



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
May 22, 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

14 Meeting held by Zoom
15 Call to order: 7:00 P.M.
16

17 **Chair Catherine Van Lancker was not present at this time. Mr. Wands took over as chair and read the**
18 **Ashland Conservation Commission virtual meeting protocols, and meeting recording announcement**
19

20 **Request for Determination of Applicability, Notice of Intent and SMP, 34 High Street, Matt Labrie, In**
21 **Ground Pool and Bio Retention Area DEP File No . Not Issued**
22

23 Mr. Thasher, Stormwater Engineer, shared plans and summarized the proposal to construct a new single
24 family on a subdivided lot with an in-ground pool, on-site septic systems, and stormwater controls. An
25 existing in-ground pool on the original lot is proposed for removal, to be replaced with a bio-retention pond.
26 The driveway will be on an easement from High Street and will consist of gravel surface. The parking area in
27 front of the proposed garage will be paved and have a trench drain to the bio retention area. The in-ground
28 pool will additionally have catchments to convey stormwater to the bio-retention area. The bio-retention
29 area is just outside of 50-foot buffer zone.
30

31 Mr. Hakansson asked if the ANR was already approved. Mr. Thrasher confirmed. Ms. Solomon added that
32 the property abutted the paper road that that borders 54 High Street which was recently approved, and that
33 the existing house on the original lot for 34 High Street was recently before the Commission for invasive
34 plant removals. Mr. Crow asked if the existing house is remaining. Mr. Thrasher confirmed. Mr. Hakansson
35 asked for clarification on the structure depicted at the end of the driveway. Mr. Thrasher explained that the
36 driveway was built up to direct water to a man hole that would convey it to an infiltration system of
37 Stormtec Units. The water would be intercepted as it comes off the driveway before the road. Mr. Crouch
38 asked what the driveway grade was. Mr. Thrasher responded that the grade of the driveway, on average is
39 proposed to be a 9 to 1 slope. Mr. Crouch expressed concern over the maintenance of the gravel driveway.
40 Ms. Huff, the property owner, stated that paving was considered, but because of the amount of impervious
41 surface it would create, it would be difficult to do. Mr. Crouch asked where the bio-retention pond
42 discharges. Mr. Thrasher showed the location of a 3-foot by 8-foot riprap overflow on the plan. Mr. Crouch

43 noted concern over all the drainage being pointed to just above the existing house potentially causing
44 flooding issues.

45
46 Mr. Crouch noted the erosion control detail on the plans depicted the stake going through the straw wattle,
47 and that it should have the stakes either on the downslope side or straddling the wattle and ties over top to
48 keep it in place. Mr. Crouch asked where the stream on the site drains to. Ms. Solomon showed the stream
49 path on aerial imagery and measured the distance from the proposed driveway to the stream, and stated it
50 may be in the 100-foot buffer zone. Mr. Crouch stated that the stream and 100-foot buffer zone for this part
51 of the stream should also be depicted on the plan.

52
53 Mr. Crow asked for a site visit. Mr. Wands agreed that a site visit would be useful. The Commission
54 discussed scheduling of a site visit.

55
56 **Motion:** Mr. Crouch moved to continue the hearing to June 12, 2023 at 7:05 pm. The motion was seconded
57 by Mr. Crow.

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

59
60 **Ms. Van Lancker rejoined the meeting at this time and took over as Chair.**

61
62 **Notice of Intent, 0 Fountain Street, Margaret Ottaviani, Garage Extension, DEP File No. 95-983**

63 Mr. Moulton recused himself.

64
65 Mr. Waldron, representing Ms. Ottaviani, re-summarized the proposed work to install a 8-foot by 24-foot
66 one bay extension to an existing garage with similar foundation to existing. Ms. Solomon noted that DEP had
67 issued comments that the proposal did not meet the requirements for improvements of Riverfront Area on
68 the Framingham portion of the project, and the DEP Analyst for the Ashland side had reiterated those
69 comments. The recommendation from Mr. Waldron was to plant native plantings on the property boundary
70 closest to the River. Mr. Wands asked what the plants would be. Mr. Waldron responded that they would be
71 native upland shrubs, such as blueberries and nannyberries. Ms. Van Lancker suggested that a condition be
72 added requiring a list of proposed plantings be approved by the Agent. Mr. Crouch asked what the
73 topography of the rear property was currently. Mr. Waldron responded that it was existing lawn. Mr. Crouch
74 asked what the Framingham Conservation Commission had required. Mr. Waldron stated that they had not
75 required any plantings.

76
77 **Motion:** Mr. Hakansson moved to close the hearing. The motion was seconded by Mr. Crow.

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

79
80 The Commission determined to review and vote on the Order of Conditions at the end of the meeting.

81
82 **Notice of Intent, 1 Shore Road, Robert Gonfrade, Porch and Sunroom Addition, DEP File No 95-984**

83 Ms. Solomon showed the submitted revised plan with the erosion control line depicted as requested. No
84 comments were issued by DEP. Ms. Gonfrade added that a plan has been made to remove the soil from
85 excavation to an off-site location.

86
87 **Motion:** Mr. Wands moved to close the hearing. The motion was seconded by Mr. Crow.

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

89
90 The Commission determined to review and vote on the Order of Conditions at the end of the meeting.

91
92 **Notice of Intent, 200 and 158 Butterfield Drive, Enbridge, Launcher/ Receiver Valve Installation, DEP File**
93 **No. 95-982**

94 Mr. Shuster, SWCA, introduced himself as the representative for Enbridge, and summarized the plan.
95 Enbridge holds an easement on the 200 Butterfield and 158 Butterfield Properties, with the former being a
96 commercial condominium site. The proposal is to install a launcher/ receiver point for a crawler device that
97 would inspect the interior of the pipeline located on the easement. Mr. Shuster stated that during an
98 expected 3-4 week work schedule the valve port would be installed on a concrete pad with a security fence
99 surrounding. The wetland flags follow a finger-like projecting of the wetland in what may be a historical
100 swale created during initial development of the area. There is no obvious drainage into the area, but it does
101 drain out to a larger wetland system. The wetland area where work will occur is dominated by invasive
102 phragmites. Mr. Shuster stated that the project is required by the Federal Energy Regulatory Commission
103 (FERC) to maintain the existing pipeline, which also pre-empts the project from the local wetlands bylaw as
104 well as NPDES requirements. Outside of the concrete pad, all disturbance will be temporary. Swamp mats
105 would be used in the wetland and disturbed area restored with native wetland mix after work. Additional
106 erosion control of straw wattles, silt fence, and straw bales will be used as depicted on the plan. Mr. Shuster
107 noted that mitigation efforts were made for the 25-foot no disturb zone to the greatest extent feasible,
108 despite the pre-emption from the local bylaw. The total permanent disturbance to the wetland is proposed
109 as 479ft², with 122ft² being impervious, and the remaining 357ft² is pervious crushed stone. Mr. Shuster
110 noted that as the wetland is a fingerlike protection, disturbance under 500ft² does not require replications,
111 and due to the number of invasives and the surrounding parking lot making a replication difficult, they are
112 not proposing a replication for the project.

113
114 Mr. Crow asked how much of the pipe will be inspected by the crawler robot. Mr. Shuster stated that for
115 this location the crawler will inspect an area of 2,000 linear feet (LF). Mr. Crow asked, given the length of the
116 pipeline, why the area within the wetland had to be selected. Mr. Crow additionally pointed out that some
117 of the wetland could be choked off by the concrete pad, increasing the level of disturbance over time by
118 almost double. Mr. Crouch asked for further clarification on the exception allowing for no replication. Mr.
119 Shuster cited 310 CMR 10.55(4)(c) which allows loss of wetland when the disturbance is less than 500ft², is
120 within a finger-like wetland projection into adjacent uplands, and the project cannot be reasonably scaled
121 down, redesigned, or otherwise changed to prevent the loss of said wetland. Mr. Shuster stated that there is
122 not another location on this site where the work or replication could occur. Mr. Shuster continued that the
123 majority of the pipeline in this area is through wetlands and the easement for it is narrow. Additionally, as
124 most of the soil is left over from when the parking lot was built, it would be difficult to get the requisite
125 hydrology needed for a replication and still provide the necessary coverage for the pipeline. Mr. Shuster
126 added that the north edge of the depicted wetlands extends slightly further onto an abutting property than
127 shown, but that it could not be accurately delineated without the abutting property owner's permission. Mr.
128 Shuster continued that given the extent that he saw, he believes there is ample space for the water to
129 continue to flow without choking off the wetland. Ms. Solomon added that the finger-like projection shown
130 extends from the larger 200+ acre wetland system which extends north to the Ashland Dike Trail off of Pond
131 Street.

132
133 Ms. Van Lancker reiterated Mr. Crow's question concerning the choice of location. Mr. Shuster responded
134 that Enbridge considered multiple other locations but because of how narrow the easement was, there
135 were limited options for location. Because of the requirements, the site needs to have a permanent access
136 road as well, which further limited the choices to only this location. Mr. Esperance, Enbridge, added that
137 procedurally, this location is the direct middle of the area required to be inspected by crawler which can
138 only go out 800 feet in one day before needing to turn back for charging. Mr. Wands asked how old the
139 pipeline was. Mr. Shuster stated that it was installed in 1951. Mr. Crouch stated that there is a meter station
140 on Pond Street and asked why this is not included at the meter station. Mr. Esperance responded that the
141 crawler would not be able to inspect the length of pipe required by FERC if launched from the meter station.
142 Mr. Shuster added that the launcher valve will not look like a typical valve, and instead will be a pipe coming
143 out of the ground, and the crawler will go in like a snake via remote control.

144

145 Ms. Ring, 42 Bay Colony Drive, asked if there are other sections of pipeline subject to the FERC Requirement
146 cited. Mr. Esperance responded that he is not aware of other pipelines at the moment in Ashland that this
147 has come up, and continued that the requirement takes affect when a population-based rating is met.
148 Recent additions to the area of housing or business have caused the requirement to take affect for this
149 stretch of pipeline.

150
151 Mr. Dassoni, 49 Hawthorne Road, asked what the purpose of the crawler was. Mr. Esperance stated that the
152 end goal is to look for weak points in the pipeline system from the inside. Mr. Dassoni asked if newer pipes
153 would be installed if a weak point is found. Mr. Shuster responded that if anomalies were detected,
154 Enbridge would further inspect the area and determine the best course of action from there. Ms. Van
155 Lancker asked if a site visit is necessary. Mr. Crouch stated that he felt it was. The Commission discussed
156 scheduling of a site visit.

157
158 Ms. Van Lancker asked if there were comments from DEP. Ms. Solomon stated there was not. Mr. Crouch
159 referred back to the comment about the wetland area potentially being a drainage swale. Mr. Shuster
160 responded that it was considered a possibility, particularly as the soil is not native to the site. Mr. Shuster
161 continued that it could be soil from the construction of the abutting parking lot, or soil brought in when the
162 pipeline was constructed. Mr. Shuster added that it was not believed to be an engineered stormwater
163 structure and does not have any observable inlets.

164
165 **Motion:** Mr. Crouch moved to continue the hearing to June 12, 2023 at 7:05 pm. The motion was seconded
166 by Mr. Crow.

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

168
169
170 **Mill Pond Park Permission Request, Finn Barret, Eagle Scout Project Water Chestnut Sign at Boat Launch**

171 Mr. Barret introduced himself as a scout from Troop 61 in Sudbury, and presented his Eagle Scout project to
172 raise awareness of Water Chestnut within the Sudbury River watershed by installing signage educating
173 visitors how to recognize and report water chestnut to the OARS organization. The sign will be a 12x18 inch
174 aluminum sign, and is proposed to be located at the Mill Pond Boat Launch, which is managed by the
175 Conservation Commission. Mr. Barret shared an image showing the proposed sign design.

176
177 Mr. Wands asked if there was a disposal plan for the chestnut. Mr. Barret responded that his project was
178 just for the educational signage, and that OARS would handle removal and disposal. Mr. Barret continued
179 that he was unsure of what disposal plan OARS used. The sign includes a QR Code where visitors can report
180 the presence of water chestnut to OARS. Ms. Solomon added that OARS usually works with local groups to
181 help remove water chestnut. Ms. Solomon continued that she was working with some other volunteers to
182 start a Weed Warriors group to manage invasives in Ashland that could work with OARS in those situations.
183 Ms. Van Lancker asked OARS sent groups or individuals for the removal. Ms. Solomon stated that typically a
184 group event is arranged for properties, but some certified individuals may take on the work themselves for
185 smaller sites. Ms. Solomon added that when she last worked with OARS in Concord, the water chestnut was
186 dumped in upland wooded areas outside the floodplain to compost, as the seeds could not germinate
187 without water. Ms. Solomon continued that if such a location is not available, she is working on an invasives
188 disposal plan for town properties that would include water chestnut.

189
190 Mr. Crouch stated that the water chestnut is present in the area, but has not become a carpet yet. Mr.
191 Crouch expressed concern that, for the Mill Pond and adjacent area of the Sudbury River, the sediment is
192 contaminated, and that encouraging visitors to pull the water chestnut out, may expose them to that
193 contamination. Mr. Hakansson stated that he saw the sign as recruiting people to contact OARS. Mr. Crouch
194 agreed but stated that the language on the sign stating "identify, remove, and report" and the image of a
195 person on a boat filled with plants, may encourage visitors to pull the plant on their own. Mr. Ackerman

196 suggested removing the word “remove” from the language and the image of the person in the boat. Mr.
197 Crouch clarified that the idea of removing the invasive plant from the area is a good one, but he is
198 concerned about encouraging the work in this particular area. Mr. Barret responded that a custom sign
199 could be created for Mill Pond if that satisfies the Commission. The Commission agreed to the proposed
200 changes.

201
202 **Motion:** Mr. Hakansson moved to approve the installation of the proposed signs with the amendments to
203 language as discussed. The motion was seconded by Mr. Crow.

204 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL)
205
206

207 **Request for OOC Extension, Ashland State Park, Kevin Hollenbeck, Beach and Sand Replacement, DEP File**
208 **No 94-940**

209 Ms. Solomon stated that this filing was withdrawn.
210

211 **No motion was made and no vote taken.**
212

213 **Wetlands Violations, Whittemore Estates, DEP File No. 95-883**

214 Ms. Solomon summarize that there has been no improvement on the site, and she has not received any
215 further communication. Ms. Solomon continued that the killdeer plovers on site had laid a second nest in a
216 different location, but now on an interior slope of the larger stormwater basin. Ms. Solomon stated that the
217 hatching date is estimated for June 5th, and that the young birds if they survive, will stay with the parents
218 until approximately July 4th. Ms. Van Lancker asked about the previous meeting with the contractor. Ms.
219 Solomon stated no changes were made since that meeting, despite the contractor expressing an intent to
220 begin finishing the paving of at least the driveways.
221

222 Mr. Kraus, 36 Whittemore Drive, stated that there was a drain pipe under his driveway that had caused
223 issues resulting in the driveway being ripped up twice already. Mr. Kraus continued that the Commission
224 had previously discussed having the issue re-evaluated and asked if that was still included in what was being
225 looked at. Ms. Solomon responded that the Commission had left the item with a request for the project
226 engineer to evaluate the related catch basin for correct installation and function, and that the engineer did
227 respond with a letter certifying that it was functioning as designed. Ms. Solomon added that peer review of
228 the item was not requested. Ms. Solomon stated that, from the engineer’s affidavit, the only outstanding
229 item from the Whittemore Drive portion of the project was the cracked overflow valve pipe on the smaller
230 stormwater basin.
231

232 Mr. Hakansson asked if there was an attempt to do work. Ms. Solomon stated that to her knowledge there
233 was not an attempt to start work, but that the contractor, Steve Ross, and Peter Venuto were all notified of
234 the killdeer’s presence and the requirement to not do work within certain areas while the birds were
235 present.
236

237 Mr. Dassoni, 49 Hawthorne Road, stated that no work had been done in over a year and questioned why the
238 Town hasn’t done more to enforce the issues. Mr. Hakansson responded that the Commission has met with
239 Town Counsel to discuss options, but that the contents of that discussion cannot be released yet. Mr. Crow
240 clarified that there was an Executive Session posted before this meeting to discuss the matter.
241

242 **No motion was made and no vote taken.**
243

244 **Wetlands Violations 220 Oregon Road, No Associated DEP File Number**

245 Ms. Solomon clarified that at the last meeting she had stated that the tracking number showed the letter
246 delivered to the property owner, but that after checking again after the meeting, it was apparent that the

247 tracking number was incorrectly typed in, as the tracking now showed the mail as held at post office by
248 request of recipient, with an attempted delivery made and failed. Ms. Solomon continued that the second
249 notice had been delivered, and the property owner had contacted the Conservation Office. Ms. Solomon
250 added that the property owner, Mr. Cai, stated he was unaware of the presence of wetlands.

251
252 Ms. Van Lancker asked Mr. Cai if he understood what was required of him in the Enforcement Order. Mr. Cai
253 responded that he was, and that he was starting to call wetlands scientist, but had not received any calls
254 yet. Mr. Crouch asked what the intent of the clearing was. Mr. Cai stated that the trees were blocking the
255 sun and making too many leaves on the ground, and that two gentlemen last spring had requested to log
256 the trees for fire wood for their own properties and had done the work. Mr. Cai asked if he could remove
257 the logs left on the sight. Mr. Crouch said everything should be left as is until the Commission approves the
258 plan from the wetland scientist. Mr. Cai asked if he could update the Commission from email rather than
259 attend the meeting on June 26th. Mr. Crouch responded that he or the wetlands scientist needs to be
260 present.

261
262 **Wetlands Violations, 65 Concord Street, DEP File No. 95-967**

263 Ms. Solomon stated that a recent drive-by of the property following up on reported work, and had found a
264 loam pile in the back corner of the fenced in property, along with a shed and patio that were not on the
265 Notice of Intent. Ms. Van Lancker asked if Mr. Campos Souza had contacted his engineer. Mr. Campos Souza
266 responded that he had contacted the engineer, and was informed that the company owner had passed
267 away and they were unable to complete the project. Mr. Campos Souza stated that he is looking for a new
268 engineer at the time, and continued that he has continued to clean the property, and installed the fence to
269 protect his children. Mr. Campos Souza asked if he could have permission to install solar panels on his roof
270 before then, and that two trees would need to be removed for the work. Ms. Van Lancker stated that it
271 needs to be added to his Notice of Intent and the Order of Conditions issued before the solar panels can be
272 done.

273
274 Mr. Campos Souza asked what is needed to do the drywell. Ms. Van Lancker stated it has to be done with
275 the engineer as part of the permit application. Ms. Solomon clarified that the engineer needs to design the
276 drywell and submit it to the Conservation Commission for approval. Ms. Solomon added that because of the
277 location of the property, most work done outside, needs to come to the Conservation Commission before it
278 can be done.

279
280 **No motion was made and no vote taken.**

281
282 **Review minutes 4/24/2023**

283 **4/24/2023 Meeting Minutes:**

284 The Commission determined to vote on the minutes at the next meeting.

285

286 **Review minutes 5/8/2023**

287 **4/24/2023 Meeting Minutes:**

288 The Commission determined to vote on the minutes at the next meeting.

289

290 **Review of Order of Conditions, 0 Fountain Street, Margaret Ottaviani, Garage Extension, DEP File No. 95-**
291 **983**

292 The Commission reviewed and amended the draft Order of Conditions for 0 Fountain Street.

293

294 **Motion:** Mr. Wands moved to issue the Order of Conditions with conditions as discussed. The motion was
295 seconded by Mr. Crow.

296 **Vote:** The motion passed with a 6-0-1 vote. (Rollcall vote: OA, PC, GC, CH, GW, CVL) Mr. Moulton abstained.

297

298 **Review of Order of Conditions, 1 Shore Road, Robert Gonfrade, Porch and Sunroom Addition, DEP File No**
299 **95-984**

300 The Commission reviewed and amended the draft Order of Conditions for 0 Fountain Street.

301

302 **Motion:** Mr. Crouch moved to issue the Order of Conditions with conditions as discussed. The motion was
303 seconded by Mr. Crow.

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

305

306

307 **Member Prerogative**

308 Mr. Crow noted that his and Mr. Ackerman's terms are ending in August, and that at some point a
309 recommendation should be made to the Select Board for reappointment.

310

311 **Meeting Adjournment:**

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

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

314

315 The meeting was adjourned at 9:46p.m.

316

317 **Documents reviewed by the Conservation Commission on 5/22/2023**

- 318 ● Document entitled, *Agenda, dated 5/22/2023*
- 319 ● Document entitled, *Meeting Minutes, dated 4/24/2023*
- 320 ● Document entitled, *Meeting Minutes, dated, 5/8/2023*
- 321 ● Document entitled, *RE Notice of Intent 34 High Street, dated 4/21/2023*
- 322 ● Document entitled, *SMP Application, dated 4/14/2023*
- 323 ● Document entitled, *Stormwater and Erosion Control Report 34 High Street, dated 4/6/2023*
- 324 ● Plans entitled, *Stormwater Management Construction Drawing 34 High Street, dated 4/6/2023*
- 325 ● Document entitled, *Notice of Intent 0 Fountain Street, dated 3/30/2022*
- 326 ● Plans entitled, *Plan for Proposed Addition 0 Fountain Street, dated 1/9/2023*
- 327 ● Email correspondence entitled, *DEP Comments for 158-1635, dated 5/19/2023*
- 328 ● Document entitled, *Notice of Intent Application for Proposed Sunroom Addition at 1 Shore Road,*
329 *dated 3/24/2023*
- 330 ● Plan entitled, *Propose Site Plan for 1 Shore Road, dated 1/6/2023*
- 331 ● Document entitled, *Notice of Intent K1 System Launcher/ Receiver Installation Project, dated May*
332 *2023*
- 333 ● Plans entitled, *K1-Make Piggable Project, dated 5/12/2023*
- 334 ● Document entitled, *Extension Request Ashland State Park*

335