



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
June 13, 2022

1
2 Present: Cathy Van Lancker (Chair)
3 Greg Wands (Vice Chair)
4 Preston Crow
5 Carl Hakansson
6 William Moulton
7 Owen Ackerman
8
9 Absent: Gene Crouch
10
11 Agent: Becca Solomon
12

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

15
16 **Chair Cathy Van Lancker read the Ashland Conservation Commission virtual meeting protocols, and**
17 **meeting recording announcement.**
18

19 **Request for Determination of applicability, Thomas Anderson, 145 Pleasant Street**

20 Ms. Solomon summarized the proposed project of removing 2 trees within the 100-foot buffer zone of Mill
21 Pond and may be Riverfront Area of the Sudbury River. The two trees are on existing lawn within in a fenced
22 in backyard. One tree is blocking snow plow access, and the second tree shows signs of damage and heart rot,
23 and is leaning towards a swing set. The closest of the two trees was measured at 74 feet from the vegetated
24 area at the edge of the Pond.
25

26 Ms. Van Lancker asked what the snow plow access was needed for. Ms. Solomon explained that the driveway
27 is one lane and there is no space to turn around, and it is on a busy section of Pleasant Street. Mr. Wands
28 asked if the trees would be removed in their entirety and be removed from site, and additionally will there be
29 stump grinding. Mr. Anderson explained that the stumps would grinded with the ground, and continued that
30 the property is a two family home. Ms. Van Lancker asked if the stump would be brought to level with the
31 ground. Mr. Anderson confirmed. Mr. Moulton asked if the driveway was being extended. Mr. Anderson
32 explained that they had considered extending it, but it was cost prohibitive and was not planned at this time.
33 Mr. Moulton clarified that the entirety of the Sudbury River is Riverfront Area, and the work would be in that
34 area. Ms. Van Lancker asked if the proposed work would be affecting the Riverfront Area. Mr. Moulton
35 responded that if the trees are just taken down, being hazard trees, it would not be an impact. They are in
36 existing lawn. Mr. Hakansson asked Mr. Moulton if the stump grinding should not occur. Mr. Moulton
37 responded if they are just brought down to grade that should be sufficient, as long as they do not pull up the
38 root system. Mr. Crow stated that it appeared, based on the photos, that it was clear there would not be a
39 significant impact.
40

41 **Motion:** Mr. Wands motioned to issue a Negative 3 Determination. The motion was seconded by Mr. Crow.

42 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL).
43
44
45

46 **Amended OOC, Lauren Gluck, Public Safety Building, 1 E. Union Street, DEP File No. 95-945**

47 Mr. Moulton recused himself from the discussion.

48
49 Ms. Gluck, Pare Corporation, summarized the proposed changes for drainage improvements and buffer zone
50 plantings. A temporary berm had been constructed in response to a previous storm event. The proposal is to
51 construct new permanent berms in the same location as the temporary berm, removal of existing stockpile
52 cement pipes from the buffer area, and adjustment of the buffer planting locations to better suit the existing
53 conditions.

54
55 Nicole Capistran, Pare Corporation, explained that the original plan included a small berm to help swale the
56 water along the back side of the retaining wall. The new proposal is to make a larger berm to mimic the
57 temporary condition. The plans show a change in grading to show that berm alteration. The two proposed
58 berms will have turf reinforcement matting on areas that are greater than a 3:1 slope.

59
60 Mr. Hakansson stated that himself, Mr. Crouch, and Mr. Wands attending a site walk on the previous
61 Saturday with Ms. Solomon and Ms. Capistran. Mr. Hakansson felt everything looked fine. There was
62 discussion on the pros and cons of removing the cement pipes and it as determined that the plantings could be
63 done as proposed if the pipes were present. They will need to be cleaned out to be replanted. Mr. Hakansson
64 felt that the plan was satisfactory. Ms. Van Lancker asked where the pipes came from. Mr. Hakansson
65 explained they were left over from the drainage system installed 30-35 years ago when the land had been
66 stripped. There was a temporary detention basin had been installed at the time, with a culvert system that
67 drained the wetland above the Public Safety building through that area. The cement pipes were extras that
68 were laying on top of the ground. Mr. Wands agreed with Mr. Hakansson's early comment that the proposal
69 was satisfactory, and clarified the pipes were from the Village of Americas project that was never completed.
70 Mr. Wands stated that the existing berms consist of coarse crushed stone, and asked if the material would be
71 sufficient to hold enough moisture and would there be enough organic material to support vegetation. Ms.
72 Capistran stated that the temporary berm would be removed entirely prior to the construction of the
73 permanent berm, which will be an earthen berm.

74
75 Mr. Hakansson asked how long the construction would take, and if the weather was being taken into
76 consideration. Ms. Capistran responded that they would need to coordinate with the contractor, and felt that
77 the project should be completed this summer. Mr. Hakansson felt the work should be coordinated with Ms.
78 Solomon to ensure no issues with the weather. Ms. Ball, Assistant Town Manager, stated that Ms. Solomon is
79 updated whenever the scheduled is altered with the replication area, and that they will continue doing so for
80 the berms and stormwater as well.

81
82 Ms. Van Lancker asked what the procedure would be for the amended Order, and if more materials were
83 needed. Ms. Solomon explained that the plan provided shows the final conditions, and the Commission could
84 issue an Amended Order with stated special conditions as necessary. The conditions stated require the
85 existing temporary berms be removed entirely prior to construction of the permanent berms and continued
86 and that Ms. Solomon is coordinated with on timing.

87
88 **Motion:** Mr. Hakansson motioned to issue an Amended Order of Conditions for DEP File Number 95-945
89 with conditions as stated. The motion was seconded by Mr. Crow.

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

91
92 **Legacy Farms, Update**

93 Ms. Van Lancker stated that the intent of the item was to have Mr. Carter, GCG Engineering, go over the
94 changes to the draft NOI proposal required under the Enforcement Order. Ms. Solomon concurred and
95 summarized that Mr. Carter was present to discuss what has been submitted for peer review and the status of
96 the peer review. Ms. Solomon continued that at this time, no final NOI has been submitted for a signature
97 from Town Management, and there is no formal project before the Commission. Ms. Van Lancker clarified
98 that the topic is only a discussion at this time.

99

100 Mr. Carter summarized that he had met with Mr. Bemis, Environmental Design Consultants, and discussed
101 concerns. Revisions were submitted to GCG 3 weeks ago, and the peer review letter submitted to Town
102 Counsel once review of those documents was complete. The primary concerns were runoff coming off the
103 Legacy Farms site in current construction phases as well as the fourth phase which was not under
104 construction at the time. Drainage was evaluated for all phases. The proposal was to construct modifications
105 to address concerns regarding the increase in stormwater leaving the site. There are some items being fine-
106 tuned. The review letter has not been provided to Mr. Bemis yet. The next concern was for filing a Notice of
107 Intent for work on Howe Street. More analysis was needed, and the riprap slope and swale needed further
108 modification. Water was being proposed to tie into an existing 36" corrugated metal pipe that currently does
109 not have a bottom, which needed to be addressed. There was ongoing consideration for mitigating pollution to
110 the Reservoir, which is jurisdictional, as well as repairs to the lagoon liners which are not jurisdictional.

111
112 Mr. Hakansson stated that some items are jurisdictional and some are not. It was reported that the cease and
113 desist order as still in effect. Mr. Hakansson asked if that was the intent and if so would there be a plan to
114 release it. Mr. Hakansson stated that the final determination was that in lieu of fines for the incident last
115 summer, Mr. Bemis' company would address the situation with an NOI filing. Mr. Hakansson asked what the
116 future intent was for the cease and desist order. Mr. Hakansson asked if Mr. Bemis was aware that the cease
117 and desist was still in effect, and if Mr. Carter has any additional information. Mr. Carter stated he can only
118 speak to the Order of Conditions, not the Cease and Desist. The flow is intended to go to the old stone culvert
119 as discussed a year ago, but is being fine-tuned so it is something that is acceptable to the town and won't
120 cause and downstream flooding. Mr. Bemis, stated that he believed the cease and desist had been lifted and
121 they had not been coming to the Commission asking for anything specific to be release, and they had been
122 building units after they corrected the problem which started in May 2021 and continued through most of the
123 Summer. Mr. Bemis felt there was an agreement to advance on the project and they are committed to
124 completing any required off-site improvements regardless of the cease and desist status. Currently the project
125 is not advancing any units, and they do have 5,000 cubic yards of fill that has been deposited on the site
126 during some spring work. Mr. Bemis asked if the Commission would permit the release of additional work.
127 At this time Mr. Bemis lost connection to the meeting.

128
129 Ms. Van Lancker stated that she recalled lifted work on existing buildings already in progress, but not work
130 on new buildings. Mr. Hakansson asked if Hopkinton had lifted their cease and desist order. Ms. Solomon
131 responded that a cease and desist order had been issued, lifted, and a new one issued. Ms. Solomon was not
132 sure on the status of the current cease and desist. Mr. Hakansson stated that his recollection was the Ashland
133 Commission had responded to Hopkinton lifting their cease desist. Ms. Van Lancker stated that there was
134 never a vote to lift the Order. Mr. Hakansson felt the Commission should vote, and asked if there was any
135 reasonable expectation that allowing the work to go forward would exasperate the problem. Mr. Carter stated
136 that there is an agreement between the town and the Developer that does discuss allowing work to go forward
137 but was not yet signed. Mr. Bemis restored his connection at this time.

138
139 Mr. Carter continued that the Town had met with the Developer and had agreed to temporarily suspend
140 building new houses. The agreement was being ironed out and had different requirements to investigate but
141 was not final. Mr. Hakansson asked if Mr. Bemis knew of any cease and desist in Hopkinton. Mr. Bemis
142 stated they had a management cycle with a 21-day look ahead to keep ahead of construction activities and it
143 was turned into a 28-day look ahead. They have a pending 28-day construction request for the release of a
144 number of units, and that has been held up, and no work has begun as that has not been released. Mr. Bemis
145 felt that they had perfect conditions now to continue work and have been unable to do so. Mr. Hakansson
146 asked if Ms. Ball had any comments. Mr. Hakansson expressed that he felt the Town was leaning on the
147 Commission's Cease and desist in order to go forward, and he was not sure that was the intent. Ms. Van
148 Lancker stated that she felt the question was if the cease and desist was lifted or if the Commission allowed
149 work to occur on houses already under construction. Mr. Hakansson asked what the Commission should do
150 going forward. Ms. Van Lancker felt that topic was beyond the scope of the agenda item. Mr. Hakansson felt
151 the Commission should consider its role in the matter at a future meeting. Ms. Van Lancker asked Ms.
152 Solomon to add it to the next meeting agenda and see where they stand on their end. Mr. Carter stated there
153 will be further additions to the plans, to ensure there is no significant flooding from the development. Ms.

154 Van Lancker clarified the changes are on the NOI plans that will be submitted to the Commission. Mr. Bemis
155 stated that the Commission was being provided 21 and 28-day sequencing events that Hopkinton was
156 additionally receiving. Mr. Bemis continued that they have been building units, and the fill is stockpiled on
157 site waiting to continue the units. Deficiencies were found in the initial designs from the first plan, and
158 concluded they could be improved, and those are being worked on.
159

160 Ms. Van Lancker asked if the Commission should consider releasing some construction and then releasing
161 further lots at the following meeting. Mr. Hakansson felt that a meeting should be held with all the
162 stakeholders in the situation so an enlightened decision can be made, and that it should happen at the next
163 meeting. Ms. Van Lancker asked if the Commission should come to a vote tonight on the matter. Mr.
164 Hakansson asked if the proposals have been approved by Hopkinton. Mr. Bemis stated they were pending
165 with Hopkinton since April, and the action of the Ashland Commission would assist in the release of those
166 units. Mr. Hakansson asked Ms. Solomon to reach out to the Hopkinton Commission. Mr. Moulton stated that
167 he would need further information on what is being released without a plan showing that. Mr. Hakansson
168 asked if the cease and desist had anything to do with new buildings. Ms. Van Lancker responded that the
169 cease and desist was on the property. Mr. Wands recalled that the release of the cease and desist was only for
170 the finishing of the roofs and drainage for structures that were already up. Ms. Van Lancker asked that Mr.
171 Bemis show what he is proposing for release.
172

173 Mr. Bemis shared a 28-day release plan currently before the Hopkinton Commission for release, and
174 described the units being requested for release. Mr. Herbert, Town Manager, stated that he was unaware the
175 release of lots were being discussed on the agenda until he was notified at 5:00pm that evening. Mr.
176 Hakansson asked who was in charge of releasing the lots. Mr. Herbert clarified that a three-pronged approach
177 was being taken which included enhancements on the Legacy Farms site itself, the improvement on town
178 owned lands through the Conservation Commission, and the third is repair to the lagoons. Mr. Herbert's
179 understanding was that both Ashland and Hopkinton Conservation Commission's had an active cease and
180 desist. Mr. Herbert felt the Commission should be releasing the lots if the Commission felt they should be
181 released. Mr. Hakansson stated the cease and desist was put in place to mitigate the issues last summer, which
182 appear to no longer be an issue. Mr. Hakansson felt the Select Board should issue their own Cease and Desist
183 if they were to continue with this approach. Ms. Van Lancker stated that GCG has provided comments, and
184 the plan needs to meet those requirements before it is submitted. Ms. Van Lancker felt a careful release of
185 some lots would be appropriate. Ms. Van Lancker asked Ms. Solomon to request the necessary parties to
186 attend the next meeting for discussion. Mr. Crow asked if a vote for release is within the scope of what was
187 posted on the agenda, and if it there was an Open Meeting Law issue if pursued. Ms. Solomon stated that the
188 agenda noted only an update, and no suggestion that vote may be taken. Mr. Bemis stated that the
189 Commission had reviewed the 21 and 28 day releases consistently. Ms. Van Lancker responded that the only
190 release of units that occurred was for the units already being worked on and no new units were released by the
191 Ashland Commission. Mr. Bemis stated that new units were being built and were presented to the
192 Commission. Ms. Van Lancker stated she would review those minutes to confirm, and the discussion would
193 continue at the next meeting. Mr. Moulton asked for a written request to release the lots. Mr. Bemis stated he
194 would be asking for a release of the full cease and desist. Ms. Van Lancker stated the NOI still needs to be
195 filed for the repairs required and should be stated in the release request. Mr. Hakansson asked Ms. Solomon
196 to review the file of what was discussed and clear the record. Ms. Van Lancker specifically asked for review
197 of release of any new buildings. Mr. Hakansson asked additionally for the original motion to issue the cease
198 and desist order. Ms. Solomon stated she would summarize that information for the meeting.
199

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

201
202 **Plan Modification Request, Ashland State Park Beach Maintenance Project, DEP File No. 95-940**

203 Mr. Moulton recused himself from the discussion
204

205 Kevin Hollenbeck from the Department of Conservation and Recreation (DCR), summarized the project. A
206 section of trail is located between the beach access road and the first stream crossing and is located in a
207 wetland area that was identified when it was filed. The request is to move the trail uphill out the wetland.

208 Hand tools would be used with standard DCR installation techniques to move it out of the wetland area. Ms.
209 Solomon stated that the request was originally brought up when the erosion control was being inspected for
210 the sand replacement. The understanding at the time would be some minor vegetation removal and placement
211 of the trail markers. The formal request submitted added additional work which had since been removed from
212 the request. Ms. Solomon continued that the main difference from the original discussion with the applicants
213 was the additional removal of invasives and compaction of the mineral soils as opposed to just vegetation
214 removal.

215
216 Ms. Van Lancker asked if the proposal should be an RDA? Ms. Solomon stated based on the precedent set at
217 previous minor modification hearings, the proposal is shifting the location and changing the footprint, and she
218 was not sure if the trail was on the original order. An RDA may be suitable. Mr. Hollenbeck clarified that the
219 trail was not part of the original plan, but as they moved forward with understanding where the trail is located
220 in relation to the resource area it was determined that a modification might be needed. Ms. Solomon added
221 that the initial discussion with the applicant was prior to any minor modifications coming before the
222 Commission. Ms. Solomon stated that this could alternatively go through as an Amended Order, but it would
223 require abutter notifications and a legal ad. Ms. Van Lancker asked if it could be put on the next meeting. Ms.
224 Solomon stated due to the Juneteenth holiday, the abutter notifications would need to go out on June 15th,
225 2022. Mr. Hakansson felt it should be an Amended Order. Mr. Wands stated he wanted more details on
226 existing conditions of the trail, if the wetland area would naturally re-vegetated after the trail is moved or if it
227 would require restoration, and what the details would be for closing the trail to prevent continued use. Mr.
228 Hakansson felt that abutters should be notified. Ms. Solomon noted that Mr. Hollenbeck appeared to have lost
229 connection. Ms. Van Lancker felt that the request should be an Amended Order of Conditions. Mr.
230 Hollenbeck reconnected and stated he would reach out to see what he missed. Ms. Van Lancker asked that a
231 plan be submitted showing the changes as well.

232
233 **No motion was made and not vote was taken.**

234
235 **Ms. Van Lancker left the meeting at this time. Mr. Wands took over as Chair.**

236
237 **Stormwater Waiver Request, Bohler Engineering, 225 Pond Street**

238 Mr. Dubrule, Bohler Engineering, summarized the request for a waiver from filing a Stormwater
239 Management Plan. Mr. Dubrule described the existing conditions of the site. The proposed changes are to
240 create a second drive-thru lane to the property and install a landscaped area between the lanes and on the
241 perimeter, as well as relocation and regrading of some parking areas to move the ADA Accessible Parking
242 Spaces. Mr. Dubrule further noted a wetland resource area located across the street with a hydrologic
243 connection consistent of a culverted stream to another wetland area behind another adjacent property. Mr.
244 Dubrule stated the stream was intermittent. No work was within the 100-foot buffer zone of the stream or
245 wetlands.

246
247 Mr. Hakansson asked Ms. Solomon if the Peer Review had been provided to the Commission. Ms. Solomon
248 stated she had received the peer review requested by Planning Board that morning and had provided them to
249 the Commission as some of the comments were relevant to the discussion. Mr. Hakansson asked if the Peer
250 Review had recommended a Notice of Intent be filed. Ms. Solomon stated the Peer Review attributed a 200'
251 Riverfront Area to the stream suggesting it was perennial, and advised a Notice of Intent should be filed as
252 the work was within the 200' Riverfront Area. Mr. Hakansson felt that an RDA at least should be submitted,
253 if not an NOI. Mr. Dubrule stated that the comments concerning the Riverfront Area was based on previous
254 discussion with DPW who felt it was perennial, but all their research shows it is intermittent. Mr. Hakansson
255 stated that the peer review corroborated that it was perennial and reiterated that at the least an RDA should be
256 filed.

257
258 Mr. Hakansson stated that the area in question has had continuing issues with flooding and he felt that a
259 waiver would not be appropriate. The adjacent property, Reliable Fence, was under water the previous
260 Summer due to the issues. Mr. Dubrule asked if relative to stormwater improvements, there were any
261 comments that should be addressed in the submission. Mr. Hakansson felt that the Ashland DPW should be

262 present in discussions when the plan is submitted, and further that abutters should be notified. Mr. Hakansson
263 asked that GCG should additionally peer review anything submitted. Mr. Wands stated that the submissions
264 mostly focused on USGS StreamStats and surface conditions, but did not provide information on catch basins
265 or other existing stormwater conditions on site. Mr. Wands requested that additional information be provided
266 showing current conditions to better understand the stormwater on site. Mr. Dubrule showed on the plans
267 suggesting the water sheet flows from the rear to the front into two existing catch basins. Mr. Dubrule stated
268 that impervious surface was being reduced and would thus reduce peak flows.
269

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

271
272 Mr. Crow noted that if the two catch basins on site flow to the same location that's fine, but if they flow to
273 different locations, there may need to be space calculations for each. Mr. Hakansson noted that the culvert at
274 the location going under Route 126 is undersized. The culvert under the Reliable Fence property is twice the
275 size of what goes under Route 126. Mr. Dubrule asked if this was being tied to the project proposed. Mr.
276 Hakansson stated that what happens at this site affects the others being discussed as far as stormwater is
277 concerned. Mr. Moulton noted that the USGS StreamStats does not appear to accurately capture the drainage
278 area, as it does not capture the drainage coming off the Mountain Gate development, and should be
279 considered. Mr. White, Town Engineer stated that the Route 126 project evaluated two culverts and the first
280 culvert was looked at for replacement but decided against it due to downstream impacts, and the second
281 culvert near Reliable Fence was not considered part of the project because it was done in the 1950s when the
282 lot was developed. Mr. Evans clarified that both culverts are undersized.
283

284 **Motion:** Mr. Ackerman motioned to deny the Stormwater Waiver Request. The motion was seconded by Mr.
285 Crow.

286 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL).
287

288 **Emergency Certification Ratification, Ashland DPW, Emergency Sinkhole Repair**

289 Mr. White described the location of a 24-inch corrugated metal culvert on East Union Street near the High
290 School. At the sidewalk above the culvert, two sinkholes have developed on each side of the sidewalk, with
291 little material holding up the sidewalk. The area has been blocked off as several students and other
292 pedestrians were continuing to walk over the area. Ms. Solomon stated the Emergency Certification issued
293 was for the asphalt to be pulled up in the stretch above the sink hole, level out the material underneath and put
294 metal plates down to make the area passable and safe for travel. The certification does not address the culvert
295 itself as DPW was still investigating the conditions of the culvert, the structural integrity, and what repairs are
296 needed. Mr. White added that he had not seen inside the culvert and it was unclear what condition it is in at
297 this time; however, as there are sinkholes developing over it, the culvert is likely not in good condition. Ms.
298 Van Lancker asked if DPW would need to come back before the Commission for repairs on the culvert. Ms.
299 Solomon confirmed and stated if in their investigation, DPW find the culvert is in very poor conditions and
300 it's about to collapse the road it may be grounds for another Emergency Certification. Ms. Solomon stated she
301 would be working with the DPW to determine the best course of action depending on their evaluation of the
302 culvert.
303

304 **Motion:** Mr. Moulton motioned to ratify the Emergency Certification. The motion was seconded by Mr.
305 Crow.

306 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL).
307

308 **Burnham Circle, Peter Venuto, Update and Proposed Berm Repairs**

309 Mr. Venuto introduced Mr. Colonna, Connerstone Engineering. Mr. Colonna summarized the proposed
310 repairs for the berm. The detention basin would be fully reconstructed. The down gradient berm would be
311 fully removed. Some of the material was decent but not compacted. The berm would be rebuilt to the original
312 specifications. Test Pits were conducted on the berm, with the southernmost pits being poor, sandy material,
313 and the northernmost pits being suitable material mixed with larger rocks. The suitable material would have
314 the rocks screened out, and then reused. The first phase of the reconstruction would reinforce the southern
315 half of the basin while work occurs on the northern half of the berm, with a temporary outlet pipe and

316 spillway capable of controlling a 2-year storm event. Once removed the northern section of the basin would
317 be used for stockpiling and sorting material. For Phase 2, water would be routed around to the Northern
318 section of the basin while the southern section of the berm is reconstructed.
319

320 Mr. Moulton asked if the bottom of the basin is being used for stockpiling and processing, how will the
321 compaction be dealt with. Mr. Colonna stated the bottom of the basin will be scraped out after the work plus
322 an additional foot of material below that to remove any compaction and sediment build-up. There is limited
323 space to process in that area without trucking it up hill and back down. Mr. Crow asked if peer review has
324 been received. Ms. Solomon stated that Peer Review was requested, but the review has not been received yet.
325 Mr. Crow stated that there was some concern about a possible seam that could be created by building the
326 berm in two sections, as well as stockpiling in the basin. Mr. Colonna responded that the seam would need to
327 be benched in and sealed together. It would be compacted in layers and benched together. The basin isn't
328 completed yet, the bottom was never built to spec, and that needs to be completed at the end after the berm is
329 completed. Mr. Ackerman asked what the timeframe is for the project. Mr. Venuto stated that the drier time
330 of the season is approaching July and that the septic systems are installed and being ready for stabilization.
331 Mr. Venuto stated he wanted to start after July 4th and that it would likely take 2-3 weeks to complete the
332 work described for repairing the berm.
333

334 Ms. Williams, 34 Whittemore Drive, stated that the members of the Homeowner's Association, wanted to
335 express how important it was that they receive a functioning system as the future owners of the basin.
336

337 **No motion was made and no vote taken**
338

339 **Enforcement Order Ratification, Chris Kotsiopoulos, 50 Megunko Road**

340 Ms. Solomon stated the property recently had an RDA filed for removal of stockpiles in jurisdictional area,
341 with the understanding that they would be removed by July 15th. On June 9th, Ms. Solomon was made aware
342 that there was significant truck activity bring material into the site. Upon investigation the stockpiles were
343 found to have tripled in size rather than being removed. Material at the time of the RDA filing was behind the
344 building entirely. The current stockpiles are in an increased area behind the building, and extending down the
345 driveway and in front of the building. In reviewing the area around the perimeter berm, some of the material
346 had spilled over and appeared to have fallen into the resource area. In response, a \$100 fine under the local
347 bylaw and an Enforcement Order was issued. The Enforcement Order had a cease and desist on all activity to
348 bring in further material and crushing of rocks, and additionally order erosion control to be installed on top of
349 the berm to mitigate any further erosion, and to immediately remove all stockpiled material as approved in the
350 RDA process. Ms. Van Lancker asked if the tenant had been changed. Ms. Solomon stated that Mr.
351 Kotsiopoulos is the property owner and claimed to be unaware of the situation, and that there are new tenants
352 lined up. Ms. Van Lancker asked if the erosion controls had been put in place yet. Ms. Solomon did not
353 believe it had been.
354

355 Mr. Moulton asked if the Enforcement Order should be modified to include a deadline on the erosion control,
356 and if there should be fines. Mr. Moulton continued to propose that fines should be issued if the deadlines are
357 not met. Mr. Hakansson agreed. Mr. Crow stated that a \$100 fine seemed low compared to the scale of what
358 is occurring. The property owner was told to remove the material and instead they brought in more. Ms. Van
359 Lancker proposed that the erosion controls should be installed by Wednesday. Mr. Moulton said they should
360 be installed by noon on Wednesday and Ms. Solomon should make the inspection at that time and issue a fine
361 if the erosion control is not installed. Mr. Wands asked if the erosion control is being broken up from the
362 removal of the fill. Ms. Van Lancker stated both are being required. Mr. Moulton said if the material is not
363 removed by July 15th a \$300 fine should be issued. Mr. Wands asked what should be done concerning the fill
364 that entered the resource area, and if it needs to be supervised. Ms. Solomon stated that the Enforcement
365 Order included the restoration of any resource area altered as a result of the activities. Ms. Solomon clarified
366 the material that went over was mostly rocks. There were some water trails coming off the stockpiles and
367 over the berm that suggested finer sediments may have entered as well. Ms. Solomon stated she would need
368 to walk on the other side of the berm to determine what need to be restored. Mr. Hakansson stated that the
369 berm should also be inspected for damage. Ms. Solomon added that a Wetlands Scientist can be required

370 under the Enforcement Order. Mr. Crow asked if there should be daily fines for the additional material that
371 was brought in. Ms. Van Lancker stated that it was unclear which parts were new. Mr. Moulton stated the
372 area in front of the building should be removed. Mr. Moulton said erosion control should be installed by noon
373 on Wednesday, and all new material should be removed. Everything should be removed by July 15th.
374

375 Mr. Hakansson asked if the Enforcement Order should be drawn up and sent out to the Commission for
376 review. Ms. Solomon stated it could be done, but any deliberation would need to be on open meeting. Mr.
377 Hakansson stated that it would just be review of the language used.
378

379 The amendments stated were for erosion control to be installed by noon on June 15th, 2022. All new material
380 will be immediately removed. A Wetland Scientist will be hired to submit a restoration plan of the affected
381 resource area.
382

383 **Motion:** Mr. Moulton motioned to ratify the Enforcement Order with the amendments as stated and to issue
384 fines as discussed. The motion was seconded by Mr. Crow.

385 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL).
386
387

388 **Review minutes from 5/23/22**

389 **5/23/22 Meeting Minutes:**

390 Commission Members reviewed and edited the May 9, 2022 meeting minutes.

391 **Motion:** Mr. Wands motioned to approve the May 9, 2022 meeting minutes as amended. The motion was
392 seconded by Mr. Crow.

393 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL).
394

395 **Discussion, Minor Modification Standards**

396 The Commission continued this discussion to the next meeting.
397

398 **Member Prerogative**

399 Mr. Hakansson stated that he had visited Aggregate Industries with Mr. Crouch and Ms. Solomon, and felt it
400 clarified what had been proposed. Mr. Hakansson felt it made it more clear that standards for minor
401 modifications were necessary.
402

403 **Meeting Adjournment:**

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

405 **Vote:** The motion passed with a 6-0-0 vote. Rollcall vote: Rollcall vote: OA, PC, CH, WM, GW, CVL).
406

407 The meeting was adjourned at 9:26p.m.
408

409 **Documents reviewed by the Conservation Commission on 5/23/2022**

- 410 ● Document entitled, *Agenda, dated 6/13/2022*
- 411 ● Document entitled, *Meeting Minutes, dated 5/23/2022*
- 412 ● Document entitled, *WPA Form 1- RDA 145 Pleasant Street, dated 5/26/2022*
- 413 ● Document entitled, *Request for Amended Order of Conditions- Public Safety Building, dated*
414 *5/26/2022*
- 415 ● Document entitled, *Notification of Project Change- Ashland State Park Beach Maintenance Project,*
416 *dated 5/27/2022*
- 417 ● Document entitled, *Stormwater Management By-Law Waiver Request Letter, dated 6/2/2022*
- 418 ● Document entitled, *StreamStats Report- 225 Pond Street, dated 5/16/2022*
- 419 ● Plans entitled, *Proposed Site Plan Documents- 225 Pond Street, dated 1/14/2022*
- 420 ● Plans entitled, *Demo Red Plan- 225 Pond Street, dated 6/2/2022*
- 421 ● Email Correspondence entitled, *Sinkhole in Sidewalk at E Union Across from Nikki Terrace, dated*
422 *6/7/2022*
- 423 ● Document entitled, *WPA Emergency Certification Form, East Union Street, dated 6/7/2022*

- 424 ● Email Correspondence entitled, *RE: FW: Whittemore and Estates detention pond testing, dated*
- 425 *6/3/2022*
- 426 ● Plans entitled, *Proposed Drainage Basin, Whittemore Estates, dated 6/6/2022*
- 427 ● Document entitled, *WPA Form 9- Enforcement Order 50 Megunko road, dated 6/9/2022*
- 428 ● Document entitled, *50 Megunko Violation ticket, dated 6/9/2022*
- 429 ● Document entitled, *MACC Forum 2017 Discussion Plan Changes*
- 430 ● Document entitled, *Draft Example Minor Modification Policy, dated 6/8/2022*
- 431 ● Document entitled, *Riverfront Regulations Part One, MassDEP NERO*