



# Town of Ashland

## MASSACHUSETTS

### MEETING MINUTES ASHLAND CONSERVATION COMMISSION June 12, 2023

Present: Greg Wands (Vice Chair)  
Owen Ackerman  
Preston Crow  
Carl Hakansson  
Gene Crouch  
William Moulton

Absent: Catherine Van Lancker (Chair)

Agent: Becca Solomon

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

**Chair Catherine Van Lancker was not present at the beginning of the meeting. Vice Chair Greg Wands took over as Chair and read the Ashland Conservation Commission virtual meeting protocols, and meeting recording announcement**

**Notice of Intent, 0 Myrtle Street, Evan White, Pedestrian Pathway and Deck, DEP File No. Not Issued**

Ms. Solomon summarized the project as the installation of a pedestrian walkway at Mill Pond Park along Myrtle Street, that includes an ADA compliant ramp terminating at the edge of the pond. No excavation will occur. Flood storage volume will not be altered. Two inches of pea stone will be placed over a hexagonal stability mat which is pervious. Ms. Solomon clarified that the culvert mentioned in the submission was the defunct open top culvert that had been closed historically by blocking the culvert inlet and outlet and had received an emergency certification later to fully fill due to public safety concerns from the open top. The open top previously had decking over top to cover the whole which was removed under the emergency certification due to the rotting wood. Some additional stone will be placed on top of the remnant culvert walls.

Ms. Solomon continued that a platform will be placed as a deck at the edge of the pond, which will require removal of the top 2-3 inches of the steel plates blocking the culvert inlet to allow structural support beams to run parallel with the culvert. The existing metal Jersey Barrier inside the culvert will be removed as well.

Mr. Ackerman asked if the hexagonal mat will be holding the pea stone in place. Ms. Solomon responded that the culvert is currently filled with clean fill that was placed under the Emergency Certification to prevent water from leaching through the steel plates at the inlet, and the mat will be placed directly on top of that, allowing water to still travel through into the clean fill and also provide the stability to the pea-stone for users with mobility aids such as wheelchairs or walkers.

Mr. Crow asked if the culvert is blocking water from going the outlet and under the street. Mr. Solomon responded that water is not currently going through the culvert, and that the culvert had been closed previously. With the Emergency Certification, some water had broken through the steel plates blocking the

culvert, and started to pool in front of the outlet barrier. The water now will still drain from surface to ground water through the pervious pathway into the clean fill, but would not be draining into a stream.

Mr. White joined the meeting at this time and confirmed that the hexagonal mat is going directly on top of the existing material with the pea stone above that. Mr. Crow asked if any erosion mitigation would be needed. Mr. White responded that the only work close to the pond is the proposed decking, but no excavation will be required. Mr. White stated that they could put something up, but was not sure if there was anything at risk of falling into the pond. Mr. White proposed that they could require any cutting of materials to be done closer to the street to keep materials out of the pond.

Mr. Hakansson stated the previous Emergency Certification required the DEP to be contacted. Mr. White stated he did reach out to them for the Certification, and could do so again if the Commission desired. Mr. Hakansson asked about the water flow through the culvert. Mr. White responded that it appeared there was an attempt to block the culvert years ago, which had been undermined, but there is not currently water flowing through. Mr. Crouch clarified that it was not a culvert but actually a penstock, which served as the source of water to the mill. Mr. Crouch thought the entire Penstock was filled. Mr. White stated that only the section from the pond to the road, between the two metal plates, had been filled. The proposal now is to give that the pea stone top and build the decking at the end. Mr. Crouch noted that it had granite or concrete walls. Mr. White confirmed. Mr. Crouch expressed concern about water being allowed to seep into the ground with nowhere to go. Mr. Crouch asked if there was a way for the water to escape out. Mr. White stated he believed the bottom of the penstock was pervious, and that water had appeared to be leaking through the sides of the penstock which was decaying. Mr.

Mr. Moulton asked if any trees were planned to be cut down. Mr. White responded that the trees will be kept. Mr. Wands asked if the walkway was pitched in any direction. Mr. White stated the ground slopes slightly towards Mill Pond, but the pathway will be level with the sidewalk with a slight ramp up to the deck platform. Mr. Crouch if a deck is proposed. Mr. White stated there will be a railing on the platform but not the ramp.

**Motion:** Mr. Moulton moved to continue the hearing to July 10, 2023 at 7:05 pm. The motion was seconded by Mr. Crow.

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

**Notice of Intent and SMP, 34 High Street, Matt Labrie, In Ground Pool and Bio Retention Area, DEP file No. Not Issued**

Mr. Labrie introduced Ms. Skinner Catrone as the wetlands scientist and Mr. Thrasher as the stormwater engineer for the project. Ms. Skinner Catrone summarized the project as the creation of a single family house that is outside of the jurisdictional area, with an in-ground pool and a bioretention area planned partly within buffer zone. Ms. Skinner Catrone continued that they had received a file number of 95-985 that evening prior to the meeting. Mr. Crouch asked if the file number was posted online yet. Mr. Skinner Catrone stated it had not been.

Ms. Solomon stated the Commission had previously had concern about the proximity of the stream to the driveway and had requested a plan showing the buffer zone. Mr. Labrie stated they had not created revised plans but were willing to put in extra erosion controls at the end of the driveway during construction. Mr. Crouch asked if this was also the construction entrance. Mr. Labrie confirmed. Mr. Crouch noted that the construction entrance was not shown on the plan. Mr. Thrasher stated that they could add the detail to the plan. Mr. Labrie noted that a detail is included on page 2, but not visually shown on the plans. Ms. Solomon stated that the plan called for AASHTO #5 stone, but typically the Commission asks for AASHTO #1. Mr. Crouch stated he would like the detail called out on the plan, and shown visually, including the width and dimensions of the construction entrance.

Mr. Moulton reiterated that the buffer zone from the stream should be shown on the plan. Ms. Skinner Catrone stated that they would be putting in straw wattles. Mr. Labrie explained the erosion control further. Mr. Moulton reiterated that the stream daylight in front of the proposed driveway, so the buffer zone needs to be shown on the plans. Mr. Thrasher stated that he understands the concern of the erosion going across the street and into the stream, and they could add further straw wattle across the street as additional mitigation. Mr. Crow stated that there are two different issues being discussed: one that the buffer zone needs to be shown on the plan, and two is how it is handled. Mr. Crouch added that material has to stay on site. Putting erosion controls across the street is admitting that the materials won't stay on site. Mr. Thrasher stated that it is more a fail-safe. Ms. Skinner Catrone recommended straw wattle at the end for the driveway and compost sock across the area to slow water flow.

Mr. Crouch noted that the limit of work appears to go off the property and that it should be addressed. MR. Thrasher stated that it would be corrected. Mr. Crouch expressed concern about the gravel driveway running off easily, and asked if there would be any stabilization of the gravel. Mr. Labrie stated there would be stabilization underneath, with a crown at the end. Mr. Crouch noted that the sides of the driveway are higher than the center, and expressed concern about the amount of water that will be flowing down it. Mr. Crouch added that maintenance is going to be difficult. Mr. Labrie stated the only other option is pave the driveway, which is not feasible, due to the size of stormwater basin that would be needed. Mr. Crouch noted that the trench drain at the end should hold everything from entering the road, but will likely be overwhelmed with gravel after only one storm, resulting in a bypass to the street. Mr. Crow noted that this is an issue in other places in town. Mr. Hakansson agreed and expressed concern that this will ultimately end in the street and the stream. Mr. Labrie asked if geomatrix would be acceptable. Mr. Huff, one of the property owners, stated that they are aware of the maintenance requirements.

Mr. Dassoni, 49 Hawthorne Road, asked if the driveway could be graded to allow more water to infiltrate before reaching the road, and where the nearest drain pipe was located to the end of the driveway. MR. Labrie responded that there is a culvert running underneath High Street. Mr. Hakansson noted that the Commission had previously approved a project on Fountain Street with along driveway, which had storm drains placed on the sides of the driveway. Mr. Labrie responded that annual high water was at 12-inch depth, which would make catch basins ineffective.

**Motion:** Mr. Crouch moved to continue the hearing to June 26, 2023 at 7:05 pm. The motion was seconded by Mr. Crow.

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

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

Mr. Shuster, SWCA, introduced himself and Mr. Keith as the representatives for Enbridge, and shared the plan on the screen. Mr. Shuster summarized some minor changes, including an extra stretch of erosion control. Mr. Shuster showed the FERC Certificate relating to the project, and highlighted the actual area of permanent disturbance. Mr. Crouch asked if there was a particular reason that the facility could not be moved a bit to the west, or just across the road. Mr. Shuster stated that the crawler has a very limited range, and moving the station just 300 feet to the left could result in the crawler not being able to go to the furthest extent, east-west, of the designed area. There is also a requirement for a pull off area for a vehicle, which the current location has partially existing.

Mr. Keith added that Enbridge's pipeline integrity team had determined this was the only location the crawler could go to cover the required area, due to its limited battery life. This is the precise middle location where it has to go. Mr. Crouch asked how much of the pipeline is actually being inspected. Mr. Shuster stated

that this is a connection pipe, so it will be 1,000 feet to map left gets to a meter station and 1,000 feet to map right gets to another connection. Mr. Crouch asked if it would be in the wetlands. Mr. Shuster stated that the existing pipeline runs through the wetlands, but only the highlighted area would be impacted. Mr. Crouch stated that the entire pipeline would not be inspected then. Mr. Shuster responded that the 1,000 feet east would connect up with a pipeline that is inspected with a different device suitable for the size of the pipeline at that point.

Mr. Dassoni, 49 Hawthorne Road, asked what the crawler would be looking for. Mr. Shuster responded that the crawler would be looking for corrosion or other anomalies that could compromise the integrity of the pipe, so they can be identified for repair. Mr. Dassoni asked what FERC stood for. Mr. Shuster replied that FERC was the Federal Energy Regulatory Commission which has jurisdiction, safety and operation guidelines amongst other things to ensure pipelines are operated safely. Mr. Dassoni asked what Enbridge's involvement was. Mr. Shuster stated that Enbridge owns the easement and the supplier of the gas in the pipeline, Eversource is the recipient of Enbridge's supply.

Mr. Crouch asked if the valve could be moved 20 feet into the upland and a connector pipe added that would underground and a temporary impact. Mr. Shuster responded that they need a 15 foot minimum safety buffer from the right of way. Mr. Crouch clarified that he was proposing moving the valve in the same relative positioning within the easement but 20-feet further west in the easement. Mr. Keith stated that they have to be careful of how much power they use to get the crawler into the pipeline, and adding additional length would not be feasible.

**Motion:** Mr. Hakansson moved to continue the hearing to the end of the General Business items on the agenda for discussion of special conditions. The motion was seconded by Mr. Crow.

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

**Request for Certificate of Compliance, 15 Hickory Road, Mark Reynolds, DEP File Number 95-384**

Ms. Solomon stated that the request was to close an Order of Conditions from 1996, which had previously received a partial release with the only outstanding item being stabilization, which has since been completed.

**Motion:** Mr. Moulton moved to issue a complete Certificate of Compliance. The motion was seconded by Mr. Crow.

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

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

Ms. Solomon stated that the applicant had been contacting wetlands scientists but had not hired one yet. There were no other updates at this time.

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

**Wetlands Violations, 65 Concord Street, DEP File Number 95-967**

Ms. Solomon stated that the property owner was not present on the meeting. There has been no changes since the previous meeting.

Mr. Crouch asked for Ms. Solomon to reach out to the homeowner again.

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

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

Ms. Solomon summarize that there has been no improvement on the site. Ms. Solomon stated that the Town Planner had informed her Newport Construction would be reaching out to the homeowners to arrange for paving of the driveways. Mr. Crouch asked if all the erosion issues would also be addressed. Ms. Solomon stated that she did not have a copy of the contract to confirm that. Ms. Solomon added that the killdeer had hatched and were continuing to live in the basin.

Ms. Williams, 34 Whittemore Drive, confirmed that there continued to be no changes and expressed frustration that there was no improvements. Mr. Hakansson encouraged Ms. Williams to speak with the Town Manager.

Mr. Dassoni, 49 Hawthorne Road, stated that this issue has been going on for over a year, and asked how much longer it was going to take before stronger measures were taken. Mr. Crouch asked who "the bank" was in the whole arrangement. Ms. Solomon stated that it was not fully clear, but that QC Development attended the meeting with Newport Construction on behalf of Steven Ross, and that Mr. Ross represented Chelcie Development, LLC.

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

**Wetlands Violations, 110 West Union Street, No Associated DEP File Number**

Ms. Solomon stated that she had been made aware of the vehicles bringing in fill materials to the property, and that wetlands were present. Inspection found the new material directly adjacent to apparent wetlands, including obligate wetland vegetation such as skunk cabbage. The property owners were unaware of the wetlands presence or that a permit was needed. Ms. Solomon continued that a verbal cease and desist was given for work in 100-feet which she measured out and marked, and required their attendance to this meeting. Ms. Solomon stated that additional work was still planned. Ms. Pelosi, one of the homeowners, stated when they moved in they removed a wall of brush to find significant debris, included tires and cat litter, which they wanted to clean up. A pool had been removed by previous homeowners, but not levelled, leaving a large dip that created a safety hazard. The intent was to level the area where the pool was and install a fence around the property.

Ms. Solomon recommended that since additional work was still proposed, an RDA should be filed for the remaining work. Mr. Hakansson stated that it sounds like improvements were already made with the removal of the trash. Mr. Moulton asked if the tree line was definitive. Ms. Solomon stated that it appeared the wetland line came right to the tree line. Mr. Crow asked if erosion control was needed. Mr. Hakansson stated that Ms. Solomon should discuss with the homeowners and discuss. The Commission discussed and agreed to allow grass seed to be put down to stabilize the site.

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

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

The Commission reviewed and edited the draft Order of Conditions. Mr. Shuster asked that reference to the No Disturb Zone and local bylaw be removed, due to the projects exemption from the bylaw.

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

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

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

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

### **Review minutes 4/24/2023**

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

The reviewed and edited the April 24, 2023 meeting minutes.

**Motion:** Mr. Hakansson moved to approve the April 24, 2023 meeting minutes as amended. The motion was seconded by Mr. Crow.

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

### **Review minutes 5/8/2023**

#### **5/8/2023 Meeting Minutes:**

The reviewed and edited the May 8, 2023 meeting minutes.

**Motion:** Mr. Crouch moved to approve the May 8, 2023 meeting minutes as amended. The motion was seconded by Mr. Crow.

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

### **Review minutes 5/22/2023**

#### **5/22/2023 Meeting Minutes:**

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

### **Member Prerogative**

Mr. Wands asked about 111 Cherry Street, which Ms. Solomon had emailed about prior to the meeting. Ms. Solomon stated that due to an error on her part, when copying the agenda to the website for posting, a Request for Certificate of Compliance for 111 Cherry Street had been dropped off by accident. Ms. Solomon continued that the applicant had asked if the Commission could accommodate an off cycle meeting to review and vote on the item. The Commission discussed and agreed to hold a meeting on June 15<sup>th</sup> at 4:30pm.

Mr. Hakansson informed the Commission that the MetroWest Advisors Group at MassAudubon had met at 22 Eliot Street and toured the Poitress property. Mr. Hakansson continued that the discussion included talks of a collaborative relationship with the surrounding towns.

### **Meeting Adjournment:**

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

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

The meeting was adjourned at 10:08p.m.

### **Documents reviewed by the Conservation Commission on 6/12/2023**

- Document entitled, *Agenda, dated 6/12/2023*
- Document entitled, *Meeting Minutes, dated 4/24/2023*
- Document entitled, *Meeting Minutes, dated, 5/8/2023*
- Document entitled, *Meeting Minutes, dated, 5/22/2023*
- Document entitled, *WPA Form 3 Notice of Intent 0 Myrtle Street*
- Plans entitled, *Mill Pond Pathway, dated 3/10/2023*
- Document entitled, *RE Notice of Intent 34 High Street, dated 4/21/2023*

- Document entitled, *SMP Application, dated 4/14/2023*
- Plans entitled, *K1-Make Piggale Project, dated 6/7/2023*