed
292 it is minor, but that the Commission should not be treating the Town differently than any other applicant. Ms.
293 Van Lancker agreed but stated that the original changes had been significantly reduced after the last meeting
294 to this one change. The Commission could determine that that this needs a new RDA if they felt it necessary.
295 Ms. Van Lancker asked that the applicant provide a formal letter and plan showing the change.

296

297 **Motion:** Mr. Crow motioned to accept the change as not significant, with the requirement that the applicant
298 submit a letter and plan describing the change. This motion was seconded by Mr. Wands.

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

300

301 **Meeting Adjournment:**

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

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

304

305 The meeting was adjourned at 9:46pm.

306

307 **Documents reviewed by the Conservation Commission on 2/28/2022**

- 308 ● Document entitled, *Agenda, dated 3/14/2022*
- 309 ● Document entitled, *WPA Form 1- Request for Determination of Applicability 5 Kathryn Drive*
- 310 ● Document entitled, *Plan Showing Proposed Addition Prepared for Howard J. Caplan*
- 311 ● Document entitled, *90 Waverly Street, Ashland MA, WPA Form 8A- Request for Certificate of*
312 *Compliance*
- 313 ● Document entitled, *0 Prospect Street Locus*
- 314 ● Plans entitled, *Plan of Land, dated January 4, 2022*
- 315 ● Map entitled, *ATF and Cowassock Woods NHESP BioMap2 Areas, dated March 7, 2022*
- 316 ● Map entitled, *ATF and Cowassock Woods Resource Areas, dated March 7, 2022*

- 317 ● Document entitled, *Draft Supplemental Drainage Report for Heritage Properties*
- 318 ● Plans entitled, *Existing and Proposed Conditions Wilson Street – Howe Street*
- 319 ● Document entitled, *RE: The Trails at Legacy Farms Hopkinton, Massachusetts, dated January 6,*
- 320 *2022*
- 321 ● Document entitled, *RE: Notice of Intent for Wilson Street – Howe Street Drainage Improvements*
- 322 *Peer Review, dated January 27, 2022*
- 323 ● Document entitled, *RE: Comments on GCG Peer Review Offsite Drainage Improvements for Trails at*
- 324 *Legacy Farms, dated March 2, 2022.*