



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
July 25, 2022

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

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

14
15 **Chair Cathy Van Lancker read the Ashland Conservation Commission virtual meeting protocols, and**
16 **meeting recording announcement.**

17
18
19 **Request for Determination of Applicability, Anthony Stella, 229 West Union Street, Sewer Connection**

20 Mr. Stella summarized the project to connect the existing home to an existing sewer 10-inch sewer line. The
21 property is currently on septic. There is a stub on the line for future connections which would be connected
22 to. The property is bounded on three lines by Bordering Vegetated Wetland. The sewer easement is almost
23 entirely within 100-foot buffer zone. The existing stub would be excavated to and exposed, the new
24 connection installed, and the trench backfilled and stabilized. There will be erosion control installed around
25 the perimeter of work.

26
27 Ms. Van Lancker stated that hay bales are not permitted under the local wetlands bylaw and suggested filter
28 socks or straw. Mr. Wands agreed. Mr. Stella stated that he would use straw wattle. Mr. Wands asked if all
29 excavated material would stay within the erosion control barrier. Mr. Stella confirmed. Mr. Wands asked if
30 there was sufficient room in the shown area for the materials. Mr. Stella stated it would only be a 3 to 5-
31 foot trench and should be placed back in the trench the same day. Ms. Van Lancker asked if material would
32 be taken off site if it was not put back in the trench. Mr. Stella confirmed. Mr. Wands asked how long the
33 work should take. Mr. Stella stated it should take a couple days for the excavation work. Ms. Ball clarified
34 the driveway location. Mr. Crow stated the sewer line was already existing on the property, the new work is
35 just a connection to that line. Mr. Stella agreed.

36
37 A resident from the area asked for clarification on the orientation of the map. Ms. Van Lancker pointed out
38 the location of the road and the address of the property. The resident asked what the road is (West union)
39 and if it is a main road. Ms. Van Lancker stated that the question was not jurisdictional, and the Commission
40 can only review comments regarding the sewer connection. Mr. Crow stated the property is about a quarter
41 mile west of the Community Center.

42

43 Mr. Dassoni, 49 Hawthorne Road, asked if there will be protection around the sewer connection. Ms. Van
44 Lancker stated there is erosion control proposed around the work. The work is only in the 100-foot buffer
45 zone and not the No Disturb Zone. Ms. Van Lancker pointed to the erosion control on the plan.
46

47 **Motion:** Mr. Wands motioned to issue a negative 3 determination. The motion was seconded by Mr. Crow.

48 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).
49

50 **Abbreviated Notice of Resource Area Delineation, Capital Properties Group, 123 Pond Street, Map 22**
51 **Parcels 7, 9, 10, 13, and Map 21 Parcel 192, DEP File No. Not issued**

52 Mr. Gormon, Beals and Thomas Engineering, introduced himself as the engineer for the project along with
53 Ms. Thompson, Beals and Thomas Engineering, and the applicant Mr. Depietri, Capital Properties Group. Mr.
54 Gormon summarized the applicant is filing an Abbreviated Notice of Resource Area Delineation (ANRAD) to
55 confirm resource boundaries on the property. Mr. Gormon summarized the specific resource areas as
56 Bordering Vegetated Wetland (BVW), and Bordering Land Subject to Flooding (BLSF). Mr. Gormon clarified
57 the location of the properties. Mr. Gormon described the delineated BVW as red maple swamp and clarified
58 that there is Bank and Land Under Waterbodies and Waterways (LUWW) associated with an intermittent
59 stream within the BVW, but was not delineated as the focus is the boundary of the BVW. There is a potential
60 vernal pool in the north of the property located at the edge of the delineated BVW at flag IA-35. The
61 potential vernal pool is not listed by Natural Heritage.
62

63 Ms. Thompson showed a plan with a FEMA flood map overlay. There are three FEMA profiles associated
64 with the area. The first profile is at Elevation 157 feet across Pond Street. The second profile is to the north
65 at Elevation 159 feet. The third profile is to the west at Elevation 163 feet. Ms. Thompson, showed the
66 mapping from FEMA which did not include an elevation value on the property itself. Ms. Thompson stated
67 the submitted ANRAD shows the BLSF at Elevation 163 feet as part of the filing. Ms. Thompson showed how
68 the Elevation 163 feet mostly matches with the FEMA mapping for the Zone A flood zone.
69

70 Mr. Gormon stated a file number had been issued as 95-970. The Commission discussed scheduling for a site
71 visit
72

73 **Motion:** Mr. Wands motioned to continue the hearing to August 8, 2022 at 7:05pm. The motion was
74 seconded by Mr. Crow.

75 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).
76
77

78 **Request for Amended Order of Conditions, Nitsch Engineering, 90 Concord Street, DEP File No. 95-958**
79

80 Ms. Van Lancker stated that GCG had done a peer review on the project. Mr. Quinlan, Compass Project
81 Management, stated that the overall project is still in construction and they are looking to get the amended
82 Order of Conditions as soon as possible. Mr. Gentilucci, Nitsch Engineering, shared their response letter to
83 the GCG Peer Review and summarized them. Regarding comment one, Mr. Gentilucci stated that the change
84 would be a minimal benefit that would impact cost and schedule of the project. Mr. Gentilucci stated the
85 pipe being used is resistant to scour and would not be impacted by heavy flow. Regarding comment two,
86 Mr. Gentilucci stated that a processed bedding material of ¾" crushed stone is being used for all pipes on
87 the site. Mr. Gentilucci stated that with the described material, the manufacturer's recommendations would
88 allow for the pipe to be buried up to 29 feet. Currently the pipe is proposed at 12.5 feet. Concerning
89 comment 3, Mr. Gentilucci explained the pipe is again resistant to scour and feeds into a pipe with a lower
90 slope that will slow the water flow. Meeting the peer review recommendation to reduce the slope would
91 significantly deepen the structure, with minimal benefits. For comment 4, Mr. Gentilucci stated that the
92 cover over the pipes of concerns is a landscaped lawn area with no vehicular traffic. Mr. Gentilucci again felt
93 that the changes would have minimal benefits. Regarding comment 5, Mr. Gentilucci agreed with the

94 requirement for meeting the manufacturer's specifications and described the material that would be used
95 to meet those specifications. Concerning comment 6, Mr. Gentilucci explained they had reviewed their table
96 calculations as requested and did not find any inaccuracies.
97

98 Ms. Van Lancker stated that Mr. White, Town Engineer, had also submitted comments which appeared to
99 agree that what was proposed by Nitsch Engineering was acceptable. Mr. Crow stated for the record he had
100 reviewed the draft meeting minutes prior to the meeting and was caught up on the record for the hearing.
101 Mr. Crow stated he had concern over comment 4 regarding the amount of cover over the pipes, specifically
102 for maintenance vehicles which may go over the lawn area. Ms. Van Lancker read Mr. White's response to
103 comment 4, which stated that the an 8" cover is acceptable; however, a 12" cover is preferred. Ms. Van
104 Lancker asked if it was possible to increase the cover over the pipe. Mr. Gentilucci stated that it was
105 possible, but would have minimal benefit for the cost of the change. Mr. Gentilucci continued that lawn
106 maintenance equipment may pass over the area, but the pipes and cover would provide enough stability.
107 Mr. Crow asked if a fire truck would ever need to drive over it for a brush or building fire. Mr. Beatrice,
108 Flansburgh Architects, stated that they had extensive conversations with the Fire Department and there is a
109 loop road designed to allow fire truck access around the back of the building, and the pavement in the front
110 of the building allows pull up as well. There is suitable access for both fire trucks and ambulance on the
111 design paved areas to prevent need to drive over the area in question. Ms. Van Lancker clarified that there
112 is access to both front and back. Mr. Gentilluci confirmed and continued that the vehicles would not come
113 close enough to the building to be over the pipe due to the space requirements for ladder access.
114

115 Mr. Dassoni, 49 Hawthorne Road, asked what the reasoning was for comment 3, concerning slope, and
116 comment 6, concerning run-off, and what the minimum slope is compared to total run-off. Mr. Gentilucci
117 stated that pipe slope is not directly related to run-off volume. The run-off volume is a factor of the storm
118 event and the surface cover of the area draining to the pipe structure. The slope is an independent factor
119 dealing with the capacity of the pipe and leads to the velocity of the water travelling through the pipe. Mr.
120 Dassoni asked how often Table 6 is recorded. Mr. Gentilucci stated that Table 6 is included in the packet in
121 one location, and the peer review comment only asked that the calculations be rechecked, which was
122 verified. Mr. Dassoni asked if there is abnormally strong rain event, can that run-off volume affect the wear
123 and tear of the pipe. Mr. Gentilluci responded that the stormwater management system is designed to
124 handle up to a 100-year storm event, which is a flooding event. In terms of intensity a 100-year storm is
125 approximately five inches an hour, and that is what the overall stormwater system is designed to handle.
126

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

128 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).
129

130 **Motion:** Mr. Wands motioned to issue an Amended Order of Conditions. The motion was seconded by Mr.
131 Crow.

132 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).
133

134 **Abbreviated Notice of Resource Area Delineation, Susan McArthur, 0 Prospect Street, DEP File No. 95-969**

135 Ms. Van Lancker stated that this hearing would only hear questions about the resource area delineations.
136 Any other questions are not jurisdictional for this hearing and cannot be heard.
137

138 Ms. McArthur summarized the discussion at the previous meetings and the site visit with the Commission
139 and the changes to the plan requested. Ms. McArthur highlighted the changes on the plan, showing a
140 change in location of one flag and the inclusion of an isolated wetland. Ms. McArthur stated permission was
141 granted by the abutter Ms. Powell to enter and measure the vernal pool on the abutting property. No flags
142 were hung, but measurements were taken to determine the buffer zone. Measurements were made with
143 100-foot tape and included on the revised plan. The isolated wetland was not large enough to meet the
144 Wetlands Protection Act definition of Isolated Land Subject to Flooding (ILSF), and did not meet criteria to

145 be a vernal pool. Ms. McArthur stated the filing was intended only to verify the wetland boundary and
146 jurisdictional determination. There is no site development proposed.

147
148 Mr. Wands stated he and Mr. Ackerman were present at the site visit, and felt what was presented was
149 sufficient.

150
151 Mr. Dassoni, 49 Hawthorne Road, asked if there would be any development on the property. Ms. Van
152 Lancker responded that the Commission cannot make that determination as the filing before them is only
153 for the delineations. Mr. Dassoni asked what the applicant would need to do if the commission did not issue
154 an Order of Resource Area Delineation (ORAD). Ms. Van Lancker stated the Commission could not advise to
155 what actions should be taken at the time. The hearing is only to confirm the delineations as accurate. Ms.
156 Van Lancker stated if the applicant wants to do something on the property later, they would need to come
157 back to the Commission with a different permit application. Mr. Dassoni asked if the Commission asked
158 what the delineations are. Ms. Van Lancker stated the delineations are the wetland lines shown on the plan.
159 Confirming the delineations is confirming those mapped lines as accurate. The approved mapped wetlands
160 could be used in a future permit application to determine the Conservation Commission's jurisdiction. Mr.
161 Dassoni stated that nothing could be discussed until a different permit application was submitted.

162
163 Ms. Mimms, 20 Raymond Way, stated that the residents are concerned with the property. Ms. Van Lancker
164 stated the Commission understands the concern, but must keep discussion on the wetlands delineation,
165 which is before them at the time. Ms. Mimms asked if someone can build in buffer zone. Ms. Van Lancker
166 stated that the 25' No Disturb zone is a no build zone and the 100' buffer zone requires a permit, usually a
167 Notice of Intent (NOI). It will depend on what is proposed; however, nothing is currently proposed. Ms. Van
168 Lancker reiterated that the current application is only for confirming the jurisdictional areas.

169
170 Ms. Burns, Davey Resource Group, speaking on behalf of Ms. Mimms, stated she was generally in agreement
171 with the plans presented; however, expressed that she had concern that the plans do not stated the state
172 numbers associated with the certified vernal pool. Ms. Burns continued that on June 29th, she put a letter
173 together for Ms. Mimms expressing concerns with the site. Ms. Burns stated the property was beyond
174 saturated even in Winter, based on photos submitted by residents. Ms. Van Lancker stated that the Ms.
175 Burns was going outside of what the Commission could discuss, and that the topic would be heard if the
176 applicant submits for work on the property for wetlands and stormwater. Ms. Burns stated there would not
177 be stormwater on the site because it is too small, but there is 10 feet of water on the uplands. Ms. Van
178 Lancker reiterated that the Commission can only discuss the accuracy of the delineations. Ms. Van Lancker
179 asked if Ms. Burns had any concerns with how the wetlands are delineated now on the plan. Ms. Burns said
180 she did not have issues, but felt if piezometers were required as part of the process because of the site
181 being odd, the entire site would be wetlands.

182
183 **Motion:** Mr. Wands motioned to close the hearing. The motion was seconded by Mr. Crow.

184 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).

185
186 **Motion:** Mr. Wands motioned to issue an Order of Resource Area Delineation with an accurate
187 determination for the resource areas listed as Bordering Vegetated Wetlands and Isolated Vegetated
188 Wetland on the submitted revised plan. The motion was seconded by Mr. Crow.

189 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).

190
191
192 **Discussion, Request for Clarification, JK Holmgren, 399 Union Street**

193 Mr. Faria, JK Holmgren Engineering, stated he was representing the owner of 399 Union Street. Mr. Faria is
194 working on a site plan proposal, and were informed there was an existing Order of Conditions (OOC) from
195 2002 for an existing Brooks Pharmacy at the time. The work was completed; however, the OOC required a

196 wetland replication was required and was designed on an abutting piece of property which was under the
197 same ownership at the time. A Certificate of Compliance was never requested. In preparing to submit one
198 now, the Engineer needs to certify that the conditions were met. Mr. Faria stated he had gone into the
199 office to look through the file and found a letter from the Conservation Agent at the time, Mr. Wells, stating
200 the replication area had been done in accordance with the plan but required inspection over the next
201 couple years, but there was nothing showing that the monitoring had occurred.
202

203 Mr. Wands stated that typically for a wetlands replication to be completed it needs to be monitored by a
204 wetlands scientist for a period of two growth seasons, and that seems to be missing. Mr. Wands stated that
205 the original OOC was for different addresses. Mr. Faria stated that the originally both addresses were under
206 the same ownership, but the parcel with the replication was at some point sold, and is not under different
207 ownership. Ms. Van Lancker asked who the owners of the abutting property were now. Mr. Faria was
208 unsure. Ms. Van Lancker stated that the Ms. Solomon, Conservation Agent, had submitted suggestions on
209 how the issue could be handled, and read specifically, that the Commission could issue a partial Certificate
210 of Compliance (COC) releasing only 399 Union Street, and clarifying that the now named 373 Union Street
211 where the replication was intended to occur. The commission could call the owners of 373 Union Street to a
212 future Commission meeting to discuss what needs to be done on that property.
213

214 Mr. Crow expressed concern that the project was done on behalf of the commercial property and is now
215 leaving a large piece of what is needed for compliance on the homeowner. Mr. Faria responded that it
216 would make sense, but it would also be tricky to ask for a permit on a property they don't control. Ms. Van
217 Lancker asked if 399 Union Street was released from the OOC, could Mr. Faria work with the owners of 373
218 Union Street on the replication issue. Mr. Faria stated he could not speak for the developer on the issue. Ms.
219 Van Lancker suggested that the owner of 373 Union Street be contacted for permission on the property and
220 try to determine if the replication occurred. Ms. Van Lancker asked that the item be scheduled on a future
221 meeting making that determination to discuss, and then proceed with a COC from there. Mr. Crow added
222 that the Commission needs to see there is wetlands where the replication was supposed to occur. Mr.
223 Wands clarified that the existing wetlands should be compared to the plans for the replication and ensure
224 the existing is the same size or larger.
225

226 Mr. Wands stated the original OOC had the address as 373 Union Street, but Mr. Faria is now asking about
227 399 Union Street. Mr. Wands asked what occurred to make the split. Mr. Faria stated that when the
228 property was permitted, 399 Union Street was vacant and did not have a street address. When it was
229 subdivided the new address was created. The work on the OOC was partially on what is now 399 Union
230 Street. Ms. Van Lancker clarified the OOC related to both properties. Mr. Faria agreed. Mr. Crow asked if the
231 wetlands removed that required the replication were on the 399 Union Street lot. Mr. Faria responded that
232 is encroached on the 399 Union Street lot and the entire replication was on the 373 Union Street lot. Mr.
233 Crow stated if the wetlands were filled in on one lot, it would be difficult to justify giving a partial COC
234 without verifying the wetland replication had occurred. Ms. Van Lancker stated that the existing wetlands
235 should be reviewed and compared to the replication plans and go from there. Mr. Crow agreed.
236

237 Ms. Van Lancker asked Ms. Ball to include the item on a future meeting pending on receiving the
238 information.
239

240 **Review minutes from 7/11/22**

241 **7/11/22 Meeting Minutes:**

242 Commission Members reviewed and edited the July 11, 2022 meeting minutes.
243

244 **Motion:** Mr. Wands motioned to approve the July 11, 2022 meeting minutes as amended. The motion was
245 seconded by Mr. Crow.

246 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).

247
248
249 **Meeting Adjournment:**
250 **Motion:** Mr. Wands motioned to adjourn the meeting. The motion was seconded by Mr. Crow.
251 **Vote:** The motion passed with a 4-0-0 vote. (Rollcall vote: OA, PC, GW, CVL).
252
253

254 The meeting was adjourned at 8:27p.m.
255

256 **Documents reviewed by the Conservation Commission on 7/25/2022**

- 257 ● Document entitled, *Agenda, dated 7/25/2022*
- 258 ● Document entitled, *Meeting Minutes, dated 7/11/2022*
- 259 ● Document entitled *WPA Form 1- Request for Detemination of Applicability- 299 West Union Street,*
260 *dated 6/29/2022*
- 261 ● Plans entitled, *Proposed Sewer Connection- 299 West Union Street, dated 4/22/2022*
- 262 ● Plans entitled, *Plan of Land- 0 Prospect Street, dated 7/11/2022*
- 263 ● Document entitled, *Abbreviated Notice of Resource Area Delineation- 123 Pond Street, dated*
264 *7/8/2022*
- 265 ● Plans entitled, *ANRAD Plan- 123 Pond Street, dated 7/7/2022*
- 266 ● Email Correspondence entitled, *Ashland, Peer Revie Request Mindess School Stormwater*
267 *Modifications, dated 7/14/2022*
- 268 ● Document entitled, *RE: Nitsch Project #13609 Amended Order of Conditions Responses to*
269 *Comments, dated 7/19/2022*
- 270 ● Document entitled, *Revised RE: Nitsch Project #13609 Amended Order of Conditions Responses to*
271 *Comments, dated 7/21/2022*
- 272 ● Plans entitled, *Revised Proposed Drainage Area- 90 Concord Street, dated 7/21/2022*
273