



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
August 22, 2022

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

8
9 Absent: Owen Ackerman

10
11
12 Agent: Becca Solomon

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

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

19
20 **Notice of Intent and SMP Application, 501 Pond Street, Oxbow Associates Inc., Apartment Building**
21 **Construction, DEP File No. 95-973**

22 Mr. Stevens, Trask Development, introduced himself, Mr. Strohsahl, Oxbow Associates, and Mr. Saluk, as
23 representatives on the project. Mr. Stevens summarized the existing conditions on the site as an
24 undeveloped site being used largely as a fill area, located on the Holliston line off Pond Street. The proposal
25 will be a mixed-use building with associated grading, parking, utilities, and stormwater. There is a wetland
26 offsite in Holliston with buffer zone extending onto the property, which is paved currently. Mr. Strohsahl
27 summarized the wetlands survey, clarifying none were found on the property, but there was an intermittent
28 stream with bordering vegetated wetland offsite. The stream flows south from the neighboring golf course
29 eventually connecting to Jar Brook. The wetland is mostly comprised of cattails, joe-pye weed and
30 jewelweed. The wetlands were not flagged as they were off property. There is a stormwater settling basin
31 located in the parking lot. It is not maintained and the culverts are clogged. There is two pipes draining to it,
32 one coming from Congress Way, and the other comes from a headwall on site that is almost completed
33 silted over. Mr. Strohsahl stated that there was not wetland vegetation at the inlet on site, and presumed in
34 the past the grading may have been different, but it is not currently functioning as a wetland.

35
36 Mr. Strohsahl stated that a retaining wall is proposed along the southern property line within the buffer
37 zone. There will be an additional 1,136ft² of impervious surface from existing. There is no impact to the 25-
38 foot No Disturb Zone. Silt fence will be installed along the entire length of the retaining wall along the
39 southern side of the project. Stormwater for the proposed building will be captured in dry wells and allowed
40 to infiltrate naturally into the existing ground water. Mr. Strohsahl showed the plans on screen and showed
41 CS8, and infiltration basin that will direct water from the parking area to the ground, with an overflow drain
42 that directs to the existing storm drain. The remaining stormwater systems will capture water coming off
43 the building and surrounding parking into Cultec chambers.

44
45 Mr. Saluk summarized the proposed drainage plan with eight separate chamber systems to provide
46 recharge throughout the entire site. Additionally proposed are 15 water quality units throughout the site,
47 which are connected to catch basins, which will act as proprietary water quality inlets. A rain garden is
48 proposed in the center of a courtyard with some small drains, which will collect water from the patio, before
49 entering a water quality unit and discharging to the drainage system. The flow will attenuate in an outlet
50 control structure in the southwest corner of the property. All structures have H2O loading capacity, with
51 inspection ports throughout. Mr. Saluk summarized the peak flow run-off reductions, and stated that there
52 was an 83% reduction in TSS removal. Change in grades will be minimal, and water will not be put into the
53 ground in one location, instead being spread throughout the site.
54

55 Mr. Crouch clarified that Stormceptor units were proposed around the entire site, and noted that 94, 95, or
56 96 percent TSS removal was being claimed for them. Mr. Saluk confirmed, and stated it was based on the
57 annual rainfall. Mr. Crouch responded that it may be overstating their efficiencies; DEP does not accept 94%
58 for a Stormceptor. They are considered a pre-treatment unit. Mr. Crouch continued that the Stormceptors
59 are shown as a pre-treatment for an infiltration system that will provide 80% on its own. 94% out of the
60 Stormceptor is not necessary. Mr. Saluk stated that DEP requires the higher percentage due to the highly
61 transmissive soil on site. Mr. Crouch asked what DW stood for. Mr. Saluk stated it was referring to the
62 recharge galleys, referred to as dry wells. Mr. Crouch asked if the TSS removal was being claimed as zero for
63 the dry wells. Mr. Crouch continued that the proposal was likely meeting 80% removal, but was not sure the
64 calculations were right. Mr. Crouch asked when the borings were taken. Mr. Saluk responded they were
65 taken last fall. Mr. Crouch asked if the ground water calculation was based on those borings. Mr. Saluk
66 confirmed and further explained those calculations. Mr. Crouch asked which parts of the system were
67 actually meeting four feet of separation. Mr. Saluk showed them on the plans. Mr. Crouch asked if the roof
68 would be flat or peaked. Mr. Saluk stated he thought it would be flat. Mr. Stevens stated it would be rubber
69 surface.
70

71 Mr. Crouch asked what would happen to the existing pipe leaving the property. Mr. Saluk stated that the
72 existing pipe would be removed. There is existing drainage from Meeting House Path that ties into settling
73 basin off property, which will be tied into. Mr. Saluk explained where the tie-ins would be within the system.
74 Mr. Crouch asked who would be responsible for the maintenance of the system. Mr. Stevens stated it would
75 be maintained by the building owner. Mr. Crouch asked if the volume of runoff water is being reduced. Mr.
76 Saluk stated they are taking out the amount required by the Massachusetts Stormwater Handbook. Mr.
77 Crouch clarified that Conservation doesn't have any requirements for volume reduction, the Planning Board
78 does. Conservation does require reduction in the rate of run-off. Mr. Crow agreed that the Planning Board
79 has a local requirement that the volume of water not increase. Mr. Crouch stated that if the Planning Board
80 requirement has not been accommodated for, it may need to be.
81

82 Ms. Van Lancker read a comment from the peer review, regarding the proposed rain garden. There is not
83 enough soil medium proposed to qualify for Nitrogen removal. Mr. Saluk agreed and stated there are two
84 rain gardens proposed, one for infiltration and one to act with a sub drain. Ms. Van Lancker clarified that the
85 rain garden referred to in the peer review is not being used or Nitrogen removal, but the other one is. Mr.
86 Saluk agreed, and clarified that it flows into Treatment Unit 1 on the plan and is not set up to take out TSS.
87

88 Mr. Hakansson stated the proposal had been before the Planning Board for some time, and further asked if
89 the Planning Board had brought up the stormwater issue. Mr. Stevens stated the peer review was done by
90 request of the Planning Board so they are aware of it, but it hasn't been fully discussed. Ms. Solomon
91 clarified that the peer review was received a week ago, and the Planning Board may not have had a chance
92 to review the stormwater part.
93

94 Mr. Moulton stated, regarding the treatment units, that the DEP allowed between 52% and 77%. Mr.
95 Moulton continued that he was not sure the Commission should allow claiming 90% on a Stormceptor that
96 has not been third party verified. Mr. Moulton asked where the precipitation data was from. Mr. Saluk
97 responded that the Massachusetts Stormwater Handbook Numbers. Mr. Crouch stated that the numbers
98 seemed low. Mr. Moulton agreed and stated that typically the Commission preferred using the precipitation
99 numbers from the NOAA Atlas 14. Mr. Crouch stated that DEP was requiring NOAA Atlas 14. Mr. Saluk
100 stated that he did not hear that NOAA Atlas 14 had been approved yet. Mr. Crouch stated that the reality is
101 the numbers would go up both for existing and proposed conditions.
102

103 The Commission discussed scheduling a site visit.
104

105 **Motion:** Mr. Hakansson motioned to continue the hearing to September 12, 2022 at 7:05pm. This motion
106 was seconded by Mr. Crow.

107 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: PC, GC, CH, WM, GW, CVL).
108
109

110 **Notice of Intent and SMP application, 225 Pond Street, Bohler Engineering, Dual Drive-thru Construction,**
111 **DEP File No. 95-972**

112 Mr. Dubrule, Bohler Engineering, summarized the discussions with the Commission at a previous meeting
113 where the stormwater waiver had been denied. Mr. Dubrule explained the existing conditions on site,
114 making note of the stream passing in underground culverts under the Reliable Fence Property across the
115 street, the 100-foot buffer of which is in part on site. The proposal within the buffer zone consists of
116 regrading an existing parking lot for ADA accessibility. Additionally, proposed, but not within the buffer
117 zone, are the inclusion of a landscaped island and the construction of a dual-point drive thru. There are two
118 existing dry wells on the property and drainage is fully self-contained. Mr. Dubrule stated the dry wells were
119 cleaned out and inspected. An Operations and Maintenance Plan includes twice a year street sweeping and
120 dry well cleaning, to create more regular maintenance for the stormwater system.
121

122 Ms. Van Lancker asked if there was any excavation planned to occur on site as part of the regrading. Mr.
123 Dubrule stated there are some message boards and canopies that will be moved, but otherwise will be
124 largely just repaving. There is some pavement saw cut proposed, but no deep excavations. Ms. Van Lancker
125 asked if there was any fill material going in. Mr. Dubrule responded that there was none significant
126 proposed. Mr. Van Lancker asked if erosion controls are needed. Mr. Crouch stated that they are digging up
127 pavement, which will have a fine grain material beneath which will be erodible, and need erosion control.
128

129 Mr. Crouch asked what the dry wells were made of to be able to hold the water entirely on site. Mr. Dubrule
130 responded that one dry well was pre-cast and the other brick and mortar. Mr. Crouch asked how large they
131 are. Mr. Dubrule said they were eight feet deep. Mr. Crouch stated the drywell on the left, water is captured
132 by a curb; however, the drywell on the right there is a curb cut, and water is flowing in that direction, but
133 not all is going to make it to the drywell. Mr. Crouch asked if water would be coming out the entry driveway
134 on site. Mr. Dubrule highlighted on the plans an estimate or what surface area would be making it out to the
135 street. Mr. Crouch stated that the highlighted area was undersized based on the contours shown. Mr.
136 Crouch asked what erosion control would be used around the drywells. Mr. Dubrule stated that filter socks
137 would be placed as protection control, and two additional ones in the right of way. Mr. Hakansson stated
138 that he had the same concerns as Mr. Crouch, but most of the issues are pre-existing. Flooding in the area
139 has been quite substantial. Mr. Crouch asked how long the work would take. Mr. Dubrule felt the work
140 would be done within 10 days of starting.
141

142 **Motion:** Mr. Crouch motioned to close the public hearing. The motion was seconded by Mr. Crow.

143 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: PC, GC, CH, WM, GW, CVL).
144

145 **The Commission determined to go over the Order of Conditions later in the meeting**

146

147 **Request for Certificate of Compliance, Peter Venuto, Lot 8 Whittemore Estates, DEP File No. 95-883**

148 Ms. Van Lancker asked Ms. Solomon if all materials had been received. Ms. Solomon stated that all
149 materials had been received; however, the certified engineer's letter had noted some outstanding items.
150 Ms. Van Lancker stated that the lawn had not been fully stabilized. Ms. Solomon confirmed that the site had
151 been seeded, but had not been fully established. Work to repair the basin has not started yet either. Mr.
152 Venuto stated that an irrigation system was put in for the homeowners after the fact, which necessitated
153 digging through the seeded area, but it was reseeded.

154

155 Mr. Crouch asked if the Certificate of Compliance (COC) language identified the missing items and
156 continuing conditions. Ms. Solomon stated it was included on the last COC, and will be slightly updated for
157 this COC to include the basin. Mr. Crouch asked that it should include the stabilization of the site, for the
158 grass to grow.

159

160 **Motion:** Mr. Wands motioned to issue a partial Certificate of Compliance for Lot 8 with a requirement for
161 the completion and acceptance of the completed detention basin and stabilization of the site to not be
162 released until a full partial release of the lot is requested; and that the lot not be released from any
163 stormwater requirements of the Order of Conditions. The motion was seconded by Mr. Crow.

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

165

166 Ms. Deibler, 40 Whittemore Drive, asked the Commission to follow up on the requests from the July 27th
167 meeting regarding concerns over the smaller detention basin, catch basin, and rain garden on Whittemore
168 Drive that the developer is still responsible for. Ms. Van Lancker asked if Ms. Solomon could follow-up with
169 Mr. Venuto.

170

171 **Emergency Certification Ratification, Ashland DPW, Between 13 and 15 Lakeside Drive, Hazard Tree**

172 **Removal**

173 Ms. Solomon stated the tree was located on a Town Right of Way (ROW) between 13 and 15 Lakeside Drive,
174 and did not have any living growth other than vines and fungi. The tree was splitting, with the cracked areas
175 increasing in size over the course of 24 hours and was a threat to the homes adjacent. Ms. Solomon had
176 contacted Ashland DPW and it was determined to remove the tree. An arborist did look at the tree and
177 discussed with Ms. Solomon, but no formal letter was provided. The tree is currently scheduled for take
178 down.

179

180 **Motion:** Mr. Hakansson motioned to ratify the Emergency certification. The motion was seconded by Mr.
181 Crow.

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

183

184 **Emergency Certification Ratification, Joao Pinto, 61 Shore Road, Hazard Tree Removal**

185 Ms. Solomon summarized this tree was a dead standing pine tree that was leaning dangerously towards the
186 house and was beginning to uproot. The tree had several large cavities. An arborist letter was submitted
187 that stated the tree was in danger of hitting the home and posed a life threatening danger to occupants.
188 Conditions were added requiring any woody debris that landed in the wetlands to be left where it lay and
189 the stump cut to grade. The tree has already been taken down.

190

191 **Motion:** Mr. Hakansson motioned to ratify the Emergency certification. The motion was seconded by Mr.
192 Crow.

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

194

195

196 **Review and Vote of Order of Conditions for 225 Pond Street, Bohler Engineering, Dual Drive-thru**
197 **Construction, DEP File No. 95-972**

198 The Commission Members reviewed and edited the Order of Conditions for 225 Pond Street presented on
199 the screen by Ms. Solomon.

200
201 **Motion:** Mr. Wands motioned to issue the Order of Conditions with special conditions as presented. The
202 motion was seconded by Mr. Crow.

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

204 **Review minutes from 8/8/22**

205 **8/8/22 Meeting Minutes:**

206 Commission Members reviewed and edited the August 8, 2022 meeting minutes.

207
208 **Motion:** Mr. Wands motioned to approve the August 8, 2022 meeting minutes as amended. The motion
209 was seconded by Mr. Moulton.

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

211
212 **Meeting Adjournment:**

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

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

215
216
217 The meeting was adjourned at 9:10p.m.

218
219 **Documents reviewed by the Conservation Commission on 8/22/2022**

- 220 ● Document entitled, *Agenda, dated 8/22/2022*
- 221 ● Document entitled, *Meeting Minutes, dated 8/8/2022*
- 222 ● Document entitled, *WPA Form 3- Notice of Intent 225 Pond Street, dated 8/2/2022*
- 223 ● Document entitled, *Drainage Report for McDonald's USA, LLC, dated 7/28/2022*
- 224 ● Document entitled, *Application for a Stormwater Management Permit 225 Pond Street, dated*
225 *8/3/2022*
- 226 ● Plans entitled, *Proposed Site Plan Documents 225 Pond Street, dated 8/2/2022*
- 227 ● Document entitled, *501 Pond Street NOI and Narrative, dated 8/5/2022*
- 228 ● Document entitled, *Stormwater Management Report 501 Pond Street, dated 5/18/2022*
- 229 ● Document entitled, *Application for Stormwater Management Permit 501 Pond Street, dated*
230 *7/28/2022*
- 231 ● Document entitled, *Stormwater Addendum #1 501 Pond Street*
- 232 ● Plans entitled, *Site Plan 501 Pond Street, dated 7/23/2022*
- 233 ● Document entitled, *Peer Review 501 Pond Street, dated 6/22/2022*
- 234 ● Document entitled, *Response to Peer Review, dated 7/25/2022*
- 235 ● Document entitled, *Second Peer Review 501 Pond Street, dated 8/16/2022*
- 236 ● Document Entitled, *Emergency certification 13-15 Lakeside Drive*
- 237 ● Document entitled, *Emergency certification 61 Shore Road, dated 8/10/2022*
- 238 ● Document entitled, *Arborist Letter 61 Shore Road, dated 8/10/2022*
- 239 ● Document entitled, *Draft Deed Lot 8 Whittemore Estates*