



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
June 27, 2022

1  
2 Present: Cathy Van Lancker (Chair)  
3 Greg Wands (Vice Chair)  
4 Gene Crouch  
5 Carl Hakansson  
6 William Moulton  
7 Owen Ackerman

8  
9 Absent: Preston Crow

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 **Notice of Intent, Brian Waterman, 184 High Street, DEP File No. not issued**

20 Ms. Solomon stated that DEP File Number was issued with file number 95-968. DEP did not provide  
21 comments. Mr. Waterman, WDA Design Group, introduced himself as the representative for property owner  
22 Mr. Williams, who was also present. The plans were shared on screen showing the existing conditions on the  
23 property. Two concrete bounds at the No Disturb Zone extent are installed from a previous Order of  
24 Conditions that had been closed out. The proposed plans were shared and summarized by Mr. Waterman. An  
25 18'x40' in ground pool would be constructed with a stamped concrete pad and a paver walkway to the  
26 existing deck. All work is within existing lawn. No work is proposed within the 25' No Disturb Zone. The  
27 existing grade is approximately 335 to 336. Additional grading will be minimized. There is approximately  
28 3500ft<sup>2</sup> of impervious area, including the pool. A 4-foot high aluminum fence would be installed around the  
29 pool. A shed is proposed outside of jurisdictional area. A temporary stockpile is proposed outside of  
30 jurisdictional area, but will include an erosion control barrier to mitigate runoff into the 100' Buffer Zone.  
31 Additional erosion control barrier will be installed along the No Disturb Zone edge, an extending west at the  
32 south most limit of work. Erosion control will consist of silt fence and wattle or sock. A 4'x8' concrete pad  
33 will be installed for the pump and filter. Erosion control will be installed prior to any construction.

34  
35 Mr. Hakansson stated that he had visited the site with Ms. Solomon and the existing conditions were  
36 consistent with the description provided. Ms. Van Lancker asked if the soils were going to be removed. Mr.  
37 Williams confirmed. Mr. Crouch asked what the access for the construction would be. Mr. Williams  
38 responded that they would either enter from the east of the garage at the edge of the No Disturb Zone, or on  
39 the west side of the house at the edge of the 100' buffer zone, which is the preferred entry if feasible. Mr.  
40 Williams clarified that he felt entry was possible through the west side. Ms. Van Lancker stated that if the  
41 entry had to go through the east side of the garage, placement of the erosion control would need to be  
42 modified, and Ms. Solomon notified. Ms. Van Lancker asked for a condition be added. Mr. Crouch stated that  
43 plan should be provided showing the changes if access goes through that area.  
44

45 Mr. Wands asked what the maximum depth of the pool would be. Mr. Williams stated it would be nine feet.  
46 Mr. Wands asked if there could be groundwater concerns. Mr. Waterman stated normally a pressure valve is  
47 installed to make sure there are no issues. Mr. Moulton stated a condition should be added to provide a  
48 dewatering plan if needed. Mr. Williams stated the pool is a closed circuit system. Mr. Waterman stated it is a  
49 saltwater low chlorine pool with a non-backwash system. Mr. Waterman asked if for the dewatering, if a  
50 temporary pit is placed where the proposed shrubs are, surrounded with stone of filter fabric, would that be an  
51 acceptable location. The proposal would keep it 40-50 feet from the wetland and surrounded by two rows of  
52 erosion control barriers. Ms. Van Lancker asked for a plan to be submitted if dewatering is needed.  
53

54 **Motion:** Mr. Wands motioned to close the hearing. The motion was seconded by Mr. Wands.

55 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, GC, CH, WM, GW, CVL).  
56

57 The Commission continued the discussion and vote on the Order of Conditions for 184 High Street to later in  
58 the meeting.  
59

60 **Abbreviated Notice of Resource Area Delineation, Susan McArthur, 0 Prospect Street, DEP File No. not**  
61 **issued**

62 Ms. Solomon confirmed that the DEP File Number has not been issued. Ms. McArthur, McArthur  
63 Environmental Consulting, introduced herself as the representative for the property owner, Mr. Narayana,  
64 who was also present. Ms. McArthur summarized the conditions on the lot, and the wetland resource areas  
65 shown on the submitted plan. Ms. McArthur stated the delineations of the resource area at the front of the  
66 property in May 2022, which is isolated. Both blue and pink flagging was used. The wetland is designated as  
67 a certified vernal pool. The vernal pool portion was delineated. An additional area in the south east corner  
68 was delineated with flags marked WF to separate from the VW flags used on the vernal pool system. A 100-  
69 foot buffer zone is shown on the vernal pool due to Ashland's Local Wetlands Bylaw. There are additional  
70 vernal pools off property to the north and west, which permission to access was not granted. Approximations  
71 where made by standing on the subject property and looking in, with approximate buffer zone based on that.  
72

73 Ms. Solomon noted that based on her observations at a site visit, the wetland area appeared to extend in a  
74 curve out between two wetland flags. Ms. Solomon recommending either moving the flags to show additional  
75 wetland area, or add an additional wetland flag placed between them at the extent of that area. Ms. Van  
76 Lancker asked if the Commission should do a site visit. Mr. Hakansson stated he was present with Ms.  
77 Solomon when she was on site, and recommended the Commission have a site visit as well. Mr. Hakansson  
78 recalled a landscape feature which appeared to be a dried up channel. Mr. Hakansson asked if there was once  
79 a culvert under the road. Ms. McArthur confirmed that she was aware of the area, but it was inundated at the  
80 time of the delineation. Ms. McArthur continued that she was not sure if there was something historical. Mr.  
81 Narayana, stated he had communicated with the Ashland DPW to confirm if there were any outlets, and there  
82 did not appear to be any known. Ms. Solomon confirmed she had also reached out to DPW. One of the DPW  
83 staff had also noted the area and had looked but did not find any infrastructure. Mr. Hakansson stated it likely  
84 would have shown up when they installed sewer along that part of Prospect Street, if there was a culvert.  
85

86 Mr. Wands asked for clarification of the pipe location, noted in the narrative, what its impact is, and what the  
87 future of the pipe is. Ms. McArthur responded that it's a 4-inch PVC pipe that is believed to take drainage  
88 from one of the neighboring properties and directs it to the wetland. The PVC pipe was believed to be a sump  
89 pump. Mr. Narayana confirmed he had spoken with Mr. Lombardo the owner of 8 Raymond Way, who  
90 indicated he had disconnected the pipe, and it could be removed.  
91

92 The Commission discussed timing for a site visit, agreeing to Thursday, June 30<sup>th</sup>, 2022 at 6:00pm.  
93

94 Ms. Mimms, 20 Raymond Way, stated she had been on the property for 60 years, and water has continued to  
95 be an issue. Ms. Mimms continued that she is opposed to a project on the property, and has hired a wetland  
96 scientist, Patti Burns, Davey Resource Group, to offer an analysis as well. Ms. Van Lancker asked if Ms.  
97 Burns would be speaking to this particular delineation before the Commission. Ms. Burns confirmed and  
98 continued that the USDA soil map shows the entire property as hydric soils even at the higher elevation, and

99 she did not see that in the report submitted. Ms. Burns felt that the entire site should be transected with a  
100 minimum of nine soil borings in the area not delineated as wetland. Ms. Burns continued that the because of  
101 the arrangement of certified vernal pools, the site was valuable habitat. Ms. Burns noted the presence of the  
102 additional vernal pools which Ms. McArthur had noted as estimated and not delineated due to a lack of access  
103 permission. Ms. Burns felt the water source was springs coming up from the ground. Ms. Burns additionally  
104 noted that there was a significant presence of facultative ferns and buttressed roots which were not noted, and  
105 a number of dead trees. Ms. Burns added she was concerned that soils data was not present in the submission.  
106 Ms. Burns added that there was 11 inches of water on the site in Winter, and summarized a series of photos  
107 submitted by abutters of the land behind 20 Raymond Way, and stated the water drains out sometime before  
108 summer. Ms. Mimms referenced the PVC pipe which was disconnected, and felt that it was not a 4-inch pipe  
109 but a 1.5-inch pipe, and that it does not create the vernal pools.

110  
111 Ms. McArthur stated that she provided data plots in the submission for soil information for both upland and  
112 wetland areas. Mr. Hakansson asked Ms. McArthur to bring an auger to the site visit. Ms. Burns asked when  
113 the Commission's site walk would be. Ms. Van Lancker clarified the time and day, and stated that the  
114 Commission cannot discuss during the site walk or come to a decision at that time. Ms. Burns asked if the  
115 abutters could be present. Ms. Van Lancker stated it was up to the property owner. Mr. Narayana stated  
116 abutters could attend but he was not liable for any damages incurred.

117  
118 Ms. Tsiagras, 225 Prospect Street, asked what the intentions are for the site. Ms. Van Lancker responded that  
119 there is not a project proposed at this time. Currently the wetland delineation is the only item before the  
120 Conservation Commission. Ms. Tsiagras asked if any development was proposed would it be open to the  
121 public again. Ms. Van Lancker confirmed that it would be submitted as a Notice of Intent at that time.

122  
123 Mr. Crouch asked what the plots on the data forms were located. Ms. McArthur stated that they were not  
124 shown on the submitted plan. The approximate location was described and pointed to on the plan.

125  
126 Mr. Kane, 30 Raymond Way, stated he was also opposed to a project on the property, and felt the area should  
127 be left undisturbed.

128  
129 Ms. Powell, 224 Prospect Street, stated she moved in in 1964 and the property was a wetland then and always  
130 has been. Ms. Powell continued that the wetland floods into her property at times as well. Ms. Van Lancker  
131 confirmed that there is no debate on if there is wetland present or not, the plans show the wetland location.

132  
133 **Motion:** Mr. Wands motioned continue the hearing to July 11, 2022 at 7:05pm. The motion was seconded  
134 by Mr. Moulton.

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

136  
137 **Notice of Intent, Andrew Pandolph, 65 Concord Street, DEP File No. 95-967**

138 Ms. Solomon stated the engineer, Mr. Pandolph, had request a continuance to the next meeting, as they were  
139 still gathering the information requested by the Commission.

140  
141 **Motion:** Mr. Moulton motioned continue the hearing to July 11, 2022 at 7:05pm. The motion was seconded  
142 by Mr. Wands.

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

144  
145 **Ms. Van Lancker left the meeting at this time. Mr. Wands took over as Chair.**

146  
147 **Emergency Certification Ratification, Andrew Nordstrom, 224 Oak Street, Hazard Tree Removal**

148 Mr. Nordstrom summarized the proposed work. Two large trees are located just within the 25' No Disturb  
149 Zone and are consistently dropping very large branches. There was concern that the trees were unhealthy, one  
150 of the trees had already lost one leading stem and was now rotting in the location of the snagged stem. The  
151 second tree is another multi-stem tree, which was splitting at the base and completely hollow. Mr. Nordstrom  
152 continued that he had requested Ms. Solomon to review the trees, and an arborist letter had been requested.

153 An arborist visited the site and agreed that they were a hazard to the home and anyone near the trees, and  
154 submitted a letter to Ms. Solomon, at which point an emergency Certification was issued. Work is scheduled  
155 for July 6, 2022.  
156

157 Mr. Wands stated that most of the tree would stay in the No Disturb zone, and felled as far from the property  
158 as possible, and left where it lays where possible. Mr. Nordstrom expressed some concern with falling the  
159 trees into the wetland due to a water and sewer easement that passes through that area. Mr. Nordstrom's  
160 understanding was for anything that falls in the No Disturb Zone will be left, and anything that falls outside it  
161 would be removed. The stumps would be left to decay naturally. Mr. Wands asked if the tree would be taken  
162 apart in sections as a controlled fall. Mr. Nordstrom confirmed and reiterated that Stumpy's would be doing  
163 the work and anything falling into the wetlands would be left alone. Ms. Solomon clarified that both trees are  
164 heavily leaning towards the house, and as such, some sections may need to be felled away from the wetlands  
165 for the safety of the workers, and would likely be felled onto the lawn. Mr. Wands asked if there was  
166 sufficient room for a cherry picker to be brought in. Mr. Nordstrom confirmed there was space outside of  
167 wetland markers.  
168

169 **Motion:** Mr. Moulton motioned to ratify the Emergency Certification. The motion was seconded by Mr.  
170 Hakansson.

171 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, GC, CH, WM, GW).  
172

173 **Ms. Van Lancker rejoined the meeting at this time.**  
174

175 **Legacy Farms, Discussion and Update of Enforcement Order Status and possible vote**

176 Mr. Bemis summarized the previous meeting discussion of the April 4, 2022 sequencing plan with units they  
177 had requested release for. Mr. Bemis stated they had been able to backchannel construction on units that had  
178 been started and new units had been implemented to sequester fill. Material has been stockpiled on site  
179 anticipating the fill situations. Mr. Bemis requested release of the units numbered 49, 51, 53, 55, 70/72, 74/76  
180 to permanently sequester fill within those regions. Mr. Bemis stated that the request has been pending with  
181 the Hopkinton Conservation Commission since April 2022. Mr. Bemis stated he was working with the  
182 Town's Peer Review, GCG, with Ashland DPW, with Ms. Solomon, and Ashland Town Counsel.  
183

184 **Ms. Van Lancker took over as Chair at this time.**  
185

186 Ms. Van Lancker stated that Ms. Solomon had reviewed all the meeting minutes going back to March 2021,  
187 and there was not vote for release of units, except for those that had already started. Ms. Van Lancker  
188 continued that the additional work would have been in violation of the Enforcement Order. Mr. Bemis stated  
189 he had appeared before the Commission with multiple documents, including in September 2022 and October  
190 2022, when the Commission was notified of the release of work by Hopkinton Conservation Commission.  
191 Ms. Van Lancker said that the request was approved by Hopkinton, but according to the minutes, was never  
192 submitted to Ashland to release units for work.  
193

194 Mr. Hakansson asked for clarification on the September correspondence referenced by Mr. Bemis. Mr. Bemis  
195 stated he appeared before the Hopkinton Conservation Commission on September 24, 2022 and the previous  
196 Agent for Ashland, Ms. Dos Anjos, had been notified. Mr. Hakansson agreed that he recalled the notification,  
197 and asked for confirmation that Hopkinton had continued releasing units after that point. Mr. Bemis  
198 confirmed. Ms. Van Lancker clarified that Hopkinton had not released any units since April 2022, but were  
199 meeting the following evening. Mr. Hakansson stated that it had been articulated to the Commission that  
200 work was ongoing, and asked why it was not made clear at that time that the work needed a release from the  
201 Enforcement Order. Ms. Van Lancker stated the burden was not on the Commission. Ms. Hakansson stated he  
202 was not sure the Commission had jurisdiction to restrict speculative damage from future development in  
203 another town. Mr. Hakansson stated that the issue was with stormwater runoff alone, and that the  
204 Commission requested this go to peer review, and be submitted as a Notice of Intent. Mr. Bemis added that he  
205 received the Enforcement Order and understood the infrastructure would be addressed off site in lieu of fines.  
206

207 Ms. Van Lancker asked if the units being asked for release would impact the stormwater flowing into  
208 Ashland. Mr. Crouch asked if a written request was submitted to release the units. Mr. Bemis stated he had  
209 made the request verbally at meeting.

210  
211 Mr. Crouch asked if a written request has been submitted for the release of the lots or the Enforcement Order.  
212 Mr. Bemis responded that he has not asked for a full release, but at the last meeting he did ask for a release of  
213 the 8 units on the 28-day plan. Mr. Crouch stated the Enforcement Order was issued because there was  
214 significant turbidity leaving the site, and it was impacting the reservoir and the streams feeding the reservoir,  
215 and by happenstance was adjacent to the Water Treatment Plan. The interest was to stop the turbidity issue.  
216 The Wetlands Protection Act allows the Commission to extend their authority to the extent needed when there  
217 is an impact to a jurisdictional resource. The MassDEP Enforcement Coordinator clarified at meeting that the  
218 Commission can extend their jurisdiction into another town in order to control a situation affecting Ashland.  
219 A stop work was issued until the situation was under control. The Enforcement Order does not state the ACC  
220 would usurp control of the project, or have a say in the design. Mr. Crouch continued that the concern is for  
221 the water to be clean and the reservoir not impacted by the development.  
222

223 Mr. Crouch asked again if a written request was submitted. Mr. Moulton stated at that the Commission had  
224 required a written request be submitted to modify the cease and desist for the release of the lots. Mr. Bemis  
225 responded it has been submitted in various forms to the Ashland Town Counsel. Ms. Solomon clarified that  
226 she had not received any of the requests. Ms. Solomon continued that she should be copied on the emails if  
227 they are not addressed to the Commission, to ensure they are received. Mr. Crouch stated the request should  
228 be provided. Mr. Bemis stated that it was put on the agenda to discuss this topic. Mr. Bemis said the plan was  
229 provided. Ms. Van Lancker asked if a partial release should be granted and a future meeting held for the rest  
230 of the cease and desist if necessary. Mr. Crouch stated the entire Enforcement Order cannot be rescinded as  
231 the mitigation clause needs to be maintained for the original impacts. Ms. Van Lancker clarified in the last  
232 meeting Mr. Bemis did request a release of those lots and it could be used as the record, as long as written  
233 request is submitted after-the-fact. Mr. Hakansson agreed with Ms. Van Lancker, and stated that Mr. Bemis  
234 cannot be held responsible for a lack of communication between Town Counsel and the Conservation  
235 Commission. Mr. Moulton disagreed and stated that Mr. Bemis is dealing with the Conservation Commission,  
236 and should be ensuring ACC is receiving those requests. If ACC request a written request be submitted, then  
237 it should be addressed to the Conservation Commission. Mr. Hakansson stated that the issue was part of a  
238 larger negotiation, which should have included the Conservation Commission in it, and did not.  
239 Ms. Van Lancker stated that at this time, a document was submitted showing the particular lots at the last  
240 meeting. It had been delayed pending a written request. Ms. Van Lancker if they could still go through with  
241 releasing those 8 units and have it followed up with a written request and have it on the next meeting for any  
242 additional releases.  
243

244 Mr. Wands noted that Town Counsel had provided conditions for the release. Mr. Wands clarified the  
245 proposal is for a second partial lifting, and not a full release of the Enforcement Order. Mr. Hakansson  
246 agreed. Mr. Bemis shared a plan showing the proposed lots for release. Mr. Crouch reiterated the entire Order  
247 cannot be released. Ms. Van Lancker added that only the lots proposed on the shown plan titled “28-day  
248 Construction 4/4/22 Sequencing Exhibit” can be released. Ms. Van Lancker noted that the number of units  
249 listed are more than eight units. Mr. Bemis clarified that the two of the units are duplexes, and the unit  
250 numbers on the plan reflect those as individual. Mr. Crouch clarified that the Act allows the Commission to  
251 take jurisdiction as far as needed to protect the resource jurisdictional in Ashland, but it cannot be done unless  
252 and until there is an impact. Mr. Crouch stated that the purpose for the Enforcement Order was acted on and a  
253 mitigation plan for that activity is being submitted. Mr. Crouch clarified that the Commission cannot assume  
254 there will be new impacts from releasing the units; however, if there is the Commission can issue a new  
255 Enforcement Order.  
256

257 Mr. Hakansson clarified that the Commission is considering an amendment of the enforcement Order to  
258 release the cease and desist on the eight lots, but maintaining the rest of the Order in place.

259 **Motion:** Mr. Hakansson motioned to partially release the eight lots numbered 49, 51, 53, 55, 70/72 and 74/76  
260 shown on the plan titled “28-day Construction 4/4/22 Sequencing Exhibit”, and to maintain the rest of the  
261 Enforcement Order. This motion was seconded by Mr. Wands.

262 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, GC, CH, WM, GW, CVL).  
263

264 Mr. Hakansson asked for a written request be submitted to Ms. Solomon. Mr. Hakansson clarified that the  
265 Enforcement Order is still in place, only the eight lots have been released. Ms. Van Lancker added that any  
266 additional work needs to have a request submitted to the Conservation Commission and approved as well.  
267

268

269

**Burnham Circle, Peter Venuto, Proposed Berm Repairs**

270 Mr. Colonna summarized the where the proposal was in process. Mr. Crouch asked if there was a plan to  
271 address the material found in the soil test pits, consisting of rocks, boulders, wood, and stumps. Mr. Colonna  
272 shared the plan showing the test pits and described the first 3 pits was unsuitable material. The three pits  
273 closer to the basin outlet was decent material except for some rocks that were preventing compaction. Mr.  
274 Colonna continued that the plan was to reconstruct the entire berm, reusing screened material from the  
275 suitable areas, and disposal of material from the unsuitable areas. More material would additionally be  
276 brought in. Mr. Colonna summarized the plan to have a temporary berm built across the basin with temporary  
277 outlet and spillway to allow half of the basin to be functional while the other half is reconstructed. Once the  
278 one half is reconstructed, the lower portion would be reworked. Once the entire berm was complete the  
279 temporary berm would be removed and final regrading completed. Mr. Crouch asked what the capacity of the  
280 temporary basin would be. Mr. Colonna stated it was designed for a 2-year storm. Mr. Crouch asked how  
281 long each phase would take. Mr. Colonna felt the entire process would take 2-3 weeks, starting in mid-July.  
282 Mr. Crouch asked if the final design will have the same capacity as the original design. Mr. Colonna  
283 confirmed.  
284

285

286 Mr. Crouch asked if Mr. Carter, GCG Associates, had reviewed the design. Mr. Carter confirmed and stated  
287 he had some minor comments. There is a smaller basin to the north of the larger basin, that should be  
288 reviewed to ensure it does not have the same issues. Mr. Colonna stated that smaller basin was built by a  
289 different contractor a few years prior. Mr. Colonna did not feel there were issues with that basin in the times  
290 he had viewed it.

291

292 Ms. Diebler, 40 Whittemore Drive, stated that the smaller basin is located on their property and they are very  
293 familiar with it. Ms. Diebler expressed concern that the current developer is responsible for maintenance of  
294 the basin until the entire development is complete, and there are some issues present. Ms. Diebler continued  
295 that the outlet structure for the basin is cracked, and there are smaller trees growing in the basin. Ms. Diebler  
296 stated the previous agent, Ms. Dos Anjos, had explained to her that only fescue grasses should be growing in  
297 the basin. Mr. Crouch stated there should not be woody vegetation in the basin as it could compromise the  
298 berm. Mr. Colonna stated that most likely the developer is still responsible. Ms. Van Lancker asked for the  
299 basin to be reviewed.

300

301 Ms. Williams, 34 Whittemore Drive, stated the HOA does not have responsibility for the basins or  
302 stormwater systems until the last home is sold in Burnham Circle. Ms. Williams expressed concern for both  
303 basins already discussed as well as a rain garden and detention basin on their property that they have been  
304 themselves and has not been inspected. Ms. Van Lancker asked for the developer to review the rain garden as  
305 well.

306

307 Mr. Cavanaugh, 32 Whittemore Drive, added that there are multiple features on the O&M including a culvert  
308 which runs under the driveways from his property down to 36 Whittemore Drive which has had to be  
309 replaced and redesigned multiple times. Water from the system has eaten away the sidewalk and the road  
310 after rain falls, including release of water on Christmas Day, 2020 that Mr. Cavanaugh compared to a river  
311 leaving from the catch basin. There had been numerous issues with the catch basin in the past, concerns of  
312 which were previously brought to the Ashland Town Planner. Mr. Cavanaugh expressed further concern that  
no one would look at the smaller basin, which Mr. Carter had previously mentioned.

313  
314 Ms. Solomon showed the original plans for Whittemore Estates in that vicinity. Mr. Crouch asked where the  
315 failed catch basin was. Ms. Solomon showed the location of the smaller basin as well as the larger basin. Mr.  
316 Colonna explained the catch basin location shown as “Frontage Lot 3” off of Whittemore Drive. The Catch  
317 Basin was to accept flow coming out of the isolated wetland adjacent. The original developer did not put in  
318 correctly, and there were issues 2-3 years ago, but nothing recently to Mr. Colonna’s knowledge. Ms.  
319 Williams added that the catch basin catches the water from the rain garden on her property, which collects the  
320 water from frontage lots 1 and 2 shown on the plan. The catch basin on frontage lot 3 is the one which has  
321 been having issues. Mr. Colonna stated he would have the developer review the basin.  
322

323 Mr. Cavanaugh, added that the runoff he was referring to on December 25, 2020 was from the detention basin  
324 on Lot 5 not from the catch basin on Lot 3, and that it was massive runoff leaving the detention basin and  
325 entering the wetlands. Mr. Cavanaugh continued to say he had vernal springs on his property that produce a  
326 constant flow of water from early winter through June, which flows through the stormwater system and into  
327 the detention basins. Mr. Cavanaugh clarified his address coordinates to “Frontage Lot 1” on the plans shown.  
328

329 Mr. Kraus, 36 Whittemore Drive, stated they still have issues with flooding on their driveway, which contains  
330 the catch basin discussed from frontage lot 3, and that in the winter it continuously ices up. Mr. Kraus  
331 continued that the design was to catch all the water from frontage lots 1, 2, and 3, but that it appears to catch  
332 only 70% of the water due to the topography. Mr. Kraus expressed concern that the systems need to be in  
333 working order before it passes to the HOA.  
334

335 Mr. Moulton asked if the plan could be approved contingent with what Mr. Carter recommended, with the  
336 added requirement to look at the functionality of the catch basin on frontage lot 3, and the smaller basin. Mr.  
337 Crouch asked to verify if the berm for the smaller basin was built correctly as well.  
338

339 **Motion:** Mr. Moulton motioned approve the proposed berm repair for the basin located on Burnham Circle  
340 lots 8 and 9 with the requirement that the recommendations from the GCG letter dated June 21<sup>st</sup> must be  
341 implemented, and the additional requirement to evaluate the smaller basin on Whittemore Drive lot 5 and the  
342 catch basin on Whittemore Drive lot 3. The motion was seconded by Mr. Hakansson.

343 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, GC, CH, WM, GW, CVL).  
344

#### 345 **Discussion and Possible Vote on Waushakum Pond Cyanobacteria Treatment**

346 Ms. Solomon summarized that on the previous Friday, an elevated Cyanobacteria level was found that  
347 needed to be treated for public health and safety. Natural Heritage was contacted and gave the go ahead with  
348 the copper based treatment pending Ashland Conservation Commission approval. Ms. Solomon continued  
349 with reading a statement from Catherine Collion from the Framingham Conservation and Open Space  
350 Department:  
351

352 “Under Mayor Sisitsky’s initiative to improve water quality at local beaches, Framingham  
353 Conservation has hired Solitude to test for cyanobacteria from May-October. In a most recent test,  
354 elevated levels of cyanobacteria were found. With high temperatures in the coming weeks, this is an  
355 indicator that a cyanobacteria bloom is imminent. In an effort to prevent a cyanobacteria bloom,  
356 Solitude recommended treatment of Waushakum with an appropriate dose of copper algacide  
357 (approved under Framingham’s OOC and NHESP) on the Framingham side. This will prevent a  
358 cyanobacteria bloom which could be a threat to human and animal health.”  
359

360 Mr. Wands asked if the cyanobacteria was being cause by any other root causes besides temperature,  
361 nitrogen, and phosphates. Ms. Solomon stated the cyanobacteria can also be cause by changed to pH and  
362 water flow, but it is less common. Mr. Hakansson stated that a local group had determined the cause was  
363 largely from phosphorous coming in from headwaters, but it doesn’t seem there is much being done to solve  
364 the problem. Ms. Solomon responded that she had been working closely with Framingham and the Ashland  
365 DPW on those issues. Ashland DPW is actively working on a new outfall and phosphorous study, while

366 Framingham is actively working on outfall improvements to better control what is entering the pond through  
367 man-made wetland systems.

368  
369 **Motion:** Mr. Wands motioned to approve the copper-algaecide treatment at Waushakum Pond. The motion  
370 was seconded by Mr. Ackerman.

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

372  
373 **Ms. Van Lancker left the meeting at this time. Mr. Wands took over as Chair.**

374  
375 **Review minutes from 6/13/22**  
376 **6/13/22 Meeting Minutes:**

377 Commission Members reviewed and edited the June 13, 2022 meeting minutes.

378  
379 **Ms. Van Lancker rejoined the meeting at this time and took over as Chair.**

380  
381 **Motion:** Mr. Wands motioned to approve the June 13, 2022 meeting minutes as amended. The motion was  
382 seconded by Mr. Moulton.

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

384  
385 **Discussion and Vote to Appoint Member for Community Preservation Committee**

386 Mr. Hakansson nominated Ms. Van Lancker as the appointment to the Community Preservation Committee.  
387 No other nominations were made

388  
389 **Motion:** Mr. Hakansson motioned to appoint Ms. Van Lancker as the appointment the Community  
390 Preservation Committee. The motion was seconded by Mr. Crouch.

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

392  
393 **Member Prerogative**

394 Ms. Van Lancker asked Ms. Solomon to review the re-appointments for Conservation Commission.

395  
396 Mr. Hakansson asked Ms. Solomon to add Appointments for the Stewardship Committee to the next meeting.

397  
398 Mr. Crouch asked if the Commission was going back to in person meetings in July. Ms. Solomon clarified  
399 that the current extension expires on July 15<sup>th</sup>; however, the Massachusetts Senate did include an extension to  
400 December 2023 in their FY23 budget. The extension does not take effect unless and until the House approves  
401 a compromise budget. Ms. Solomon advised the Commission to be prepared for an in-person meeting on July  
402 25<sup>th</sup>, unless the budget is approved prior.

403  
404 **Discussion and Vote on Order of Conditions for 184 High Street, DEP File No. 95-968**

405 The Commission reviewed and discussed the draft conditions presented by Ms. Solomon, including two  
406 additional conditions based on the Notice of Intent hearing discussion from earlier in the meeting.

407  
408 **Motion:** Mr. Crouch motioned to issue the Order of Conditions with Special Conditions as discussed. The  
409 motion was seconded by Mr. Wands.

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

411  
412 **Discussion, Minor Modification Standards**

413 Ms. Solomon summarized the draft standards, which were presented on the screen. A general outline of the  
414 process was included as well. Mr. Hakansson stated that the process should allow for a site visit by the  
415 Commissioners if the standards were to become part of a formal policy. Ms. Solomon highlighted a section  
416 where a site visit requirement was added. Ms. Van Lancker suggested the Commission review on their own  
417 and come back at the next meeting to discuss further. Mr. Crouch asked if a Minor Modification would be  
418 considered a public hearing. Mr. Crouch stated most of the time, Minor Modifications are dealt with at  
419 meeting as a discussion, not a public hearing. Ms. Solomon removed all instances of the term “public



420 hearing” and replaced them with appropriate terms. Ms. Van Lancker asked the Commission to review the  
421 draft and provide notes to Ms. Solomon for the next meeting.  
422

423 **Meeting Adjournment:**

424 **Motion:** Mr. Hakansson motioned to adjourn the meeting. The motion was seconded by Mr. Wands.

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

426

427 The meeting was adjourned at 9:54p.m.

428

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

430

- Document entitled, *Agenda, dated 6/27/2022*

431

- Document entitled, *Meeting Minutes, dated 6/13/2022*

432

- Document entitled, *184 High Street NOI, dated 6/6/2022*

433

- Plans entitled, *184 High Street Plans, dated 6/2/2022*

434

- Document entitled, *Draft Special Conditions 184 High Street*

435

- Document entitled, *ANRAD-0ProspectSt-Ashland, dated 6/10/2022*

436

- Plans entitled, *Plan of Land 0 Prospect Street, dated 1/4/2022*

437

- Email Correspondence entitled, *0 Prospect Street – Site Map corresponding wetlands data, dated 6/22/2022*

438

439

- Document entitled, *224 Oak Street Arborist Letter, dated 6/16/2022*

440

- Document entitled, *WPA Emergency Certification Form-224 Oak Street, dated 6/16/2022*

441

- Email Correspondence entitled, *224 Oak Street Emergency Certificate Request for Tree Removal, dated 6/16/2022*

442

443

- Document entitled, *Draft Ashland & Hopkinton ConCom Mitigation Package, dated 5/16/2022*

444

- Document entitled, *Legacy Farms- Ashland & Hopkinton ConCom Mitigation Package Peer Review Letter, dated 6/9/2022*

445

446

- Document entitled, *Legacy Farms Timeline of Events March 31, 2021 to Present (June 23, 2022)*

447

- Email Correspondence entitled, *Legacy Farms Timeline and Summary, dated 6/23/2022*

448

- Document entitled, *Whittemore Estates Peer Review Letter, dated 6/21/2022*

449

- Email Correspondence entitled, *CPC, dated 6/17/2022*

450

- Document entitled, *Draft, Revised 6-22-2022 Example Minor Modification Policy*