



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
April 10, 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 Determination of Applicability, 19 Thurston Lane, Armond Enos, Tree Removals**

20 Ms. Solomon summarized the request was to remove three trees from the edge of the woods adjacent to an
21 existing home which are in buffer zone. The tree closest to the wetland edge is 55 feet. The trees are leaning
22 towards the house and some are rotting. This request is filed jointly with the 23 Thurston Lane Request later
23 on the agenda, as the properties are adjacent and the work will be done jointly.
24

25 Ms. Van Lancker asked if the trees should be felled into the wetland and left. Ms. Solomon stated it was
26 possible to do, but given the other vegetation may damage other trees in the process which may result in
27 more needing to be removed. MS. Solomon recommended the trees be left as snags at least 5-feet tall, and
28 any woody debris that does fall in the woods to be left where it lay if safe to do so.
29

30 Mr. Wands agreed that leaving the trees as snags would be preferable and recommended the invasive
31 bittersweet could be removed as well. Mr. Crow suggested that the condition be phrased as 5-feet or
32 higher.
33

34 **Motion:** Mr. Wands moved to issue a Determination of Applicability with a negative 3 determination and a
35 condition to leave the trees as snags of at least 5-feet in height and removal of invasive species. The motion
36 was seconded by Mr. Crow.

37 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)
38

39 **Request for Determination of Applicability, 23 Thurston Lane, Leonid Verkinov, Tree Removals**

40 Ms. Solomon summarized that the request was for two trees in the same condition as the 19 Thurston Lane
41 request.
42

43 Mr. Enos clarified that the agenda incorrectly showed him for 23 Thurston Lane, and that he was the owner
44 of 19 Thurston Lane, and Mr. Verkinov the owner of 23 Thurston Lane.

45
46 Mr. Hakansson asked how the trees would be accessed. Ms. Solomon stated that the driveways for the
47 property provided sufficient access to the tree lines, with open lawn extended to the trees for further
48 access.

49
50 **Motion:** Mr. Wands moved to issue a Determination of Applicability with a negative 3 determination and a
51 condition to leave the trees as snags of at least 5-feet in height and removal of invasive species. The motion
52 was seconded by Mr. Crow.

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

54
55 **Request for Certificate of Compliance, 150 Green Street, Nicholas Rose, DEP File No. 95-240**

56 Ms. Solomon summarized that the current owner was trying to sell their home and during the title search an
57 Order of Conditions found that was incorrectly registered to 150 Green Street but was for the Chickering
58 Lane subdivision. Further review of the property found that there was an Order of Conditions with file
59 number 95-240 that issued to 150 Green Street for removal of timber and firewood damaged by spongy
60 moth that had not been closed out. The original Order of Conditions does not appear to have been recorded
61 with the registry of deeds, but is old enough it may not have been digitized. The applicant is looking for a
62 Complete Certificate of Compliance to formally close the Order of Conditions.

63
64 **Motion:** Mr. Ackerman moved to issue a complete Certificate of Compliance. The motion was seconded by
65 Mr. Crow.

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

67
68
69 **Wetlands and Stormwater violations, Whittemore Estates, DEP File No. 95-883**

70 Ms. Solomon stated she had received a letter just prior to the meeting from Mr. Ross' attorney. Ms.
71 Solomon stated she had not had adequate time to review the letter but from a quick glance, it would be
72 advisable to hold discussion on the current item until the Commission and Counsel had reviewed the letter.

73
74 Ms. Van Lancker recommended the item be continued to the next meeting on April 24th. Mr. Hakansson
75 clarified that the Commissioners had not received the letter yet. Ms. Solomon confirmed and stated the
76 letter was time stamped an hour and half prior to the meeting, but that she had not seen the email until half
77 an hour prior to the meeting and had not had time to send it onto the Commissioners. Mr. Hakansson asked
78 if the letter was a demand letter. Ms. Solomon stated she had not read the full contents yet, but that it
79 appeared addressed to herself, but also mentions actions towards the Commission and the Town of
80 Ashland.

81
82 Mr. Crow stated that he would expect objections given the dollar amount of the fines, but was surprised
83 that the smaller items, such as repairing the erosion control were not addressed. Mr. Hakansson and Mr.
84 Crouch noted that neither Mr. Ross, Mr. Venuto, nor their representatives were present for the meeting, or
85 the previous meeting.

86
87 Mr. Hakansson stated that Commission should hold on further discussion until they had all read the letter.
88 Mr. Crouch stated that he had received a call from the DEP NERO Enforcement Officer, who had received
89 the Homeowner's Association's (HOA) letter concerning the site, who stated that she felt the Commission
90 was moving in the right direction with the project. Mr. Crouch continued that the DEP Officer stated that
91 they would not become involved for the moment in favor of the Commission's actions. Mr. Crouch stated
92 that the Commission required them to take action prior to this meeting, and to attend this meeting, and

93 instead of doing either, they are now demanding actions from the Commission. Mr. Crouch noted that
94 regardless the Enforcement Order still stands, and the fines should continue.
95 Ms. Van Lancker noted that Ms. Solomon had been issuing fines daily, but felt that this was not the intent of
96 the Commission at the last meeting. Ms. Van Lancker stated that she thought the fines were to be one fine
97 of \$300 per violation with a requirement to fix the issues prior to this meeting, and if they were not fixed, to
98 then begin issuing fines daily. Mr. Crouch and Mr. Crow agreed that this was their understanding as well.
99 MS. Solomon apologized for misunderstanding and noted that the minutes likely reflected the
100 misunderstanding and should be corrected during their review as well. Ms. Solomon continued that she
101 would send a letter out correcting the fines' dollar amount the following morning.
102

103 The Commission determined to hold further discussion until their next meeting.
104

105 **No motion was made and no vote taken.**
106

107 **Enforcement Order Update, 22 Nickerson Road, Margaret Bacon**

108 Ms. Solomon stated that Ms. Bacon was unable to attend the meeting, but had submitted a revised phase
109 plan which was included in the meeting packet. Ms. Solomon continued that Mr. Nealon, and Mr. Alberini
110 were in attendance as well.
111

112 **Motion:** Mr. Hakansson moved to approve the revised restoration plan dated April 10, 2023. The motion
113 was seconded by Mr. Crow.

114 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)
115

116 **Review minutes 3/23/2023**

117 **3/23/2023 Meeting Minutes:**

118 Commission Members reviewed and edited the March 23, 2023 meeting minutes.
119

120 **Motion:** Mr. Moulton moved to approve the March 23, 2023 meeting minutes as amended. The motion
121 was seconded by Mr. Crow.

122 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)
123

124 **Review minutes 3/27/2023**

125 **3/27/2023 Meeting Minutes:**

126 Commission Members reviewed and edited the March 27, 2023 meeting minutes. The Commission
127 corrected the language of the minutes regarding the issuance of fines for Whittemore Estates to ensure they
128 correctly reflected the intent of the Commission. Mr. Hakansson asked what was previously communicated
129 to Mr. Ross and Mr. Venuto concerning the fines. Ms. Solomon stated that the Enforcement Order listed
130 violations and not fines. A separate letter was issued with the fines outlining the violations and calculation
131 of the amount of fines. Since the fines were issued in a way inconsistent with the Commission's intent, a
132 letter will be sent out the following morning detailing the correction, explaining the previous fines were a
133 misinterpretation of the Commission's intent, and that the corrected total for the fines issued prior to April
134 10th will amount to \$6,000 and thereafter will be issued at \$300 per violation per day starting on April 11th.
135

136 Mr. Crouch asked who the letters were going to. Ms. Solomon stated that the Enforcement Order was
137 mailed separately to Mr. Venuto and Chelcie Development LLC, attention Steven Ross and was emailed to
138 both as well as Mr. Venuto's representatives who requested to be copied. The fines and corresponding
139 letters were mailed to only Chelcie Development LLC, attention Steven Ross, due to only having a limited
140 number of hard copies of the fines and Mr. Ross being listed as the applicant on the original Order of
141 Conditions as well as the HOA declaration stating Chelcie Development is responsible for the stormwater
142 systems, with a digital copy emailed to Mr. Ross, Mr. Venuto, and Mr. Venuto's representatives. Mr.
143 Hakansson asked if Mr. Ross and Mr. Venuto were notified that they needed to attend the meeting. Ms.

144 Solomon responded that the Enforcement Order noted the requirement, as well as every letter sent with
145 each of the fines, and by email with a copy of the agenda the week prior to the meeting. Mr. Solomon added
146 that the letter received that day was the only communications received from Mr. Ross, and that no
147 communication has been received from Mr. Venuto's representatives since the hired environmental firm
148 stated they were no longer involved with the project.

149
150 **Motion:** Mr. Wands moved to approve the March 27, 2023 meeting minutes as amended. The motion was
151 seconded by Mr. Crow.

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

153
154 **Member Prerogative**

155
156 **Meeting Adjournment:**

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

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

159

160 The meeting was adjourned at 7:56p.m.

161

162 **Documents reviewed by the Conservation Commission on 4/10/2022**

- 163
- 164 ● Document entitled, *Agenda, dated 4/10/2022*
 - 165 ● Document entitled, *Meeting Minutes, dated 3/23/2023*
 - 166 ● Document entitled, *Meeting Minutes, dated 3/27/2023*
 - 167 ● Document entitled, *WPA Form 1 Request for Determination of Applicability, 19 Thurston Street,*
dated 3/24/2023
 - 168 ● Document entitled, *WPA Form 1 Request for Determination of Applicability, 23 Thurston Street,*
dated 3/24/2023
 - 169 ● Document entitled, *WPA Form 8A Request for Certificate of Compliance, 150 Green Street*
 - 170 ● Document entitled, *22 Nickerson Road Ashland Enforcement Order #095-0736 Revised Phased*
171 *Restoration Plan, dated 4/10/2023*
 - 172