



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
April 24, 2023

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

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9 Absent: Gene Crouch

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12 Agent: Becca Solomon

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

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

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20 **Request for Determination of Applicability, 10 Saddle Hill Lane, Dandelion Energy, Geothermal Heat Pump**  
21 **Installation**

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23 Ms. Kowalski, Dandelion Energy, summarized the project to install three geothermal wells at the site for  
24 heating and cooling purposes. The wells are drilled into the ground and heats the home with a closed loop  
25 system. Ms. Kowalski stated that they are filing the Request for Determination of Applicability (RDA) as the  
26 work qualifies as a minor project in buffer zone. Drill access will be through the driveway. The drill rig is  
27 small and uses a closed system that pumps water and soil into a dumpster during digging. There will be a  
28 shallow trench from the bore holes to the home.

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30 Mr. Crow asked if the work is within the existing lawn. Ms. Kowalski confirmed. Mr. Crow asked what the  
31 closest distance to the wetlands would be. Ms. Kowalski showed the drill path at a 50-foot distance, with  
32 the actual bore holes on the edge of the 100-foot buffer. Ms. Van Lancker asked that the silt fence is  
33 extended to include the drill path.

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35 Mr. Wands asked where the dumpster will be staged for the removal of spoils. Ms. Kowalski responded that  
36 the dumpster is preferred to be staged behind the house outside the buffer zone, or in the driveway. Mr.  
37 Wands asked if the drill rig had a substantial amount of hydraulic fluid, and what the response plan is if a  
38 hose were to burst and release the fluid. Ms. Kowalski responded that spill cleanup kits are kept on site, and  
39 vehicles are inspected before use. Any contaminated soil would be removed from the site.

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41 Ms. Crow stated that erosion control should also encompass the dumpster in case there is spillage from the  
42 dumpster. Ms. Van Lancker added that it should extend to the drill access point as well.

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

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

**Notice of Intent, 1 Shore Road, Robert Gonfrade, Porch and Sunroom Addition, DEP File No. Not Issued**

Ms. Solomon stated that the legal ad was posted on time, but the abutter notifications had not gone out on time. Ms. Solomon stated that the item should be continued to the May 8<sup>th</sup> meeting.

**Motion:** Mr. Hakansson moved to continue the hearing to May 8, 2023 at 7:05pm. The motion was seconded by Mr. Crow.

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

**Presentation and Discussion, Proposed Net Zero Specialized Stretch code and Town Policy, Samantha Riley**

Ms. Riley, introduced herself as the Ashland Sustainability Coordinator, and presented some key points on the Sustainability Committee’s proposed articles for the Town Meeting regarding the Net Zero Specialized Stretch Code. There are two articles, the first is for adoption of the opt-in specialized stretch code. Ms. Riley clarified that the Ashland will already be within the stretch code because of the status as a “Green Community”, but the specialized stretch code will bring the requirements a step further. Ms. Riley continued that the second article is regarding town properties and projects. Any new capital projects by the Town of Ashland will need to be at minimum net-zero ready. Ms. Riley continued to summarize the differences between the base stretch code and the specialized stretch code, and the benefits to individuals who would use or own the net-zero homes., as well as exemptions to the code.

Ms. Van Lancker thanks Ms. Riley for the presentation.

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

**Minor Modification Request, 12 Union Street, Public Safety Building, Lauren Gluck, Wetland Replication Drainage Corrections**

Mr. Moulton recused himself.

Ms. Gluck, PARE Engineering summarized that she had been notified by Ms. Solomon that the wetland replication area was draining to the swale instead of how it was intended to flow to the natural wetland. Ms. Gluck continued that the water is pooling in the lower end of the replication area, but was unable to drain because the wetland soils had settled below the grade of the natural wetland creating a berm. Ms. Gluck stated that the proposed solution is to cut the berm down by about 1 foot in a 10-foot wide path to facilitate the flow from the replication area to the natural wetland, using hand tools only. The work would be done to avoid disturbance to mature vegetation and trees. Ms. Gluck also noted that the swale is more shallow than shown on the plans, and stated that it will be corrected as well.

Mr. Hakansson stated that during the beginning of the work, there were unanticipated ground water issued that resulted pooling of water around the building site. Mr. Hakansson continued that the solution then, was to pump the water under the driveway and to the wetland. Mr. Hakansson asked if that pumping was still occurring, and if the water from the replication area would have an impact on the downstream natural wetland. Mr. Jackson, PARE Engineering, stated a crushed stone berm had been installed to mitigate the water at the time, and that there is an underdrain system beneath the building which has been working. Mr. Hakansson asked if the underdrain was part of the original design. Mr. Jackson responded that it was. Mr.

95 Hakansson expressed concern that the wetland may become overloaded by both the water from under the  
96 building and the water from the replication area.

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98 Mr. Wands asked if there would be enough room for the connection to scour over time and form a more  
99 natural path, and if there was a possibility that the gap would widen over time, and if so how it would be  
100 maintained. Ms. Gluck responded that the replication area was originally intended to flow to this wetland,  
101 but that due to the unanticipated condition it had not been able to make that connection yet. The proposal  
102 would restore that connection.

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104 **Motion:** Mr. Wands moved to approve the minor modification as presented. The motion was seconded by  
105 Mr. Crow.

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

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

110 Ms. Solomon summarized that she had not received any communication directly and that not improvements  
111 have been made to the site; however, Mr. Matchak, the Town Planner, had received a notification that  
112 Barry Rothberg of Newport Construction had been hired by an entity referred to as “The Bank” to fix the  
113 road. Ms. Solomon clarified that it was unclear if this would include fixing the stormwater issued on site;  
114 however, a meeting is planned to be held with Mr. Rothberg, Mr. Matchak, DPW, and GCG Associates to  
115 discuss the issues.

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117 Ms. Solomon added that a bird protected under the Migratory Bird Treaty Act, a killdeer, had made its  
118 ground nest on the berm, and work cannot be done on the berm until after the nest is abandoned. Ms.  
119 Solomon clarified, that the presence of the killdeer does not prevent work being done to fix the erosion  
120 controls, or the stormwater issues on other parts of the site. Additionally, the recent storm events had  
121 caused further erosion which had unsurfaced materials from the filled areas on site, both the banks of the  
122 larger stormwater basin, and on top of the buried septic systems behind 2 and 4 Burnham Circle. The  
123 material that had surfaced is not considered clean fill under the Order of Conditions, and contains bricks,  
124 asphalt, cracked ceramic and PVC pipes, rebar, buried silt fence, and other fabric materials of unknown  
125 origin have all surfaced. Ms. Solomon asked if the Commission wanted to review the Enforcement Order and  
126 amend it to reflect this new condition. Ms. Van Lancker asked that it be placed on the next agenda. Mr.  
127 Crow asked for clarification on the location of the unclean fill. Ms. Solomon shared maps on the screen and  
128 highlighted the areas, and showed some of the photos taken.

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130 Mr. Hakansson asked who “The Bank” is. Ms. Solomon stated that it wasn’t clear at this point. Mr.  
131 Hakansson stated they had been hearing about “The Bank” for a few years now, and it had been assumed  
132 that it referred to Mr. Ross, but if that is not the case, it should be determined who “The Bank” is. Ms.  
133 Solomon stated that she would try to get answers during the meeting with the new contractor.

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135 Mr. Hakansson stated that Town Counsel had responded to Mr. Ross’ counsel regarding the letter sent on  
136 April 10<sup>th</sup>. Mr. Hakansson asked if there had been a response to Town Counsel’s letter. Ms. Solomon stated  
137 there had not been any response that she was aware of.

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139 **No motion was made and no vote taken.**

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141 **Review minutes 4/10/2023**

142 **4/10/2023 Meeting Minutes:**

143 Commission Members reviewed and edited the April 10, 2023 meeting minutes.

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145 **Motion:** Mr. Moulton moved to approve the April 10, 2023 meeting minutes as amended. The motion was  
146 seconded by Mr. Crow.

147 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL).  
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#### **Member Prerogative**

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#### **Meeting Adjournment:**

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

153 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL)  
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156 The meeting was adjourned at 8:07p.m.  
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#### **Documents reviewed by the Conservation Commission on 4/24/2023**

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- Document entitled, *Agenda, dated 4/24/2023*

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- Document entitled, *Meeting Minutes, dated 4/10/2023*

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- Document entitled, *WPA Form 1 Request for Determination of Applicability, 10 Saddle Hill*

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- Email correspondence entitled, *RDA Application for 10 Saddle Hill Ln, Ashland, MA 01721, USA, dated 4/11/2023*

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- Document entitled, *10 Saddle Hill Ln Project Narrative*

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- Document entitled, *RE: Dandelion Energy's sediment and runoff system, dated 6/2/2022*

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- Plans entitled, *Site Plan 10 Saddle Hill Lane, dated 3/13/2023*

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- Document entitled, *RE: Notice of Intent Narrative for Proposed Sunroom Addition at 1 Shore Road, dated 3/24/2023*

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- Plans entitled, *Plot Plan of Land 1 Shore Road, dated 1/16/2023*

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- Document entitled, *RE: Minor Modification Notification Ashland Public Safety Complex, dated 4/12/2023*

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- Document entitled, *RE: Burnham Circle, Ashland, MA Improper and Unlawful Notices and Enforcement Action Against Steven Ross, dated 4/10/2023*

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- Document entitled, *RE: April 10, 2023 Correspondence regarding Steven Rodd, dated 4/17/2023*

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