



Town of Ashland

MASSACHUSETTS

MEETING MINUTES ASHLAND CONSERVATION COMMISSION June 26, 2023

Present: Catherine Van Lancker (Chair)
Greg Wands (Vice Chair)
Owen Ackerman
Preston Crow
Gene Crouch
William Moulton

Absent: Carl Hakansson

Agent: Becca Solomon

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

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

Request for Determination of Applicability, 43 Strobus Lane, Matthew Reynolds, Tree Removal

Ms. Solomon summarized the proposed work for removing 7 native trees that are leaning towards the house and are decayed, 6 invasive buckthorn, 3 fallen trees that are blocking the flow of a stream, 3 stumps that are tripping hazards in the existing lawn area, and pruning 2 trees in the front. One of the trees included in removal has already fallen and heavily damaged the property owner's deck. One of the trees would be brought to snag height level with an adjacent railing. Ms. Van Lancker asked if erosion controls are needed. Ms. Solomon stated if they go in with vehicles, swamp mats may be necessary; however, given the density of the vegetation and the steep slopes, it is likely that they would use another method. Mr. Reynolds stated the plan was to use a crane to reach into the woods and pull the trees out with as minimal disturbance as possible. Ms. Solomon clarified that if the company uses a crane, it would be connected to the top of the tree, someone would cut it at the bottom, and then the crane would lift the tree straight up and over the remaining standing trees to a more suitable location to cut it into log size.

Mr. Crouch stated that the plan was difficult to read, and there is not a delineation shown. Ms. Solomon explained the layout of the submitted plan, and showed aerial imagery to better illustrate the area. Mr. Crouch asked if the stream had any wetlands associated with it. Ms. Solomon confirmed and clarified that there were well defined banks to the stream, which appeared to connect two wetland systems. Ms. Solomon added that MassMapper has it shown as a wetland hydrologic connection, but does not appear on the USGS stream layers. Mr. Crouch asked if the buckthorn was going to be removed or just cut. Mr. Reynolds responded the buckthorn was only going to be cut, but he is open to replanting. Mr. Crouch stated that cutting it will just cause the buckthorn to regrow.

The Commission asked the applicant to submit a plan showing the wetland delineation and clarifying the work to be done. Ms. Solomon stated she would work with the applicant to make a revised plan. Mr. Wands asked if there was something causing the trees to decline. Mr. Reynolds stated he did not know why they were declining. Ms. Solomon responded that it could be a soil dwelling nematode or bacteria

affecting the trees, but more likely this is a result of the drought from last year, dry winter, and the unexpected frost. Ms. Solomon continued that this trend of weather will likely result in significantly more trees declining in the next couple years from the stress. Ms. Van Lancker asked Ms. Solomon to provide Mr. Reynolds with a list of native plants to consider.

Motion: Mr. Wands 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, WM, GW, CVL)

Request for Determination of Applicability, 26 Strobos Lane, Tim Eagan, Soil Test Pit

Mr. McIntyre introduced himself as representation for the homeowners and presented the proposed plan. The existing septic system on the property failed Title 5 and needs to be replaced. Two locations are proposed for the Board of Health's review, one in the front yard, which is preferred, and the one in the rear. The RDA is for authorization to dig the test pits within the 100-foot buffer zone, and a Notice of Intent will be filed for the actual construction of the system if necessary. Mr. Crouch asked where the access would be. Mr. McIntyre highlighted the access way on the plan coming off of the street. Mr. Crouch asked if the work was being done with a backhoe. Mr. McIntyre confirmed and stated the top soil would be put back on top and the straw matting could be put on if required as well. Mr. Crouch asked if erosion controls will be placed around the erosion controls. Mr. McIntyre stated that the stockpiles will not be present long enough to require them. Ms. Solomon stated that the actual marked area in the field differed from what was on the plan for the location of the rear test pit location, and is actually closer to the wetland. Mr. McIntyre stated that it is still in the lawn area and is off by about 10 feet.

Motion: Mr. Crouch moved issue a Determination of Applicability with a Negative 3 determination pending receipt of a plan showing the corrected location of the test pit, and to place straw matting over disturbed areas. The motion was seconded by Mr. Crow.

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

Request for Determination of Applicability, 94 Heritage Avenue, René Rouleau, Fence and Patio

Ms. Solomon showed the plans on the screen and summarized the work to install a fence and patio within an existing lawn area. There is existing patio on the property that is being expanded. There is existing fence on a neighboring property that runs parallel to the property line. Ms. Solomon stated that the No Disturb Zone shown does extend into the lawn area, but that she believe is preceded the bylaw.

Mr. Crouch stated that he was not sure the property preceded the bylaw, as Heritage Avenue was an area that was part of the Amnesty Program done in the early 2000s for the No Disturb Bylaws. Ms. Solomon noted that the current bylaw was accepted in 2009, but the original was approved in October 1999. Mr. Crouch asked Ms. Solomon to search the records for what was approved on the lot for the limit of work when built. Ms. Solomon stated there is an Order of Conditions from 1998 that she can check when back in the office the following day. Mr. Crouch noted that it would predate the bylaw if it was approved in 1998.

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

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

Request for Determination of Applicability, 232 Prospect Street, Katherine Crowe, Fence

Mr. Crow stated that there is no relation between Ms. Crowe and his wife who shares the same name, spelled differently. Ms. Solomon summarized the work to replace an existing fence on the property. The wetland is located on 0 Prospect Street, which an active Order of Resource Delineation (ORAD) issued within the last year would be applicable to. Ms. Solomon stated that the delineation plan approved by the ORAD is included in the file for this request.

Motion: Mr. Wands moved issue a Determination of Application with a Negative 3 determination. The motion was seconded by Mr. Crow.

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

Notice of Intent and SMP, 34 High Street, Matt Labrie, In Ground Pool and Bio Retention Area, DEP file No. 95-985

A revised plan was shown on screen. Ms. Karon Skinner Catrone summarized the requests from the Commission and highlighted their details on the revised plan. Mr. Crouch noted that there is not a side profile detail of the trackpad.

Mr. Dassoni, 49 Hawthorne Road, asked what drainage systems were included. Ms. Skinner Catrone highlighted the trench drain.

Motion: Mr. Wands moved 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, WM, GW, CVL)

The Commission determined the review the special conditions later in the meeting.

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

Ms. Van Lancker stated that this item will be passed over.

Mr. Laurino, 6 Burnham Circle, asked what would be done about the substandard fill being used on the property. Ms. Van Lancker stated that it he question cannot be answered at the time being. Ms. Solomon added that, as a general policy, the Commission cannot publicly discuss active or imminent litigation. Mr. Laurino asked if the Commission will be able to answer the question after the Town goes to the appeals court on July 20th, because they need answers on what's going on, and the builder has been unresponsive. Ms. Solomon responded that the Commission would need to speak with counsel prior to answering any further questions. Mr. Crow added that the Commission wants to see the issues fixed, and not at the homeowner's expense, but that not much more can be said at this time. Ms. Van Lancker continued that the Commission needs to discuss further with Counsel before anything else is discussed publicly. Mr. Laurino asked if the Commission could ask Counsel if the question could be answered.

No motion was made and no vote taken.

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

Mr. Cai stated that he had contacted several wetland scientists but only two had provided a proposal, and they are very expensive. Mr. Cai asked if he could just replant the trees he had cut instead. Ms. Van Lancker responded that it would not be sufficient and that a wetland scientist needs to do the work described in the Enforcement Order. Mr. Crouch agreed and directed Mr. Cai to contact the Massachusetts Association of Conservation Commissions (MACC) to get a list of wetland scientists that may be less expensive. Ms. Van Lancker added that the Commission wanted the wetlands delineated as well.

Mr. Cai stated that the wetland scientists wanted to do a land survey, but he feels his property is well marked by an existing stone wall. Mr. Crouch stated that some survey is needed to find the wetland flags so it can be put on a map.

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.

Ms. Van Lancker asked if fines would be appropriate. Mr. Crow asked if fines would be effective. Ms. Solomon stated that previous fines resulted in the property owner showing up to meetings, but ultimately did not move the process along. The Commission asked Ms. Solomon to issue a \$300 fine, hand delivered, and to make clear that if there is not an update at the next meeting the fines will progress to daily fines.

Motion: Mr. Crouch moved to issue a one-time fine of \$300 to be increased to daily fines of \$300 if no update is provided by the next meeting. The motion was seconded by Mr. Crow.

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

Review and Vote, Draft Order of Conditions and SMP, 34 High Street, Matt Labrie, In Ground Pool and Bio Retention Area, DEP file No. 95-985

The Commission reviewed and edited the draft Order of Conditions for 34 High Street.

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

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

Review minutes 5/22/2023

5/22/2023 Meeting Minutes:

The reviewed and edited the May 22, 2023 meeting minutes.

Motion: Mr. Wands moved to approve the May 22, 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 6/12/2023

6/12/2023 Meeting Minutes:

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

Review minutes 6/15/2023

6/15/2023 Meeting Minutes:

The reviewed and edited the June 15, 2023 meeting minutes.

Motion: Mr. Crouch moved to approve the June 15, 2023 meeting minutes as amended. The motion was seconded by Mr. Crow.

Vote: The motion passed with a 4-0-0 vote. (Rollcall vote: OA, GC, WM, CVL) Mr. Crow and Mr. Moulton abstained.

Member Prerogative

Mr. Moulton noted that Principal Park has a boat launch that is being overrun with poison ivy. Mr. Moulton asked if he could treat it with a salt and vinegar solution. Mr. Crouch asked what the formula was. Mr. Moulton responded that it is Epsom salt, vinegar, and dish soap. Ms. Solomon noted that it works well on knotweed too. Ms. Solomon added that if it is put on the soil instead of the leaves, it acidifies the soil which often kills a lot of plants. The Commission discussed and determined that it should not be an issue. Ms. Solomon added that the Health Agent should be notified prior to treatment as there are restrictions on herbicide use. Ms. Solomon added that they've been more willing to allow herbicide use for invasive and nuisance plants recently.

Meeting Adjournment:

Motion: Mr. Moulton 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, WM, GW,CVL)

The meeting was adjourned at 9:05.m.

Documents reviewed by the Conservation Commission on 6/26/2023

- Document entitled, *Agenda, dated 6/26/2023*
- Document entitled, *Meeting Minutes, dated 5/22/2023*
- Document entitled, *Meeting Minutes, dated, 6/12/2023*
- Document entitled, *Meeting Minutes, dated, 6/15/2023*
- Document entitled, *WPA Form 1 232 Prospect Street, dated 6/6/2023*
- Plans entitled, *232 Prospect Street RDA 2023*
- Document entitled, *26 Strobos Lane wetland delineation report, dated 6/12/2023*
- Document entitled, *26 Strobos Lane RDA Submission, dated 6/5/2023*
- Plans entitled, *Soil Testing Plan 26 Strobos Lane, dated 6/16/2023*
- Document entitled, *43 Strobos Lane RDA and Site Plans, dated 6/9/2023*
- Document entitled, *WPA Form 1 94 Heritage Lane, dated 6/14/2023*
- Plans entitled, *Mortgage Inspection Plan 94 Heritage Lane*
- Plans entitled, *Site Layout and System Design 34 high Street, dated 6/20/2023*