



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
April 25, 2022

1
2 Present: Cathy Van Lancker (Chair)
3 Greg Wands (Vice Chair)
4 Preston Crow
5 Carl Hakansson
6 William Moulton
7
8 Absent: Gene Crouch
9 Owen Ackerman
10
11 Agent: Becca Solomon

12 **Meeting held by Zoom**
13 **Call to order: 7:00 P.M.**

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

17
18 **Review minutes from 4/11/22**
19 **4/11/22 Meeting Minutes:**

20 Commission Members reviewed and edited the April 11, 2022 meeting minutes.

21 **Motion:** Mr. Moulton motioned to approve the April 11, 2022 meeting minutes as amended. The motion
22 was seconded by Mr. Wands.

23 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: Rollcall vote: PC, CH, WM, GW, CVL).
24

25 **Request for Determination of Applicability, Nicola Valentino, 25 Brimstone Way, tree removal**

26 Ms. Solomon shared the plans provided by the applicant, and summarized the proposed work. Two trees
27 overhanging a pool would be removed, and other branches would be pruned. The closest tree was measured
28 to be 73 feet from the edge of the stream and are on existing lawn. Mr. Wands asked if the trees were
29 unhealthy in anyway. Ms. Solomon responded that one of the trees had some damaged bark, and both trees
30 being removed were beginning to rot. Ms. Van Lancker stated that this was a Request for Determination of
31 Applicability (RDA), not necessarily and Emergency Certification, so the main question should be if there
32 would be any impact to the resource area. Mr. Hakansson agreed. Ms. Van Lancker asked Ms. Solomon if she
33 felt there would be impact to the stream. Ms. Solomon responded that the trees being on existing lawn likely
34 would have negligible effect. Ms. Van Lancker noted that the RDA stated all wood would be removed from
35 the property.

36
37 **Motion:** Mr. Wands motioned to issue a Negative 3 Determination. The motion was seconded by Mr.
38 Moulton.

39 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: Rollcall vote: PC, CH, WM, GW, CVL).
40

41 **Request for Determination of Applicability, Chris Kotsiopoulos, 50 Megunko Road, Earth Removal**

42 Ms. Hastings, GLM Engineering, shared the plans and summarized the proposed work. Material has been
43 stockpiled behind the material and within an existing salt bin. The current tenant is requested to remove the
44 stockpiles, which are within buffer zone. The removal should be completed by June 15, 2022. There is a berm
45 that was constructed by previous request that acts as a barrier between the work and the wetland. Ms. Van

46 Lancker asked if any material would be put back on site. Ms. Hastings stated that once the stockpiles are
47 removed, the tenant will be changed, and the Commission will likely receive a new submission for the
48 property. Ms. Van Lancker asked Ms. Solomon if the work would affect the wetland. Ms. Solomon stated that
49 the filing was in response to the Commission's request at a previous meeting, and with the berm being
50 present, removal of the stockpiles would likely not have an effect.

51
52 **Motion:** Mr. Wands motioned to issue a negative 3 determination. The motion was seconded by Mr. Crow.

53 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: Rollcall vote: PC, CH, WM, GW, CVL).
54

55 **Notice of Intent, Evan White, Ashland Town Forest, Culvert Replacement**

56 Ms. Solomon stated that the Notice of Intent (NOI) was filed in response to the positive determination issued
57 on the RDA for the same project on March 28th. Ms. Van Lancker asked if there was a site walk. Ms.
58 Solomon stated no site walk had been set up, but she had been out previously when this was filed as an RDA.
59

60 Mr. White summarized the proposed work. There are two existing culverts to be replaced. Culvert 2 is located
61 north of and drains to Culvert 1. Temporary dams will be set up with pumps available to redirect the stream
62 during work for both Culverts. There is additionally a 6-inch exiting PVC pipe adjacent to Culvert 1 which
63 some water will be redirected to. Culvert 1 is an existing granite culvert that also appears to be 6-inch, and
64 would be replaced with an 18-inch HDPE pipe. Culvert 2 is another 6-inch PVC pipe that is proposed to be
65 replaced with a 12-inch corrugated HDPE pipe. All work will be done during a low-flow period in the
66 Summer. Sandbags will be used to construct the temporary dams. 5-inch stone will be placed around the inlet
67 and outlet sides of the culverts for stabilization. Sand will be used within the pipe bed. A mini-excavator will
68 be used as needed.
69

70 Mr. Hakansson asked if the two culverts were functioning on the same stream. Mr. White confirmed and
71 shared a satellite map of the area, illustrating the locations of the two culverts. Mr. Hakansson asked if the
72 two culverts were on the Red Trail. Mr. St. Germain, Town Forest Committee, confirmed. Mr. St. Germain
73 added that there has been considerable erosion and the pipes are constantly being blocked by leaves and
74 debris. The increase in culvert size will alleviate the erosion problem and better protect the wetlands. Mr.
75 Moulton asked for clarification that the pipes would be sunk into the ground by 4 inches and the bottom of the
76 corrugated pipe at Culvert 1 would be filled with stream bed material. Mr. White confirmed, and added that
77 Culvert 2 is not intended to have stream bed material as it is located within a low lying area, but both can be
78 done if preferred. Mr. Hakansson asked if DPW was doing the work. Mr. White confirmed. Mr. Moulton
79 asked that a gravel based be installed in Culvert 2 as well as Culvert 1 for wildlife. Mr. White stated as long
80 as they are able to clear out the water with the pumps then that can be done.
81

82 Mr. Wands asked if a waiver is needed as it is within the 25-foot no disturb zone. Ms. Solomon state she was
83 unaware of any particular waiver needed and compared to the other ongoing NOI where the 25-foot no
84 disturb zone was briefly mentioned but no waiver discussed. Mr. Moulton stated that as it is an existing
85 culvert it is already been disturbed.
86

87 **Motion:** Mr. Moulton motioned to close the hearing with the DEP-file number stated at 95-0965. The motion
88 was seconded by Mr. Crow.

89 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: Rollcall vote: PC, CH, WM, GW, CVL).
90

91 Ms. Van Lancker asked Ms. Solomon to add the draft OOC to the next meeting agenda.
92

93
94 **Notice of Intent, Matt Lundsted, Aikens Road Sudbury River Access Facility**

95 Ms. Van Lancker stated the applicant had requested a continuance to the May 9th meeting. There was no
96 further discussion.
97

98 **Motion:** Mr. Wands motioned to continue the hearing to May 9th, at 7:15pm. The motion was seconded by
99 Mr. Crow.

100 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: Rollcall vote: PC, CH, WM, GW, CVL).
101
102

103 **OOE Extension Request, George Connors, 0 Megunko Road, DEP file Number 95-886**

104 Mr. Connors summarized the request to extend the Order of Conditions which has been previously extended,
105 but work slowed due to COVID-19, and was now due to expire. Mr. Connors explained that they were
106 looking to extend the Order to look at the potential of a residential project on the property or construct as
107 currently approved. Ms. Van Lancker stated that if the project is changed to a residential project, it would
108 need to come before the Commission again. Mr. Connors agreed and stated that the footprint wouldn't
109 change, but they would submit a new NOI. Mr. Hakansson clarified that the extension request is for current
110 use. Mr. Connors confirmed.
111

112 Mr. Moulton asked if the Order was automatically extended due to the Order issued by Governor Baker
113 during COVID-19. Ms. Solomon confirmed that the extension was provided by Governor Baker which
114 applies to any permit issued prior to and still in effect as of March 10, 2020, and provides a 462 day
115 extension. The extension which was automatically applied makes the new expiration date October 2, 2023.
116 Ms. Solomon noted that Mr. Connors appeared to be looking for a 2-year extension from the original
117 expiration date. The Commission can issue an extension for a 1-year, 2-year, or 3-year period and it would be
118 added to the new expiration date from the COVID-19 extension. Mr. Connors stated he would be looking to
119 have the extension through 2024. Mr. Hakansson reiterated that if the intended use changes, a new NOI will
120 need to be filed.
121

122 **Motion:** Mr. Wands motioned to grant a 1-year extension from the COVID-19 extension date, until October
123 2, 2024. The motion was seconded by Mr. Crow.

124 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: Rollcall vote: PC, CH, WM, GW, CVL).
125

126 **Cathy Van Lancker left the meeting at this time. Greg Wands took over as Chair of the meeting.**
127

128 **Enforcement Order, Peter Venuto, Burnham Circle, Discussion**

129 Ms. Solomon summarized the discussion from the previous meeting and the site visit. The berm had been
130 breached and sediment entered the wetlands and adjacent pond. Hay bales and silt fence were installed to
131 mitigate the impact from the breach. In the days following the site visit, a second breach had occurred and a
132 silt bag was installed with a pump to remove the water from the basin and filter out the sediment. A plan was
133 suggested by Mr. **Bemis Venuto** during the site visit to take the berm apart in 50-foot segments and rebuilt
134 each segment. A red-lined plan showing the existing grade and final grade was provided, but no plans on the
135 berm reconstruction had been received. Ms. Solomon shared a letter provided by Connorstone in 2021 which
136 stated the berm was not constructed as designed; the inspection from Evan White of DPW from the same
137 time.
138

139 Mr. Hakansson asked what was being asked of them tonight and what needed to be voted on. Mr. Solomon
140 stated that Mr. Venuto was asking for permission to begin work on the berm, to take it apart and rebuild it.
141

142 Mr. Venuto joined the meeting at this time and elaborated further on what has been done. Mulch socks were
143 installed that day and the detention pond is not completely dry at this time. Mr. Venuto asked permission to
144 install a pipe with rip rap, and to begin work on the detention pond to repair the area where the breach is
145 known to be, and then do further soil analysis and testing on the rest of the berm. Mr. Wands asked if the plan
146 was till to replace the berm in sections rather than running layers as suggested by Mr. Crouch previously. Mr.
147 Venuto stated he wanted to get testing done as everyone's assumption is that it was not built as designed, but
148 there is no proof to show that.
149

150 **Cathy Van Lancker rejoined the meeting at this time.**
151

152 Mr. Wands stated it was noted the presence of woodchips in the berm during the site visit, and it would
153 destabilize overtime. Mr. Venuto stated that he felt testing should be done prior to taking apart the entire

154 berm. Mr. Moulton agreed that the berm should be tested and detailed engineering plans should be submitted
155 detailing how it will be rebuilt. It is failing and it needs to be built correctly this time. Mr. Venuto responded
156 that the original drawings are engineered plans that stated how it should be built. Mr. Moulton agreed and
157 clarified that the original drawings are what was supposed to be done, but wasn't, and new plans need to be
158 submitted to show how it going to be taken apart and rebuilt. Mr. Venuto stated he needed to rely on
159 Connorstone for that. Mr. Venuto further elaborated that he wanted to get testing done, then have
160 Connorstone involved to determine how to take out what is there, and a design model to reconstruct the
161 material. Ms. Van Lancker asked if Connorstone would provide the testing criteria as well. Mr. Venuto stated
162 that different company would be doing the testing.

163
164 Mr. Hakansson asked what exactly Mr. Venuto was asking for permission to do. Mr. Venuto responded that
165 he wanted permission to put in a dewatering hole, conduct excavation for soil testing, to continue utility work
166 on the lots, and construct the septic systems for the properties and stabilize those areas. Mr. Venuto continued
167 that the entire property is part of a Home Owner's Association and takes drainage from all of Whittemore
168 Drive, there are more parties involved in repairing the detention pond, but he will lead the repairs. Mr.
169 Hakansson stated that he does not have an issue with granting permission as long as Mr. Langmeyer from
170 DPW, and Ms. Solomon are continually involved. Ms. Van Lancker asked if the Commission was accepting
171 work to continue on the property. Mr. Venuto stated that they just need to install propane tanks, electrical
172 trenches, and the septic systems.

173
174 Mr. Moulton asked Ms. Solomon if the erosion controls currently installed sufficient to handle the situation
175 present. Ms. Solomon stated the last time she was on site there was still a lot of hay bales, which are against
176 the bylaw and should be replaced with straw or mulch socks, which have been done, but not confirmed. Ms.
177 Solomon continued that with the basin not being functional and two separate breach events, there is concern
178 that a third breach could occur while earth disturbance is ongoing; however, if septic is put in, part of the site
179 can be stabilized. Mr. Crow stated he was in favor of putting in the septic systems and stabilizing the ground.

180
181 Mr. Wands asked if there was a timeline for the septic systems going in. Mr. Venuto stated everything is set
182 to go on the septic systems. Mr. Moulton agreed with Mr. Crow that getting the septic systems put in and the
183 site stabilized would help the situation. Mr. Venuto added that a wall of erosion control has been built that is
184 far superior to the lack of erosion control that was there previously. Mr. Hakansson asked if this was to be a
185 blanket approval or a line item approval of specific actions. The berm is a separate issue from the septic
186 systems. Ms. Van Lancker stated that the test pits would be done and Connorstone would provide the plans.
187 Mr. Venuto added that the dewatering hole needs to put 5-6 feet deeper than the existing basin.

188
189 **Cathy Van Lancker took over as Chair at this time.**

190
191 Ms. Van Lancker summarized the actions being asked for approval: the test pits on the berm, the dewatering
192 hole, and stabilization of the land and installation of the septic systems for lots 7, 8, 9, and 10. A plan would
193 be provided by Connorstone regarding the berm showing the existing conditions and what the conditions
194 should be in future.

195
196 Ms. Van Lancker asked if a vote was needed. Mr. Moulton stated this was an existing Enforcement Order and
197 the discussed items would be allowed to continue under the enforcement order. Mr. Moulton asked after the
198 electrical lines and how many lines and how many feet they would be. Mr. Venuto stated there would be three
199 electrical trenches of 80 feet, 50 feet, and 30 feet respectively, and there would be two propane tanks installed
200 within 20 feet of the foundations, with a 14x16 foot hole that is loamed and seeded after. That would finalize
201 all digging in that area and allow for stabilization of the area. Mr. Moulton stated the area is already disturbed
202 so to stabilize the area faster, this should be done, provided that erosion control is installed and additional
203 erosion control is available on site. Ms. Van Lancker stated that it seemed the stated activities could occur as
204 long as Ms. Solomon and Mr. Langmeyer are kept updated.

205
206 The items approved are specifically stated as:

207 1. The installation of a dewatering hole within the basin;

- 208 2. The test pits for a geotechnical study of the berm;
- 209 3. The installation of septic systems for Lots 7, 8, 9 and 10 to be stabilized after installation;
- 210 4. The installation of 3 electrical trenches of 80, 50, and 30 feet respectively to be filled and
- 211 stabilized after installation;
- 212 5. The installation of 2 propane tanks for the lots at the top of the hill to be filled and stabilized
- 213 after installation;
- 214 6. With the requirement that erosion control will be installed prior to and during all earth work, and
- 215 additional erosion control kept on site at all times; and,
- 216 7. The additional requirement that Connorstone provide engineered plans detailing the existing
- 217 conditions and proposed plans for reconstruction of the berm.
- 218 8. A requirement that Ms. Solomon and Mr. Langmeyer be kept updated on the above items
- 219

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

221

222 **Discussion, 12-16 Union Street, Wetland Replication Areas and Stormwater**

223 Ms. Gluck, Pare Engineering, shared plans and summarized the proposed changes. A site visit held the
224 previous week noted that several areas of the buffer restoration already had a well-established vegetation
225 community, which would prevent the density of plantings as proposed. It is proposed to order the same
226 number of plants and use the excess individuals to vegetated the sparser areas beyond the original proposal,
227 and restore a larger buffer zone area rather than just the inner 25 feet where appropriate. Additionally, the
228 area originally constructed as a stormwater basin 20-30 years prior, was functioning as a flooded area and had
229 been overflowing an earthen berm and extending into a wetland area. The original plan was to restore the 25
230 foot zone around the berm and no go into the basin at all; however, a larger storm from July 2021 had caused
231 some uncontrolled drainage during which two temporary berms were constructed within the limit of work to
232 remediate and contain the stormwater. At this time, continued flow is occurring in that area, the land is wetter
233 than previous. To address the change in drainage, the distribution would be adjusted to have the more
234 hydrophytic plants in the wet area, and the more upland plants in the higher areas. Additionally, there is now
235 a need to provide a long term solution to the stormwater concerns that resulted in the construction of the
236 temporary berm.

237

238 Mr. Jackson, Pare Engineering, explained that the temporary berms are constructed with stone and are
239 working well to control the stormwater. Mr. Jackson proposed rebuilding the berms to be more permanent,
240 possibly as an earthen berm to continue to control the stormwater. Ms. Gluck added that there would be no
241 change to the limits of work, there would be no further encroachment into the wetland or buffer zone, and no
242 further clearing than was already done. Mr. Jackson stated that there were concrete pipes that are within the
243 wetland, and asked if the Commission would want the pipes removed and the area restored. Ms. Gluck
244 clarified that not all of the pipes are within the wetlands but is within the 25 foot no disturb zone.

245

246 Mr. Wands asked if the temporary berms that are currently in place were previously discussed, and if they
247 were documented on the Order of Conditions. Ms. Gluck stated it had been discussed with the previous
248 Conservation Agent Ms. Dos Anjos and that there should be a field report which documented it, so the
249 Commission should be aware of it, but that it may not have been discussed at any hearing. Mr. Hakansson
250 stated there were several discussions on site and then brought into meeting, but due to the emergency
251 situation, many things were happening in real time to control the water. Mr. Hakansson continued that the
252 changes were good changes and probably needed, but that the Order may need to be amended as they are not
253 minor. Mr. Moulton stated that the temporary berms put in may have been part of an Enforcement Order to
254 deal with the sediment and water entering the street. Mr. Moulton asked if the berms were within the 25 foot
255 no disturb zone. Ms. Gluck measured the distance on the maps to be at shortest distance 13 feet with the
256 majority measured to be around 30 feet on the first berm. And the second berm bordered the wetland
257 replication area.

258

259 Ms. Van Lancker asked if the proposed berms would be the same size as the temporary berms. Mr. Jackson
260 stated that the intent is that they would be around the same size. Ms. Van Lancker clarified that the permanent
261 berm would then be creating a permanent structure of what is already there and approved from the

262 Enforcement Order. Ms. Van Lancker felt that it may be minor. Mr. Moulton state he agreed with Mr.
263 Hakansson that an Amended order may be needed as it is close to wetland resource areas and the current
264 berms were not engineered. Ms. Van Lancker asked Ms. Gluck and Mr. Jackson if they could come back with
265 an Amended Order request. Ms. Gluck agreed and asked if the buffer zone plantings were a minor alteration
266 or if it needed to be included in the Amendment. Mr. Moulton stated that it was not a huge change whereas
267 the berm to control water is. Mr. Hakansson, Mr. Wands, and Mr. Crow agreed. Mr. Wands asked if the
268 invasives were planned to be removed from the buffer areas. Ms. Gluck stated it was not in the original plan
269 to avoid disturbance to the buffer itself. There are an abundance of invasives off site, that colonizing the more
270 barren area with natives might help prevent the spread of.

271
272 Ms. Van Lancker stated that the change in plantings would be approved as a minor alteration, but the
273 stormwater and berms needed to be in an Amended Order. Ms. Solomon stated the submission deadline for
274 May 9th is passed, the next submission deadline for public hearings is May 6th to be on the May 23rd meeting.
275

276 Ms. Solomon asked Ms. Van Lancker if the Commission should vote to approve the minor plan change as
277 they have done for previous approvals. Mr. Wands asked if there was a lot of invasives within the area that
278 were no longer going to be planted with the same density of plants. Ms. Van Lancker asked if there was a lot
279 of invasives noted when on site. Mr. Wands state he recalled significant numbers of invasives on site
280 originally. Ms. Solomon stated that the areas that had been marked in green were planned to be fully dug up
281 and replanted. The blue areas were never approved for removal of existing invasives or other vegetation,
282 which was the purpose of asking for moving the plantings. Ms. Solomon further clarified that while on site
283 there were invasives on site, but most were not contained within the areas where the plantings had been
284 proposed. There was some on the edges, but not significantly so. Those invasives outside the buffer zone had
285 been discussed about removing without needing additional filings.

286
287 **No motion was made and no vote as taken.**
288

289 **Mr. Hakansson temporarily left the meeting at this time.**
290

291 **Discussion, Mindess, 90 Concord Street, Stormwater**

292 Ms. Solomon summarized that this item was on the agenda by request of the Commission. On April 8th, 2022
293 there was turbid water observed to be leaving the site from the settlement basin that drains to a stream. This
294 was remedied with mulch socks. Additionally, an undocumented 4-inch pipe draining into a catch basin. The
295 pipe was speculated to be part of an undocumented French drain and was terminated. Additional protection
296 was put round the adjacent catch basin. At this time, Mr. Crouch also came on site and discussed with
297 Shawmut putting down flocculate to mitigate erosion and sedimentation concerns. Shawmut had stated that
298 someone would be on site April 20th to make recommendations on what flocculate to use and where. On
299 April 19th, there was sediment to be observed to be leaving from both locations again; however, all possible
300 actions were deemed likely to cause additional problems due to water pressure. The catch basin walls were
301 noted to be loosened from the water pressure, and for the same reasons, no actions were identified that could
302 be taken. Ms. Solomon did not have any further updates at the time.

303
304 Mr. Kendall, Building Committee, noted that there were two areas being looked at, the outflow stream where
305 fine sediment is getting out, and a secondary system that goes outside of the limits of work, into the street
306 drainage system and outfalls on the other side of Concord Street adjacent to the outflow stream. Mr. Conroy,
307 Shawmut Senior Project Manager, shared the approved plans and illustrated the location of the bio-swale
308 system and the discharge point where the outflow stream currently exists. Sediment is leaving the site at the
309 end of the partly constructed bio-swale and passing through two crushed stone check dams. Water is entering
310 the swale partly from outflow from the Fiske Road Estates, and the extremely fine silt is not getting filtered
311 out despite going through filter fabric, mulch socks, and check dams.

312
313 **Mr. Hakansson rejoined the meeting at this time.**
314

315 Mr. Conroy stated that they have met with HydroGrass to discuss floc blocks. The recommendation for the
316 stream area was to remove a section of the installed pipe and create a larger channel basin to install the floc
317 blocks in, lined with jute fabric to hold sediment once it settles. There would be three sets of floc block along
318 the channel. There would be some elevation change required which is why the pipe needs to be pulled back.
319 The full establishment of the swale must go in when landscaping does, with grass on top of it. The process of
320 installing the floc blocks would create some turbidity during install, and the water will need to be temporarily
321 stopped to allow for the adjustments to be made. The work would occur on a dry day when there is low flow.
322 Ms. Solomon would be advised of the day when work would occur. Mr. Moulton asked how the disturbance
323 will be mitigated during the work. Mr. Conroy responded that a pipe section may be installed on the vertical
324 and install fabric on to help capture any larger sediments turned up during the process. Mr. Seymour,
325 Shawmut Senior Project Superintendent, added that the site contractor would dam and redirect the flow onto
326 the site while the work is happening, during a dry, low flow period.
327

328 Mr. Hakansson asked for clarification that the turbid water was going back onto the site. Mr. Seymour
329 confirmed that his understanding was that it was being considered, not for the duration of the project, but just
330 this action. Further, how exactly that would be accomplished is being determined by the site contractor. Ms.
331 Van Lancker clarified the sequence of events, the pipe would be cut back, the floc logs would be installed in
332 that area, the flow of the stream would then be restarted. Mr. Conroy confirmed. Mr. Kendall added that they
333 were cutting back to the pipe to provide distance for the flocculate to work. Right not the discharge pipe is
334 15-20 feet, the added distance will allow the flocculate to settle the sediment. Mr. Hakansson clarified that
335 Mr. Crouch had spoken to workers on site about using flocculates. Mr. Kendall further added that the entire
336 pipe has filter fabric covering it, and it's specifically the super fine sediments getting through the fabric, and
337 once the swale is stabilized that will no longer occur.
338

339 Mr. Conroy showed on the plan the approximate location of the secondary issue with the existing catch basin
340 and the now terminated 4-inch undocumented pipe, located near the existing grave site. The pipe is speculated
341 to be part of an old French drain system, which was discharging into the catch basin, and ultimately
342 discharging at the Concord Street outfall. Both the catch basin at the grave site and at the emergency gate
343 were cleaned out. The catch basin on the grave additionally had a silt sack installed with crushed stone
344 surrounding, in addition to silt fence around the perimeter of the crushed stone. There was still turbid water
345 leaving the site. The area surrounding became oversaturated and started to move into the gaps around the
346 catchment. HydroGrass recommended use of the Geomatrix Earth Stabilization System combined with
347 Earthstop Erosion Control Emulsion. The Earthstop contains a flocculate, and the Geomatrix is a higher grade
348 bonding matrix, that is design for steep slopes. The combination of the two should stop the movement of the
349 soil at the surface and for the flocculate mixed in to settle out any fines that do make it through to the
350 catchment.
351

352 Mr. Hakansson recalled a French drain that ran along the right field foul line in the old baseball field. The
353 French drain was designed to catch the ground water and redirect it. Mr. Kendall stated that the pipe does not
354 go in the direction describe, it was found to going in an up-left direction towards the grave. The French drain
355 Mr. Hakansson described was known, but this other 4-inch pipe was unknown, and believed to be a different
356 French drain system. Mr. Hakansson asked if the French drain was still in the ground, and if the source of the
357 water feeding into the drain still active. Mr. Conroy stated that there is no ground water well there, and most
358 issues were related to surface water making its way into the path of least resistance, but there is no
359 observation well there to know with complete certainty that there is or isn't water flow. Mr. Conroy added
360 that the footings were installed about 5 feet below existing grade in an adjacent area. The pipe has been
361 disconnected, and the surface run off is no going in through the sides of the catch basin. Ms. Solomon
362 clarified that when the additional protection was put around the catch basin, it was causing the surface water
363 to pool in the area and up to the asphalt walkway along the slope, and was seeping under the asphalt and into
364 the French drain or perforated pipe, and did not appear to be doing that prior. Mr. Kendall added that there is
365 not a pre-construction base line, and it is possible that the pipe was always adding some turbidity, and the
366 removal of the vegetation and activity there, increased the turbidity. The goal is to stabilize the surface area to
367 help limit the siltation entering the catch basin.
368

369 Mr. Hakansson asked when the listed actions would be taken. Mr. Kendall asked if the Commission wanted to
370 be notified directly or if Ms. Solomon should be notified. Ms. Van Lancker stated that Ms. Solomon should
371 be notified and Ms. Solomon can notify the Commission in a timely manner. Mr. Conroy added that they
372 have received a proposal from HydroGrass and they are prepared to act on it. The main delays will likely be
373 from the availability of the project. Mr. Kendall stated that much of the siltation is occurring from the Fiske
374 Hill development and the permanent state will have check dams that will slow it down. HydroGrass asked if
375 there was anything to help stabilize that, they did state given the amount of flow there isn't anything they can
376 do in that area using flocculate products.

377

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

379

380 **Discussion, Test Pits at Valentine Property**

381 Ms. Ball, Assistant Town Manager, summarized the soil remediation occurring on site. The initial testing
382 found a few locations with arsenic. They are required by DEP to do additional testing and remediation. There
383 are three areas where some excavation will be needed, expected to be 12 inches deep at most. One area is
384 within 13 feet of the wetland boundary. Work would
385 asked if there was an exemption for test pits in wetlands. Mr. Moulton stated that the state law there may be,
386 but not in the Town Bylaw. Ms. Ball stated that a contractor would do the work who would properly excavate
387 and dispose of the soil. Ms. Van Lancker asked what would be put in after the soil is removed. Ms. Ball
388 responded the test pits should be less than a foot, and replaced with clean fill. Ms. Van Lancker asked for
389 erosion control to be installed on the wetland side and have Ms. Solomon present when the erosion control is
390 installed.

391

392 Mr. Hakansson asked how the stream would be crossed to get to the area. Ms. Ball responded there was an
393 RDA granted in 2019 for a temporary swamp ramp to cross the stream for this purpose and for removing
394 invasives. That RDA is still open and valid. Mr. Hakansson asked what the concentration value of the arsenic
395 was for the red dots. Ms. Ball stated she could find those values.

396

397 **At this time, technical difficulties were experienced and a quorum was not present. Deliberation was**
398 **paused until a quorum was able to return to meeting. All five members returned to meeting at 9:33pm.**

399

400 Mr. Hakansson stated as long as the condition of the bridge and erosion control are checked the pits
401 should be fine. Ms. Van Lancker told Ms. Ball she was all set to make the pits.

402

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

404

405 **Discussion, Legacy Farms update**

406 Ms. Solomon summarized that discussions were ongoing with Town Counsel, nothing had been agreed to yet,
407 but a Notice of Intent will be coming before the Conservation Commission. Town Management has not yet
408 been approached to sign a Notice of Intent.

409

410 Mr. Herbert, Town Manager, added that both Ashland and Hopkinton should receive a Notice of Intent, with
411 infrastructure improvements in Ashland, and stormwater enhancements in Hopkinton. The lagoons are being
412 dealt with separately. Mr. Hakansson clarified that the Ashland Conservation Commission separated out the
413 lagoon issue as well, during their last discussion. Mr. Hakansson further added that Mr. Bemis had agreed to
414 file the Notice of Intents and pay for the improvements of erosion control in lieu of fines. Mr. Hakansson
415 asked if it would be possible to move forward on the infrastructure and erosion control improvements.

416

417 Mr. Herbert stated that this is being drawn out partly because the developer has continued to do work despite
418 a cease and desist. Mr. Hakansson stated that Hopkinton lifted their cease and desist, and believe Ashland had
419 lifted theirs as well. Ms. Van Lancker clarified it was only partially lifted for work that had already been
420 ongoing. Ms. Solomon stated that under the Wetlands Protection Act, an Enforcement Order can only be fully
421 lifted by a vote of the Commission. There is no vote reflected in previous meeting minutes that would have
422 lifted the Order. Additionally, the DEP Circuit Rider, has continued to advise that the Conservation

423 Commission has the right to extend their authority as far as needed, including across town lines, in order to
424 protect a jurisdictional resource area under their authority. Mr. Hakansson stated the Commission had
425 enjoined what they did, because there was evidence that it had impacted Ashland, but it was unclear if new
426 development was going to impact Ashland or not. It should be clarified on both ends, and the issues that can
427 be acted on moved forward. Mr. Herbert agreed that they can move forward on the work the Commission is
428 asking for, but he was unsure it was going to have the impact the Commission was looking for. Ms. Van
429 Lancker stated that reducing the run off is going to be in Hopkinton's run-off. On the Ashland side, the intent
430 was to control the run-off that does get on site. The NOI needs to be signed by Mr. Herbert. Ms. Van Lancker
431 asked if there was a way to move forward on it. Mr. Hakansson clarified that the lagoon is a separate issue
432 from the run-off. The Commission made it clear in the previous discussion that the two items would be
433 separated. Mr. Herbert agreed but expressed concern of possible future run-off if the design does not work.
434 There is still turbid water coming off site. Ms. Van Lancker asked that the NOI try to be submitted to be on
435 the May 23rd agenda.

436
437 **No motion was made, and no vote was taken**

438
439 **Meeting Adjournment:**

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

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

442

443 The meeting was adjourned at 9:52p.m.

444

445 **Documents reviewed by the Conservation Commission on 4/11/2022**

- 446 ● Document entitled, *Agenda, dated 4/25/2022*
- 447 ● Document entitled, *Meeting Minutes, dated 4/11/2022*
- 448 ● Document entitled, *WPA Form 1- Request for Determination of Applicability 25 Brimstone Way*
- 449 ● Document entitled, *WPA Form 1- Request for Determination of Applicability 50 Megunko Road*
- 450 ● Plans entitled, *Modified Site Plan 50 Megunko Road, received 4/4/2022*
- 451 ● Document entitled, *WPA Form 3- Notice of Intent Town Forest Way*
- 452 ● Plans entitled, *Town Forest Culvert Replacement, dated 3/8/2022*
- 453 ● Email Correspondence entitled, *Town Forest Culvert Replacement NOI, dated 4/5/2022*
- 454 ● Plans entitled, *Ashland Public Safety Complex, dated 12/2/2020*
- 455 ● Document entitled, *Engineer's Field Report # FR-32, dated 4/13/2022*
- 456 ● Document entitled, *Valentine Test Pits Maps, dated 4/20/2022*