



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
July 12, 2021

1
2 Present: Gene Crouch (Chair)
3 William Moulton (Vice Chair)
4 Cathy Van Lancker
5 Carl Hakansson
6 Greg Wands
7 Gabriel Toledo
8
9 Maeghan Dos Anjos (Agent)

10
11 **Meeting held by Zoom**

12
13 **Call to order: 7:00 P.M.**

14
15 **7:00 Mr. Gene Crouch reviewed the protocol for the meeting**

16
17 **7:11 Informal Discussion, Town of Ashland, Marathon Park Improvements**

18 Mr. Steven Cosmos (Representative) and Mr. Steven Greenberg (volunteer) were present for
19 the discussion.

20
21 Mr. Greenberg said that the Town would like to reclaim the benches and the view of the
22 waterfall. Mr. Greenberg also said that the Town would like to power wash the existing
23 pathway. Mr. Greenberg explained that they would like to replace the railings and deck
24 flooring. Mr. Greenberg stated that they will also prune the branches and vegetation that is
25 overgrowing within the pathway.

26
27 Mr. Crouch stated that he did a site visit with the Agent and that he suggested that the Town
28 should file an RDA. Mr. Greenberg said that he sent it today for the next meeting. Mr.
29 Moulton stated that he was also on the site visit with the Agent and he noticed that there were
30 several invasive species. Mr. Cosmos said that they will focus on pruning the vines more than
31 cutting and digging. Mr. Cosmos said that he did not mention the invasive plants in his current
32 draft application, but that he did mention poison ivy.

33
34 The Commission asked about the maintenance on the property in the future. Mr. Hakansson
35 suggested that there be a maintenance plan as part of the RDA. Mr. Cosmos said that it may be
36 a tall order and that the Athletic Association is the interested party.

37
38 Mr. Crouch said that one concern that he has, is the power washing, and where the used water
39 will go. Mr. Crouch suggested that it would go into the Sudbury River. Mr. Crouch said that
40 he assumes that no soap will be used, and just clear water will be used. Mr. Cosmos confirmed
41 this.

43 Mr. Hakansson asked who will be the applicant. Mr. Greenberg said that the Town owns the
44 land, but the Athletic Association have erected the monuments there. Mr. Greenberg said that
45 they will work in sync with the Town and that they do not want to do any clearing without
46 speaking to DPW.

47
48 Mr. Greenberg asked about the permit and potential outcomes. Mr. Crouch said that this is an
49 informal discussion and that the Commission cannot state anything.

50
51 **7:24 NOI, Ryan Mulcunry, 56 Hardwick Road, after-the-fact NOI for vegetative**
52 **clearing (continued from 5/24/2021)**

53 Mr. Ryan Mulcunry (Applicant/Owner) was not present for the hearing.

54
55 The Agent stated that Mr. Mulcunry requested that this be continued.

56
57 Ms. Van Lancker made a motion, seconded by Mr. Wands to continue the hearing to July 26,
58 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW WM, GC).

59
60 **7:24 NOI, David Morgan, 6 Pond View Lane, addition, and driveway extension**

61 Mr. David Morgan (Applicant) was not present for the hearing.

62
63 A request was submitted to continue the hearing.

64
65 Ms. Van Lancker made a motion seconded by Mr. Wands to continue the hearing to July 26,
66 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

67
68 **7:24 RDA, Town of Ashland, 133 West Union Street, invasive species removal**
69 **(continued from 6/28/2021)**

70
71 A request was submitted to continue the hearing.

72
73 Ms. Van Lancker made a motion seconded by Mr. Wands to continue the hearing to July 26,
74 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

75
76 **7:25 NOI, Aggregate Industries, 71 Spring Street, remove sedimentation from berm,**
77 **and restore wetlands**

78 No one was present for the hearing.

79
80 A request was submitted to continue the hearing.

81
82 Ms. Van Lancker made a motion seconded by Mr. Wands to continue the hearing to September
83 13, 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

84
85 **7:26 NOI, Bruno Garcia, 11 Metcalf Ave, after-the-permit for tree removal, and porch**
86 **install and new driveway, walkway and patio (continued from 6/28/2021)**

87 Mr. Bruno Garcia (Applicant/Owner), and Ms. Susan McArthur (Representative) were present
88 for the hearing.

89

90 Ms. McArthur stated that she has submitted revised plans to show the plantings and the
91 impervious surfaces. Ms. McArthur stated that they have a file number of 95-957.

92
93 Ms. McArthur explained that arborvitae will be planted and will function as screening from the
94 neighbors. Ms. McArthur explained that native plantings will be placed near the wetland, and
95 as shown on the plans. Ms. McArthur also explained the proposed plants at the front of the
96 property. Ms. McArthur said that this filing is also an after-the-fact permit for three trees that
97 were removed.

98
99 Mr. Toledo said that when the Commission was out there, they had discussed boulders at the
100 25' No Disturb Zone. Mr. Moulton said that it was brought up on the site visit, but he thought
101 that they had discussed plantings to be sufficient. Mr. Moulton suggested that the bounds be
102 placed on the lot at the two points where the 25' NDZ crosses the lot lines. Mr. Hakansson
103 said that the disturbance to the NDZ was existing before the passing of the local bylaw and that
104 the issue is the wetland system, rather than the NDZ. Mr. Crouch said that they cannot require
105 the bounds at the wetland, because it is on someone else's property.

106
107 The Commission further discussed the bounds on the property. Mr. Hakansson said what
108 about the southern edge. Mr. Moulton suggested the property corner.

109
110 Mr. Wands asked about the restoration of the lawn and if machinery will be used. Mr. Garcia
111 said that he did not think that machinery would be necessary.

112
113 Mr. Moulton made a motion, seconded by Mr. Wands to close the hearing. Motion passed 6-0-
114 0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

115
116 **7:46 Violation, Ken Brodzinski, 178 Prospect Street, tree removal (continued from**
117 **6/28/2021)**

118 Mr. Ken Brodzinski (Owner) was present for the discussion.

119
120 The Agent provided a background on the violation. The Agent said that she got a phone call in
121 the winter and performed an inspection in December, but that the snow and ice covered the
122 site. The Agent stated that she asked Mr. Brodzinski to call her in the spring when the snow
123 has melted. The Agent stated that she did a second site visit in May, and that trees had been
124 removed and a berm was created from dumped yard waste over several years.

125
126 The Agent said that the berm was in wetlands and the NDZ, and she recommended that the
127 Commission perform a site inspection out there given the nature of the berm. The trees were in
128 the 100' Buffer Zone. The Agent said that Mr. Brodzinski had shown some photos of the trees
129 while she was out on site. Mr. Crouch asked for the photos. Mr. Brodzinski said that he is on
130 the phone and does not have video conference available, but that he can provide the photos
131 when they do the inspection.

132
133 The Commission scheduled a site inspection for July 17, at 9:00 a.m.

134
135 Mr. Gary Weinberger (56 Raymond Way- board member of Oakwood Estates Trust) stated
136 that the Trust owns land abutting Mr. Brodzinski's property and asked if they could be present

137 when the Commission inspects the berm. Mr. Crouch said that it is private property, and that
138 the Commission cannot give permission to allow trespassing. Mr. Weinberger said that this
139 was another issue, but for another meeting. Mr. Brodzinski said that this was not a problem and
140 allowed Mr. Weinberger to attend the site inspection.

141
142 Ms. Van Lancker said that this will be continued to the next meeting. Mr. Crouch said that this
143 is not a formal hearing and the Commission does not need to make a motion or vote on this.
144 Ms. Van Lancker said that the Commission will need to be careful with what is discussed at the
145 site visit. Mr. Crouch agreed, and said that this is like any other inspection in terms of what
146 they can say and do.

147
148 **7:52 Violation, Legacy Farms, (Hopkinton), Hopkinton Reservoir/ Howe Street,**
149 **sediment breach**

150 Mr. Peter Bemis (Engineer), and Mr. Vin Gately (Applicant) were present for the discussion.
151 In addition, Doug Small (Ashland DPW Director), Evan White (Ashland DPW- Project
152 Engineer), Daniel Maurer (Ashland DPW- Water and Sewer General Foreman), Kevin
153 Lengmeyer (Ashland DPW- General Foreman), and Elizabeth Sabounjian (Enforcement
154 Coordinator at Wetlands & Waterways Division of DEP) were also present.

155
156 The Agent provided a background on the violation and said that this was originally added to
157 the Agenda for a sediment breach that happened on July 2, 2021. The Agent stated that after
158 July 2, there were further events that occurred on July 8, July 9 (Tropical Storm Elsa), and
159 today. The Agent said that the Water Treatment Plant Operator, Jeffrey Fournier had
160 informed her of these events. The Agent said that she inspected the site on July 2, 2021 with
161 the Hopkinton Conservation Agent [Kimberly Ciaramicoli]. The Agent said that they started
162 the inspection at the Reservoir, and followed the sediment discharge up to the site. The Agent
163 stated that the path of the sediment discharge was repeated for the events that occurred on July
164 8, 9 and today (12).

165
166 Mr. Bemis said that the first event consisted of two inches of rain, and the second event
167 consisted of four inches of rain with the tropical storm [Elsa]. Mr. Bemis said that these events
168 devastated all of the measures that they had in place. Mr. Bemis displayed photographs of the
169 back of the site, showing a holding basin, and explained the cells that were created to prepare
170 for the tropical storm. Mr. Bemis said that a trench was created to direct water to the holding
171 cell. Mr. Bemis showed another photo that displayed a recently built roadway in the center of
172 the photo, and berms made with bark mulch along the edges to prevent sediment from washing
173 into the roadway. Mr. Bemis displayed and explained several other photographs.

174
175 Mr. Bemis explained that a stop work order was issued by the Hopkinton Conservation
176 Commission and Hopkinton Building Department, and that they have constructed houses, with
177 exposed soils, and that some of the houses do not have roof drains. Mr. Bemis displayed a
178 sketch of the basin, and said that he has silt in the basin and they blocked the outlet. Mr.
179 Bemis said that he will send the sketch to the Agent.

180
181 Mr. Bemis said that they had an unintended release. Mr. Bemis explained that they are
182 meeting with the Hopkinton Conservation Commission tomorrow, and they (Mr. Bemis and

183 Mr. Gately) will make a request to levy the fines and put the money toward stormwater
184 infrastructure improvements on Wilson Street, Hopkinton, and Howe Street, Ashland.

185
186 Mr. Hakansson said that he was on the site walk in April, and that he is confused. Mr.
187 Hakansson explained that it is not as easy as when you are standing on the site. Mr. Hakansson
188 asked if these areas are the same areas when the discharges occurred in April. Mr. Bemis
189 explained that the discharge from the two-inch rain storm was the result of a drainage utility
190 tie-in to the street. Mr. Hakansson said that when he left the site walk that day, he was
191 cautiously optimistic that the site was under control. Mr. Hakansson raised three points:

- 192 1. The Commission needs to go out and look at the site;
- 193 2. The Commission can only make their judgements on stormwater management and what
194 is presented to them. [The Applicant] needs to keep stormwater on the site.
- 195 3. The presence of Hopkinton Conservation Commission is needed so we can have a
196 complete discussion.

197
198 The Agent explained that she met with the Agent in Hopkinton and bumped into the Chair of
199 the Hopkinton Conservation Commission. The Agent said that the Hopkinton Agent and
200 herself are on the same page. Mr. Bemis said that both agents were on site for much of the
201 storm. Mr. Hakansson said that he was not suggesting that they were negligent, and that he
202 suggested that the Hopkinton Conservation Commission and the Ashland Conservation
203 Commission need to be speaking with each other.

204
205 Mr. Moulton asked when the stormwater management system was designed, what storm event
206 did you design for. Mr. Bemis said that he was not the original engineer to this project. Mr.
207 Moulton explained that this was a borderline ten-year storm, and now he has to plan for it.

208
209 Mr. Toledo said that this is an egregious violation, and that this is the second time in the past
210 month. Mr. Toledo said that he would like to see a lot of changes on the site. Mr. Bemis said
211 that he does not disagree with Mr. Toledo, and that he has an action plan moving forward. Mr.
212 Crouch asked if they have used flocculent logs and if he has any other items to be dispersed on
213 the surface. Mr. Bemis said that they have put down silt stop on the ground, and that he has
214 spoken with Hydro Grass to come back pending on the weather.

215
216 Mr. Wands asked how the conditions are on site today and asked if there was silting of the
217 reservoir. Mr. Bemis said that they had silt coming down a channel.

218
219 Mr. Small expressed his concern about the water treatment plant, the reservoir, and the
220 stormwater basins [lagoons] adjacent to the site. Mr. Small said that Mr. Bemis had indicated
221 that it was the fault of the Town's inadequate infrastructure. Mr. Small explained that the
222 Ashland Conservation Commission, the Agent, and Mr. White are doing a terrific job. Mr.
223 Small said that he feels that a third party consultant is needed to ensure the stormwater BMPs
224 will work. Mr. Small said that he does not know if the sediment discharge has had a direct
225 impact on the [water treatment] plant, but that they have had to change how the drinking water
226 is treated at the plant. Mr. Small said that this is our drinking water and it is a primary source.
227 Mr. Small said that we do not have reassurance, and that he does not have confidence in the
228 project.

229

230 Mr. Crouch asked if these events had an impact on the water treatment plant to function. Mr.
231 Small said that it is changing how the water is treated. Mr. Crouch asked if there has been an
232 increase in cost. Mr. Small said it is costing us more and we have color issues in the water.
233 Mr. Small reiterated that the Town of Ashland needs a third party. Mr. White said that he may
234 be wrong, but he understands that they have run the O₂ sensors in the winter since the project
235 began. Mr. White said that they can get information and thoughts from the plant operator,
236 Jeffery Fournier (Woodard and Curran). Mr. Crouch said that it would be worth-while. Mr.
237 Crouch asked if the Town can use Woodard and Curran as a third party.

238
239 Mr. Hakansson clarified that the town's water comes from the aquifer, and not surface water.
240 Mr. Small confirmed this. Mr. Hakansson said that this crosses town boundaries and that this
241 is beyond the Conservation Commission, and suggested that a broader conversation take place
242 with two members of the select board, planning department, and town management
243 department. Mr. Moulton said that this impacts state property and that they should be part of
244 the conversation. Mr. Moulton asked if the state has been notified.

245
246 The Agent said that she notified DEP- NERO- Wetlands & Waterways Division. Mr. Small
247 said that Mr. Maurer also called the Drinking Water Division. Mr. Crouch said that this is
248 bigger than DPW and suggested a discussion with the Select Board.

249
250 The Commission scheduled a site visit for July 17, 2021.

251
252 Ms. Sabounjian said that she is with DEP's Wetlands and Waterways Division program and is
253 an enforcement coordinator. Ms. Sabounjian said that she has been working with the Agent,
254 and that the State Agency is listening. Ms. Sabounjian said that she gave the Agent some
255 advice and stated that the Ashland Conservation Commission absolutely has jurisdiction,
256 because there has been a release from Hopkinton into wetland resource areas in Ashland. Ms.
257 Sabounjian said that this is the same principal if you had a site outside of a buffer and then had
258 a release into a wetland resource area and then you can take jurisdiction. Ms. Sabounjian said
259 that the Commission can take jurisdiction to prevent the alteration of a resource area in
260 Ashland once it has occurred.

261
262 Ms. Sabounjian encouraged the Commission to work with the Town of Hopkinton to resolve
263 the issues as best as possible. Ms. Sabounjian said that if the situation is not resolved we have
264 a state agency that she works for that is watching what happens here. Mr. Crouch said that it is
265 good to know that the Commission is not alone in this, and that he appreciates that she
266 participated in this meeting. The Agent stated that she would not have written some of the
267 things in the EO without first speaking with DEP and some of the conditions in the EO, were
268 Ms. Sabounjian's suggestions.

269
270 The Agent displayed the EO. The Commission reviewed it, and submitted some comments on
271 it. The Commission discussed deadline dates for materials that the EO requires, and peer
272 review. The Commission suggested waiting on the Hopkinton Conservation Commission's
273 meeting to discuss the peer review. Mr. Small said that he is worried about the structural
274 integrity of the road now.

275

276 Mr. Crouch said that the Commission would not be ready to determine fines at this point. Mr.
277 Crouch says that the way he sees it; fines are meant to go toward the resolution. Mr. Crouch
278 says that we are talking about peer review and that should be incorporated into the peer review.
279 Mr. Moulton said that the release from today should be added to the EO. The Agent suggested
280 waiting on issuing fines until the Commission does a site inspection.

281
282 Mr. Small asked if a peer review can inspect the lagoons. Mr. Crouch said that this is covered
283 by the fines. Mr. Maurer discussed long-term effects on the Water Treatment Plant since work
284 started at Legacy Farms [North]. Mr. Maurer stated that an example is that they have typically
285 shut off the Ozone in the winter, which they haven't been able to do recently. Mr. Maurer said
286 that he cannot say that this is directly related but it is certainly very coincidental. Mr. Crouch
287 said that his concern is that some of the impacts of these events will be difficult to verify or
288 may not become evident for a long time.

289
290 Mr. Maurer said prior to them clearing the lot, it would need to be a significant rain event to
291 see water coming down through the culvert. It changed how the water flows on the site. Mr.
292 Maurer said that his concern is when fertilizer is used, it will run down into the reservoir and
293 create algae plumes. Mr. Hakansson said that this is a real concern, and some of these things
294 can be addressed in the peer review.

295
296 Mr. Crouch said that Mr. Maurer has a good point, and suggested that Mr. Maurer should get a
297 water sample now and do a benchmark. Mr. Maurer stated that they have recordings dating
298 back, and that they can provide that. Mr. Maurer explained that their records are for raw water
299 sampling and not for surface water. Mr. Maurer and that high runoff is changing the pH, which
300 effects groundwater and it starts scouring that iron manganese making it more readily available
301 to be drawn out of the wells. Mr. Hakansson suggested that Mr. Maurer test the surface water
302 near the plant, but also up-gradient of it, to see if it is significantly different and then he will
303 have a benchmark.

304
305 Ms. Van Lancker asked what were the requirements for Legacy Farms for fertilizer use, and
306 asked the Agent if she could find this out. The Agent said that she has the OOC and can look
307 at it.

308
309 The Commission reiterated that this project is a bigger issue than the Conservation
310 Commission.

311
312 Mr. Crouch suggested adding a condition to allow us to add additional conditions. The Agent
313 said she can add that, and Mr. Moulton suggested language.

314
315 Ms. Van Lancker made a motion, seconded by Mr. Toledo to issue the Enforcement Order as
316 amended. Motion passed. 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

317
318 **9:40 Violation, Town of Ashland, Public Safety Building, 12 East Union Street,**
319 **sediment breach**

320 Ms. Jennifer Ball (Assistant Town Manager), Mr. Michael Herbert (Town Manager), Mr. Joe
321 Magnani (Select Board Member), Mr. Steve Mitchell (Select Board Member), Mr. Doug Small
322 (DPW Director), Mr. Evan White (Town of Ashland- Project Engineer), Mr. Bill Nangle

323 (Vertex Engineering), Mr. Bob Manning (Project Manager- CTA Construction), Mr. Brian
324 Cooney (Owner of CC Constructions), and Mr. Leo Gallant (CTA Construction) were present
325 for the discussion.

326

327 Mr. Nangle stated that when the event occurred, he was on vacation, but had a colleague from
328 his office on site. Mr. Nangle explained that there is a significant groundwater issue on the site
329 and that they had been working diligently to contain it. Mr. Nangle said that the contractors
330 were on site the morning of the storm [Tropical Storm Elsa hit on July 9, 2021, and brought
331 3.5" rain during the course of the storm] and called work around 9:00 a.m. or 9:30 a.m. Mr.
332 Nangle provided an overview of the measures that were taken in place leading to the storm.
333 Mr. Nangle said that both Mr. White and the Agent did inspections on Friday and today.

334

335 Mr. Manning provided a timeline. Mr. Manning explained that the concrete form workers and
336 site workers were present that morning. Mr. Manning said that they had inspected the basin
337 and the rain was very heavy. Mr. Manning said that when they called work for the day, the
338 rain became more intense. Mr. Manning explained that the temporary sediment basin lined
339 with stone and the check dams uphill of it was breached. Mr. Manning said that the wetlands
340 on the property, and on the abutting property inundated the project. Mr. Manning said that
341 Tropical Storm Elsa exceeded the capacity of their controls. Mr. Manning explained that the
342 Commission and DPW returned on site and maintained/implement controls and CTA shut off
343 the water pumps from the foundation trenches to try to alleviate the load on the temporary
344 sediment basin in the northwest corner of the property.

345

346 Mr. Manning said that the crews returned the next morning and spent three hours cleaning the
347 street with a street sweeper. Mr. Manning said that the berm was not breached today. Mr.
348 Manning explained that there has been discussion on better controls to contain water, and
349 mitigate rain from extreme events moving forward. Mr. Nangle said that both Mr. White and
350 the Agent were present on the site today.

351

352 Mr. Crouch asked if any sediment left the site today. Mr. Nangle said that it had not. The
353 Agent said that as a result of the storms, she was doing inspections all day Friday (7/9/2021)
354 and all day today. Mr. Crouch asked if there was any sediment running off of this site. The
355 Agent said that she did not see anything leaving the site and she had arrived around 1:30 p.m./
356 2:00 p.m.

357

358 Mr. Hakansson provided a history of the site and explained how the wetlands were formed on
359 the site, and asked if they were aware of the history. Mr. Nangle said that he was aware and
360 that it was covered in the specifications. Mr. Hakansson asked if it was surprising that you
361 would be dealing with this groundwater. Mr. Nangle said that it was not. Mr. Cooney said that
362 they were aware and prepared for a certain amount of groundwater. Mr. Cooney said that their
363 systems that were in place were handling the rainfall for the past four to six weeks.

364

365 Mr. Cooney explained the problem that had happened: that there is a pool area that is 100 feet
366 up of one of the wetlands. Mr. Cooney said that the water overflowed from the wetlands, and
367 breached the erosion control in an opposite manner introducing a significant amount of water
368 onto their site and overwhelmed their controls. Mr. Cooney also said that they do have ideas on
369 how they can avoid this and ensure that the water stays in the wetland and the stream. Mr.

370 Cooney said that he is not questioning the relevancy of it, and that he thinks that there are two
371 different issues. Mr. Hakansson said he saw that.

372
373 Mr. Cooney said that he is not trying to downsize anything. Mr. Hakansson said that we did
374 several site walks. Mr. Hakansson said that in the area that overflowed, water was still pouring
375 from the wetland into the construction site and that they had to cut into the basin to do this
376 project. Mr. Hakansson said that groundwater flow was the concern of the Commission when
377 they reviewed this project. Mr. Hakansson said that the erosion control is minimal and is
378 falling apart. Mr. Hakansson said that whoever inspected this daily missed this. Mr.
379 Hakansson said that this is all relevant and no one on the Conservation Commission is
380 surprised by Friday's event. Mr. Gallant said that CC construction pumped water 24/7. Mr.
381 Gallant was inaudible.

382
383 Mr. Crouch said that he was on site Friday morning, and he agrees with what Mr. Cooney
384 mentioned. Mr. Crouch said that there was a significant amount of water from the wooded area
385 on the neighboring property, and that most of the water was coming from the detention basin
386 that is in the woods. That was an old basin constructed by the owner to intercept the water
387 coming down the hill when he went it and stripped all the topsoil off. Mr. Crouch explained
388 that the construction that they are doing cut the end of that [off-site] basin off so now when the
389 water rises out of the basin, it spills out the end and into the site's basin. Mr. Crouch said that
390 it needs to be stopped. Mr. Crouch said that there was clear water coming from the basin that
391 was cut into and then the water migrated through the site picking up sediment.

392
393 Mr. Crouch said that there is significant water from the basin and the wooded area, and that the
394 water needs to be stopped. Mr. Nangle said is this the proper place to discuss the proposed
395 plan moving forward or if something needs to be submitted. Mr. Crouch said that the
396 Commission wants a revised erosion control plan, and that this should not be a perimeter plan.
397 Mr. Crouch said that he came by the site previously and that there was no silt in the street, but
398 it got away from them on this event. Mr. Crouch said that the plan needs to be submitted by
399 July 16, 2021.

400
401 Mr. Cooney said that they can build a berm along the western property line to direct the flow.
402 Mr. Cooney said that they can update the plan to feature that berm and show the sediment
403 ponds. Mr. Crouch asked how the berm will be constructed. Mr. Cooney said that it can be
404 built by gravel material on the site and it needs to be about two to three feet tall and about four
405 feet wide. Mr. Crouch said that they need to something more resistant and more structural like
406 jersey barriers with a poly liner. Mr. Crouch said that they also need to do something along
407 that edge of the site (near the wetlands) to hold and direct the water flow.

408
409 Mr. Toledo asked if an EO should be issued. Mr. Crouch said that this is up to the
410 Commissioners, and he stated that he that this sediment breach was worthy of an EO. Mr.
411 Hakansson said that he thought that it was disingenuous to put Legacy Farms through the
412 ringer, but not apply the same to the Town.

413
414 The Agent stated that part of the reason that she did not submit an EO was because this was the
415 only issue on this site. The Agent also stated that she was on site visits all day on July 9, and
416 today. Mr. Hakansson stated that earlier the Commission was considering the issuance of an

417 EO for someone that cut down a tree, and threw grass clippings in a wetland. Mr. Hakansson
418 asked the Agent if she thought that was a little bit disingenuous to enforce that against them,
419 and not consider something against this. The Agent said that an EO was not issued or drafted
420 and the only thing that was issued was a letter to 178 Prospect Street. Mr. Hakansson said that
421 he did not want to hear any of that.

422
423 Mr. Hakansson said that he thinks that this is self-evident, and that the Commission has to be
424 consistent with this. Mr. Hakansson used Aggregate Industries and Cirrus Apartments as
425 examples. Mr. Hakansson reiterated that the Commission needs to be consistent. The Agent
426 said that she is not saying “don’t issue an EO”, but is letting the Commission be aware of what
427 happened on July 9 and today so they are aware of what was going on. Mr. Hakansson said
428 that this is the most egregious incident in his eight years on the Commission.

429
430 Mr. Crouch said that we do not have an EO issued, but can get one drafted by the end of the
431 week. Ms. Van Lancker said that she agreed.

432
433 Mr. Magnani said that he is concerned about the disingenuous comments that were made, and
434 that they met the conditions. Mr. Magnani stated that if people need to be aware that if anyone
435 has disagreements on the location to begin with, and that this is not the time to bring things up
436 like that. Mr. Hakansson said that this is the site, and that the Commission just wants it done
437 right. Mr. Magnani agreed.

438
439 Mr. Crouch said that they need to keep water off of the site and a sketch plan needs to be
440 submitted to the Conservation Commission. Mr. Cooney said that Vertex will issue a brief
441 sketch prior to the Commission’s inspection on Saturday.

442
443 Mr. Small said Mr. Gallant was responsive on Friday. Mr. Small said that it has been a
444 positive experience with CTA and there were “no issues with them, unlike Legacy Farms”.

445
446 The Commission discussed the issuance of an EO citing an updated erosion control plan. Mr.
447 Crouch said to the Agent that that they can work on the EO. The Commission also discussed a
448 site visit for 7/17 at 9:45 a.m.

449
450 **10:35 95-952, Town of Ashland, Trolley Brook Trail, temporary stream crossing**

451 No one was present for the discussion.

452
453 The Agent provided a brief overview and said that contractor had spoken to Bill Paille (BSC
454 Group) to discuss a stream crossing to get equipment over the stream. The Agent said that Mr.
455 Paille had been informed that the Agent was out sick at the time, and that Mr. Paille had
456 directed the contractor to wait for the Agent to return back to the office. The Agent stated that
457 the contractor just went ahead and did it using wooden planks across from the stream. The
458 Agent displayed the email from Bill Paille (BSC Group).

459
460 Mr. Toledo said that he thought that when the Commission did the site walk, it was explained
461 that they were not going to cross the stream, but access it from either end of the trail. The
462 Agent said that she did not see anything in the OOC but she would need to look at it again.
463 Mr. Crouch said he didn’t recall the discussion either way.

464
465 Mr. Crouch asked what the plans show. The Agent said that the plans do not show a crossing.
466 Mr. Crouch asked about the bridge. The Agent confirmed that a permanent crossing is on the
467 plans, but not a temporary crossing like the one that the contractor did. Mr. Wands said they
468 want to put a steel plate on top to roll heavier equipment. The Agent explained that there were
469 a few issues which consisted of installing the crossing without the Agent, and that they would
470 like to install the steel plate over the temporary crossing. Mr. Crouch said that he would rather
471 see the contractor do this, than have him drive through the stream.

472
473 Mr. Hakansson said to tell them to come back to the Commission and ask for permission.
474

475 **10:48 Request for COC, 95-684, Richard Terrill, Chestnut Street, Queen Isabell and**
476 **Avenue of the Americas, Village of the Americas**

477 Mr. Patrick Garner (Wetland Scientist), Mr. Bob Poxon (engineer- Guerriere and Halnon), and
478 Ms. Angela Conforti (attorney) were present for the discussion.

479
480 Mr. Garner explained that he did not find strong wetland indicator plants. Mr. Garner said that
481 the replication area was staked out and flagged. Mr. Garner said that he could not find any
482 evidence of anything that was done. Mr. Garner said that he performed a site visit and
483 observed an old ditch, and an old culvert underneath America Boulevard that is half full of dirt
484 and debris. Mr. Garner said that he saw no evidence of scouring or leaf staining. Mr. Garner
485 said he went back and took a look at the bylaw's regulations from the time of the project and
486 the definition of IVW was holding six inches of water in an area of 5,000 square feet.

487
488 Mr. Crouch discussed the Haines Report, and that the photos indicated excavation given the
489 slope in the background. Mr. Poxon discussed the grades on the approved plans and the
490 existing topography on the site. The Commission scheduled a site inspection for July 17, 2021.
491

492 Mr. Wands asked if it was possible that the wetland replication area died off from droughts.
493 Mr. Garner said that it is possible, but if the hydrology was not there, the plants wouldn't have
494 a chance to survive. Mr. Garner said he questioned the point of a replication area there,
495 because there is not a wetland regime out there, but what seemed possible was to create an area
496 of flood storage.

497
498 Mr. Poxon provided an overview of the project and that they are trying to sell the development.
499 Mr. Poxon said that there is a basin that is filled with cattails and asked if they can maintain
500 them. Mr. Crouch said that he is not opposed to having the cattails there, because they are
501 great at absorbing nutrients, and they are great at filtration due to the stem densities.

502
503 **11:00 Agent's Announcements**

504 The Agent asked about the EO that she had issued for Legacy Farms, and if it can be rescinded
505 as the vote of the Commission did not ratify it. Mr. Crouch said that the Agent should send a
506 letter stating that the Commission did not ratify it, and issued a different EO instead.

507
508 **11:14 Request for COC, 95-900, Hillside Ashland, LLC. 13 High Street Extension, single**
509 **family home**

510 The Agent stated that a Request for COC came in and that the only outstanding issue was that
511 one bound did not have a marker. The Agent said that the applicant sent a photo with a marker
512 on the bound. Mr. Hakansson asked the Agent to perform a site visit to confirm that the
513 marker is on the bound. The Agent said she will do that.
514

515 **11:17 Agent's Announcements**

516 The Agent stated that she has received a few phone calls about geothermal work within the
517 buffer zones. The Agent asked if they should file an RDA or a NOI for that work. Mr. Crouch
518 asked if this was a closed loop or an open loop system. The Agent asked if that mattered for
519 the permitting procedure. Mr. Crouch said that if the wells are in the buffer zone, an RDA
520 should be filed for geothermal work.
521

522 **11:18 Meeting Adjournment**

523 A motion was made by Ms. Van Lancker, and seconded Mr. Moulton, to adjourn the meeting.
524 Motion passed 6-0-0. (Roll call vote: CH, GT, GW, CVL, WM, GC).
525

526 **Documents Reviewed by the Conservation Commission on 7/ 12 / 2021**

- 527 • Document entitled, *Agenda* dated 7/12 /2021
- 528 • Plan entitled, *Site Plan: 11 Metcalf Ave*, dated 7/11/2021
- 529 • Photographs from Peter Bemis regarding the Legacy Farms Violation
- 530 • Plan entitled, *Stormwater and Siltation Mitigation Exhibit Plan*, dated 7/21/2021
- 531 • Document entitled, *Enforcement Order* and appendix for Legacy Farms
- 532 • Email entitled, *Ashland- Trolley Brook Trail Project- Temporary Crossing of Brook*,
533 dated 7/2/2021
- 534 • Document entitled, *Stauts Report- Wetland Replication Area, Village of the Americas,*
535 *Chestnut Street, Ashland, MA.* by Haines Hydrogeologic Consulting and dated
536 10/4/2011