



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
March 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
9 Absent: William Moulton

10
11
12 Agent: Becca Solomon

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

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

19
20 **Mr. Hakansson was not present at the meeting at this time.**

21
22 **Request for Determination of Applicability, Steven Greenberg, Engraved Stone Installation**

23 Ms. Solomon summarized the proposal to take a 5-foot by 5-foot boulder existing near Ponderosa Road and
24 relocate it to the Marathon Park property. It would be engraved in commemoration of the original Boston
25 Marathon start line. No excavation will occur. Mr. Crow asked if the stone will be placed on an already
26 landscaped area. Ms. Solomon stated that it would be placed on existing lawn near the sidewalk.

27
28 **Motion:** Mr. Wands moved to issue a Determination of Applicability with a negative 3 determination. The
29 motion was seconded by Mr. Crow.

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

31
32 **Notice of Intent, 243 Olive Street, Karon Skinner Catrone, Septic System Replacement, Dep File no. 95-981**

33 Ms. Skinner Catrone summarized the project to build a replacement septic system outside of the 75-foot
34 buffer zone. The plans are approved by the Board of Health. A line is proposed around the system. It is on
35 existing lawn and will be returned to lawn. Erosion controls will encircle the work area excluding the
36 construction access which is outside the 100-foot buffer zone.

37
38 Mr. Wands asked where stockpiles will be placed. Ms. Skinner Catrone responded that they will be outside
39 the 100-foot buffer zone. Mr. Crouch asked what will be done with the existing system. Ms. Skinner Catrone
40 responded that it will be filled with sand and crushed.

41
42
43 **Motion:** Mr. Wands moved to close the hearing. The motion was seconded by Mr. Crow.

44 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, GC, GW, CVL)
45
46 The Commission determined to review and vote on the Order of Conditions at the end of the public
47 hearings.
48
49 **Notice of Intent, 299 Howe Street, Peter Bemis, Drainage Improvements, DEP File No. 95-924**
50 Ms. Solomon stated that the plans requested at the last meeting have been received. Mr. Bemis added that
51 nothing has changed from what was presented. No new information was presented.
52
53 **Motion:** Mr. Crouch moved to close the hearing. The motion was seconded by Mr. Crow.
54 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, GC, GW, CVL)
55
56 **Motion:** Mr. Wands moved to issue the Order of Conditions with conditions as discussed at the previous
57 meeting on March 13, 2023. The motion was seconded by Mr. Crow.
58 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, GC, GW, CVL)
59
60 **Order of Conditions, 243 Olive Street, Karon Skinner Catrone, Septic System Replacement, Dep File No.**
61 **95-981**
62 The Commission reviewed and edited the draft Order of Conditions for 243 Olive Street.
63
64 **Motion:** Mr. Crouch moved to issue the Order of Conditions with conditions as discussed. The motion was
65 seconded by Mr. Crow.
66 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, GC, GW, CVL)
67
68 **Mr. Hakansson joined the meeting at this time.**
69
70 **Stormwater Waiver Request, 50 Megunko Road, Joyce Hastings, Proposed Auto Body Shop**
71 Ms. Hastings summarized that the current owner of the property, Mr. Kotsiopoulos, is looking to change the
72 use of the property to an auto body shop, which needs to go before the Planning Board for Change of Use.
73 During review, it was determined that a Stormwater Management Permit (SMP) was never received after
74 the project went to the Site Plan Review previously. Ms. Hastings stated that they are asking for a waiver
75 from the SMP requirement as no change to the amount of impervious cover will occur.
76
77 Mr. Wands clarified that the proposal is a change of use without changing the existing conditions of the site.
78 Mr. Hastings confirmed. Mr. Crouch asked what the circles depicted on the berm were. Ms. Hastings stated
79 that they were trees required to be planted by the Commission in a previous Determination of Applicability.
80 Mr. Crouch asked if they were planted. Ms. Hastings responded that they were, but they did not survive. Mr.
81 Crouch asked if they were under warranty and replanted. Mr. Kotsiopoulos stated that they never planted,
82 just seeded. Ms. Hastings stated it was seeded and the trees were planted but the trees did not survive.
83
84 Mr. Crouch asked what the shed would be used for. Ms. Hastings responded that it would be for a
85 landscaping business. Ms. Hastings stated there will be no outdoor storage for the landscaping business. Mr.
86 Crow asked if the site is in compliance with all the other permits issued. Ms. Hastings responded that it was.
87 Ms. Solomon confirmed that the previous issues on site had been resolved. Mr. Crouch asked what would
88 happen with the water from the oil separator. Ms. Hastings stated it is a closed loop system and the water
89 will be recycled. Mr. Wands asked what conditions the berm was in. Ms. Hastings stated it needs to be
90 reseeded and a conservation seed mix will be used. Mr. Ackerman asked if the lot was currently gravel or
91 dirt. Ms. Hastings stated the lot was gravel in the back and paved in the front. Mr. Ackerman asked if there
92 would be issues with leaking oil or other contaminant from stationary vehicles waiting for repair. Ms.
93 Hastings stated that the business would be auto body only and not repair work, so leaking fluids should not

94 be an issue. Mr. Crow stated that those conditions would be implemented by Planning Board, but that the
95 Conservation Commission should implement similar conditions on the waiver if issued.

96
97 Mr. Kotsiopoulos asked if he could put down asphalt millings to alleviate concerns about any leakage. Ms.
98 Hastings clarified that Mr. Kotsiopoulos was speaking about the front of the lot, which would not expand the
99 pavement, but put down pavement that was there before. Mr. Crouch asked if the millings would become
100 impervious over time. Ms. Hastings stated that it would not become impervious. Mr. Kotsiopoulos stated he
101 could leave it alone. Mr. Crouch stated that if it is left alone the waiver could probably be granted, but if
102 millings were going to be used, a filing would be needed.

103
104 Mr. Crouch asked about the monitoring well depicted on the plan. Ms. Hastings stated that the pipe was put
105 in to see where the ground water was, but it was since capped and buried.

106
107 **Motion:** Mr. Wands moved to approve a stormwater waiver. The motion was seconded by Mr. Crow.

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

109

110 **Review minutes 3/13/2023**

111 **3/13/2023 Meeting Minutes:**

112 Commission Members reviewed and edited the March 13, 2023 meeting minutes.

113

114 **Motion:** Mr. Wands moved to approve the March 13, 2023 meeting minutes as amended. The motion was
115 seconded by Mr. Crow.

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

117

118

119 **Wetlands and Stormwater violations, Whittemore Estates, Peter Venuto, DEP File No. 95-883**

120 Ms. Solomon shared photos and summarized the issues on site. Sediment was released from the site into
121 the wetlands to the south and pond to the west. There were significant erosion problems on site, and
122 erosion controls were in significant disrepair. Silt sacks were not installed. Hay bales were still present on
123 site. Sediment laden water overtopped the silt fences. The outlet pipe for the smaller basin was cracked and
124 had been for over a year. Lawn areas that weren't eroded had flooded. The slopes and berm on the larger
125 stormwater basin was eroding, which some sections sliding into the basin. Sediment was discharged into the
126 stormwater systems. Boulders are still present at the base of the berm which were required to be removed.
127 4-inch plastic pipes have been installed to direct stormwater that were not approved on the plans. Once of
128 such pipes is emptying into a catch basin and has resulted in water leaking through the walls of the catch
129 basin. Two more of said pipes outlet onto the slope above the larger stormwater basin and are causing
130 significant erosion to the basin and depositing sediment into the basin.

131

132 Mr. Hakansson asked if all the homes have been sold in the development. Ms. Solomon stated they had. Mr.
133 Hakansson asked what else was pending on the site, as nothing further should move forward until it is
134 determined what the developer is fixing and what the Town is fixing. Ms. Solomon stated that all the homes
135 are still under an Order of Conditions. The homes received partial releases, but stormwater and site
136 stabilization was not released. Stormwater Permits have not been closed out. The Enforcement Order issued
137 on April 1, 2022 has not been lifted either. Ms. Solomon continued as far as work on site goes, stabilization
138 is still needed. There is erosion on most of the site. The pipe on the smaller stormwater basin needs to be
139 replaced. The basin needs to be cleaned out as does the swale and catch basins. The 4-inch pipes need to be
140 removed or relocated to an approved location. The boulders need to be removed, and the berm
141 reconstructed where it is failing. The slopes of the larger basin need to be restored.

142

143 Mr. Hakansson suggested fines be imposed. Ms. Van Lancker agreed. Mr. Crouch asked if any of the
144 properties have received final releases. Ms. Solomon stated they had not. Mr. Crouch asked if fines were

145 imposed with the previous enforcement order. Ms. Solomon confirmed. Mr. Crouch asked if a new
146 enforcement order would have a change in language. Ms. Solomon stated the previous enforcement order
147 was only for the larger basin and berm, and a new enforcement order would site several new violations
148 across the entire site. Ms. Van Lancker suggested a new enforcement order be issued with fines. Mr. Crow
149 recommended one fine per day, and if there are not improvements to start fining each violation. Mr. Crouch
150 asked how the fine would be adjusted if only one of the violations are improved, and recommended that
151 each violation be fined separately. Mr. Crouch and Mr. Hakansson recommended one enforcement order be
152 issued with a fine of \$300 per violation once, and after April 10th, if no improvements are made, the fines
153 should be levied each day at \$300 per violation until the violations are corrected.
154

155 Mr. Pemmaraju, 7 Burnham Circle, stated that there are two pipes coming from the homes higher up on the
156 slope, and are causing flooding problems, and during the winter sheets of ice. Mr. Pemmaraju continued
157 that he is worried about dangers to his home foundation from the flooding issues. Mr. Hakansson stated
158 that the Conservation Commission has limited jurisdiction. If this is causing damage to the homes, it should
159 be addressed, but the Conservation Commission is not the one with the authority to address it. Mr.
160 Hakansson recommended that Mr. Pemmaraju discuss with the Building Inspector. Mr. Crow added that the
161 Commission likely would not have the experience to say whether or not there could be damage to the
162 foundation.
163

164 Ms. Santos, 4 Burnham Circle, stated that their driveway is sinking and they felt trapped in their homes. Ms.
165 Santos continued that she felt the Commission should be more involved and working with the rest of the
166 Town as a team to provide assistance to the properties. Ms. Santos added that she felt there was not
167 accountability or communication between the departments. Mr. Hakansson stated that the Conservation
168 Commission is bound by the statutory requirements and only has the legal authority to enforce wetlands
169 and stormwater issues, and regardless of their own opinions, they cannot go beyond that authority.
170

171 Mr. Kraus, 36 Whittemore Drive, asked if the fines against the builder drive them further away and less
172 likely to complete the work, and if the builder does leave, if the Town would take over the stormwater
173 system and complete it. Ms. Solomon stated that the Planning Board has a bond held for the cost of the
174 road and the stormwater systems which would be used to repair the stormwater issues that is already held.
175 Mr. Hakansson stated that the abutters should contact the Select Board with their concerns, as they may be
176 able to address the issue more broadly. Ms. Van Lancker recommended the abutters attend the Select
177 Board meeting and voice their concerns during Citizens Participation. Ms. Solomon added that the builder,
178 Mr. Venuto, is not the only responsible party; Mr. Ross of Chelcie Development, the private lender, also
179 holds responsibility for the issues on the site.
180

181 Mr. Dassoni, 49 Hawthorne Road, stated that the homeowners should research who to contact to address
182 their concerns. Mr. Venuto was told by the Conservation Commission and other Boards several times to fix
183 the site or face fines. Mr. Dassoni asked if the Conservation Commission can go to the state for assistance.
184 Ms. Van Lancker stated the Conservation Commission works with MassDEP. Mr. Hakansson responded that
185 the first step is to get Town Management and the Select Board involved, because this is a town issue, not a
186 state issue.
187

188 Mr. Cavanaugh, 32 Whittemore Drive, expressed that the Homeowner's Association (HOA) is responsible for
189 the stormwater once the town accepts the road, and he feels that it is moving that way without the issues
190 being addressed. Mr. Cavanaugh stated he was concerned the HOA would be stuck with a non-functional
191 stormwater system. Mr. Cavanaugh continued that the large stormwater basin is already filling with silt. Mr.
192 Cavanaugh added that the fields behind his home is filled with springs and flows water constantly from
193 January through June. Mr. Cavanaugh continued that he was concerned the bond would not be enough to
194 repair the issues. Mr. Hakansson stated that the Commission is not trying to let Mr. Venuto and Mr. Ross off
195 easily. When the Commission issued the partial releases, they were with conditions. When those conditions

196 are not met, the Commission has certain avenues available to them to enforce compliance, which is where
197 the site is now.

198
199 Mr. Cox, 38 Whittemore Drive, stated that the erosion is only going to get worse as the spring rains begin.

200
201 Mr. Crow noted that the street needs to be accepted at Town Meeting, which is not typically done until top
202 coat has gone through one winter, so it would not come up until next year. Mr. Crow continued that if the
203 homeowners showed up to the Town Meeting and said there is a problem with the street, town Meeting
204 would likely not vote to the accept it.

205
206 Ms. Deibler, 40 Whittemore Drive, asked if Ms. Solomon was aware of her email in December regarding the
207 water overflowing the silt fences at the base of the large basin. Ms. Solomon stated that the email was
208 received while she was out of state, but DPW did go out to look at the issue. It was noted by DPW that the
209 water was overtopping the silt fence in the usual locations, but that the water was clear.

210
211 Mr. Crouch recommended an enforcement order with the items listed, and a \$300 fine for each violation.
212 Mr. Hakansson asked if Mr. Ross had been requested to join the meeting. Ms. Solomon stated he had been.
213 Mr. Hakansson suggested the fines start immediately. Ms. Solomon asked if the Commission wanted to have
214 each violation of the Order of Conditions listed. Ms. Van Lancker stated they should be listed.

215
216 Ms. Gurumurthy, 5 Burnham Circle, asked if two weeks was enough time to complete the work. Mr. Crouch
217 stated the issues have been going on for too long.

218
219 **Motion:** Mr. Crouch moved to issue an enforcement order and fines as discussed. The motion was
220 seconded by Mr. Crow.

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

222
223 **Member Prerogative**

224 Mr. Crow asked if the Commission should remain remote for future meetings since the state has passed the
225 extension for remote meetings. The Commission discussed and determined to keep the meetings remote.

226
227 Mr. Hakansson informed the Commission that there was a report of a culvert blocked on Metropolitan
228 Avenue. Ms. Solomon stated he and DPW had reviewed the culvert and found leaves had been dumped in,
229 though it was unclear who had dumped the leaves. DPW has requested permission to remove the leaves
230 and install a no dumping sign. Mr. Crouch stated that it would count as maintenance and not require a
231 permit.

232
233 **Meeting Adjournment:**

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

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

236
237 The meeting was adjourned at 9:10p.m.

238
239 **Documents reviewed by the Conservation Commission on 3/27/2022**

- 240
- 241 ● Document entitled, *Agenda, dated 3/27/2022*
 - 242 ● Document entitled, *Meeting Minutes, dated 3/13/2023*
 - 243 ● Document entitled, *WPA Form 1 Request for Determination of Applicability, 33 Pleasant Street, dated 3/7/2023*
 - 244 ● Document entitled, *RE: notice of Intent- 243 Olive Street, Ashland, MA 01721, dated 3/8/2023*
 - 245 ● Plans entitled, *Septic System Constructed 243 Olive Street, Ashland, dated 12/22/2022*
 - 246 ● Plans entitled, *Offsite Stormwater Improvements Wilson Street – Howe Street, dated 3/16/2023*

- 247 ● Document entitled, *Stormwater Operation Maintenance and Pollution Prevention Plan, dated*
248 *3/16/2023*
- 249 ● Email correspondence, *Trails Site Plan modifications and Stormwater Improvements Project*
250 *Documents w/ Final Revision Date 3-16-2023, dated 3/30/2023*
- 251 ● Document entitled, *RE: Request for Stormwater Waiver Michael McClements 50 Megunko Road,*
252 *Ashland, MA, dated 3/23/2023*
- 253 ● Email correspondence entitled, *Burnham Circle, Stormwater and Wetlands Issues 3-14-2023, dated*
254 *3/15/2023*