



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
August 23, 2021

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Present: Gene Crouch (Chair)  
William Moulton (Vice Chair)  
Cathy Van Lancker  
Carl Hakansson  
Greg Wands  
  
Maeghan Dos Anjos (Agent)

**Meeting held by Zoom**

**Call to order: 7:03 P.M.**

**Discussion, Robert Thomas, 188 East Union Street, erosion within yard**

Mr. Crouch stated there was a site walk last Saturday at 188 East Union Street, he noted that a great deal of water is coming off the street and into the Thomas' yard, causing erosion. During the site visit, Mr. Thomas was advised to contact DPW, they should put a berm along the side of the road. The resident should also file an RDA for restoration of his yard. The Agent noted that Mr. Thomas was sent the RDA form; the Agent will follow up with him.

**Request for COC, 95-933, Virginia Gentile, 10 Wenzell Road, addition**

The Agent explained that the Applicant was to reach out to the Commission to have the condition of the vernal pool certified, so that the Certificate of Compliance could be issued. The Agent noted that the Applicant has met all the requirements. The Commission will need to wait until Spring to certify the vernal pool. Mr. Crouch noted that there were comments from Natural Heritage about the inadequacy of the materials provided.

The Agent noted that the Applicant agreed to provide a letter granting permission for the Commission to access her property; the Agent also noted that she had spoken with Natural Heritage who asked that more effort be put into investigation of the vernal pool.

The Commission agreed to survey the vernal pool, and clarify Natural Heritage's comments. The Commission reviewed the Condition. According to Natural Heritage, the surveyor did not do a thorough job. The Agent will reach out to the Applicant to work with the Surveyor.

**RDA, Jose Vasquez, 133 Eliot Street, above-ground pool**

Jose Vasquez was present for this meeting on behalf of Ambassador Pools. Mr. Vasquez presented the proposed plan for an above-ground pool at 133 Eliot Street; Mr. Vasquez explained that it is an all-aluminum pool that is being proposed. Mr. Vasquez stated that he noticed the wetlands on the map and then contacted the Conservation Office. They have proposed installing the pool ten feet from the house to the deck, which would not impact the wetlands. Mr. Vasquez explained that their company is experienced in hand-dig projects when necessary.

43  
44 Mr. Vasquez noted that they plan to set up erosion controls so that areas of concern are clear to  
45 the installers. Minimal grading will be required. Mr. Crouch noted that they are 41-feet from the  
46 wetland flag and the Town has a 25-foot No Disturb Zone; erosion controls would need to be  
47 placed outside the No Disturb Zone, Mr. Vasquez confirmed it will be at 15-feet from work site.  
48

49 The Agent noted that there is an older shed and debris that she has suggested be removed, Mr.  
50 Vasquez will speak to the Applicant about this.

51  
52 The pool design includes an integrated deck and a 2-foot walk-around. Mr. Vasquez will update  
53 the plan to show the location of the erosion controls (silt socks). The Commission will hold the  
54 issuance of the RDA until the receipt of the revised plan.  
55

56 **Motion:** A motion was made by Mr. Moulton, which was seconded by Ms. Van Lancker, to  
57 issue a negative two (-2) for this RDA, with a requirement for erosion controls to be placed  
58 around the pool and from the wetland line.

59 **Vote:** The motion was approved with a 5-0-0 vote.  
60

61 **NOI, Ryan Mulcunry, 56 Hardwick Road, after-the-fact NOI for vegetative clearing**

62 This matter was a continuance from 8/9/2021; the Agent noted that there is still no file number  
63 assigned for this matter. Mr. Crouch suggested the Agent speak to the DEP contact, Alicia xxxx,  
64 to establish a file number.  
65

66 **Motion:** A motion was made by Ms. Van Lancker, which was seconded by Mr. Moulton, to  
67 continue this matter to the next meeting, September 13, 2021.

68 **Vote:** The motion was approved with a 5-0-0 vote.  
69

70 **RDA, Town of Ashland, 133 West Union Street, invasive species management**

71 Michael Herbert, Town Manager, was present for this meeting. This matter was a continuation  
72 from the 8/9/2021 meeting. Michael Herbert, Town Manager, was present for this discussion.  
73 Mr. Herbert discussed the various types of invasive species that have spread in areas of the parcel  
74 at 133 West Union Street which the Town would like to see addressed through the issuance of  
75 an RDA.  
76

77 Mr. Herbert noted that hand tools would be used to minimize any impact to wetlands, as well as  
78 the use of herbicides. Mr. Herbert noted this would not only restore the environment but would  
79 also clean up the property.  
80

81 The Commission reviewed the areas of the parcel with the map displayed on the screen. Mr.  
82 Crouch inquired as to whether this will require crossing of the stream; it was noted that using  
83 swamp mats to help with the crossing had been previously discussed.  
84

85 The Agent noted that a previous RDA was filed and is valid through October 21, 2022. Mr.  
86 Herbert would like DPW to start work as soon as possible; it will most likely be in September.  
87

88 Mr. Herbert was reminded by Mr. Wands that a waiver will be required from the Board of Health  
89 for the use of the herbicides; noting that the use of glyphosate (Round-Up) is restricted on Town  
90 property.

91  
92 KG Narayana, resident of Concord, thanked Mr. Wands for his acknowledgement of the Board  
93 of Health's pesticide restrictions.  
94

95 **Motion:** A motion was made by Ms. Van Lancker, which was seconded by Mr. Wands, to issue  
96 a Negative 3 for this RDA to the Town of Ashland for 133 West Union Street, with the condition  
97 of a waiver from the Board of Health for use of any herbicides in the wetlands.

98 **Vote:** The motion was approved with a 5-0-0 vote.  
99

100 **Legacy Farms (Hopkinton), Hopkinton Reservoir/ Howe Street, sediment breach**

101 Peter Bemis, Design Engineer for Legacy Farms project in Hopkinton, was present for this  
102 meeting. Mr. Bemis was asked by Mr. Crouch when this breaching will stop. Mr. Bemis noted  
103 that a number of new systems have been installed; the intensity of the heavy rains overwhelmed  
104 the plug in the retention basin. Mr. Bemis noted that they have reinforced the plug and other  
105 systems, there was no discharge after this latest storm. Mr. Bemis noted that triple barriers have  
106 been installed in the new areas.  
107

108 Mr. Bemis noted there was an onsite meeting with the Hopkinton DPW Director, and Doug  
109 Small, Ashland DPW Director, who was present for this meeting. Mr. Small agreed it was a good  
110 meeting and that it was a step in the right direction. Mr. Bemis noted they have done new  
111 drainage calculations; the preliminary design work is completed and should be ready next week.  
112

113 Mr. Bemis assured the Commission that they do not want their project to impact the operation  
114 of the water treatment plant and will do whatever necessary to correct it.  
115

116 Mr. Moulton expressed concern as to whether all preventative measures are being taken,  
117 including utilizing silt socks and floc logs, and having staff onsite to properly mitigate the erosion  
118 issues. Mr. Bemis reviewed the erosion control methods they have implemented. Mr. Bemis  
119 confirmed there is a Cease & Desist Order remaining in effect in Hopkinton.  
120

121 Mr. Hakansson suggested the Commission work in tandem with Hopkinton, as well as issue an  
122 Enforcement Order to emphasize the importance of communication between Mr. Bemis and Mr.  
123 Small and the DPW. The Enforcement Order would note that the breach occurred again.  
124

125 Mr. Bemis noted that he will report back to the Commission in two weeks and will provide  
126 updated erosion control plans and mitigation plans at that time.  
127

128 Mr. Hakansson suggested that Mr. Small attend the Hopkinton Conservation meeting tomorrow  
129 night if possible, as Commission Members will not be available due to a scheduled hearing. Mr.  
130 Small agreed to have someone on staff present, he suggested the Town may want to have an  
131 expert representative; Mr. Crouch noted that first the Commission will need to see comments  
132 from BETA.  
133

134 **Public Safety Building** The Agent discussed the breach at the worksite of the Public Safety  
135 Building which occurred during the same heavy rain event; she shared photos of the sediment  
136 running down East Union Street, she also shared a photo of the Sudbury River showing heavy  
137 fine sediment.  
138

139 Jenn Ball, Assistant Town Manager, was present for the meeting and explained that she was with  
140 the Agent on site on Thursday during the rain event. Ms. Ball explained that there was a meeting  
141 with the contractors today who noted that additional stone berm was put down after the  
142 rainstorm, as well as swale; they shored up the berm and enlarged retention basins.

143  
144 Paul Duross, CTA Construction, was present for the meeting. Mr. Duross noted that there has  
145 been staff monitoring the site. Mr. Duross also noted there are challenges on this site that were  
146 not anticipated.

147  
148 The Commission agreed they would like to see them come back with a plan detailing what will  
149 be done to treat the water on the site by the end of the week; Ms. Ball noted we can work with  
150 our consultants to make sure they do that. The Commission will take the proposed plan before  
151 the next storm.

152  
153 **Other business:**

154 **Review Meeting Minutes, 7/12/2021**

155 Commission Members reviewed and made edits to the July 12, 2021 meeting minutes.

156  
157 **Motion:** A motion was made by Mr. Moulton, which was seconded by Ms. Van Lancker, to  
158 approve the minutes as amended.

159 **Vote:** The motion was approved with a 5-0-0 vote.

160  
161 The Agent noted that she is working on the minutes for the July 26, 2021 and August 9, 2021  
162 meetings.

163  
164 **Request for COC, 95-841, Robert Hill Way, EA Fish, 55 and over community**

165 Mr. Crouch noted there was a site walk at this site on Saturday; the Agent explained that there  
166 were three comments noted by the Commission, including a missing site marker, which has been  
167 addressed; some debris near the wetland signage area, which has been removed; and the inverts  
168 have been revised on as-built plans.

169  
170 **Motion:** A motion was made by Mr. Wands, which was seconded by Ms. Van Lancker, to issue  
171 a Certificate of Compliance for Robert Hill Way.

172 The Agent reviewed the continuing conditions #41-44.

173 **Vote:** The motion was approved with a 5-0-0 vote.

174  
175 **Review Draft OOC, 95-959, David Morgan, 6 Pond View Lane, addition, and driveway**  
176 **extension**

177 The Commission reviewed the draft Order of Conditions and made revisions throughout the draft  
178 Order. The Agent noted that the Applicant will need to contact the Building Inspector regarding  
179 final construction plans.

180  
181 **Motion:** A motion was made by Ms. Van Lancker, which was seconded by Mr. Wands, to issue  
182 the Order of Conditions as amended.

183 **Vote:** The motion was approved with a 5-0-0 vote.

184 **Review Draft OOC, 95-960, Chantal Kokaram, 80 Cross Street, pool, patio, retaining wall,**  
185 **and pool house**

186 The Commission reviewed the draft Order of Conditions and made revisions throughout the draft  
187 Order.

188  
189 **Motion:** A motion was made by Mr. Moulton, which was seconded by Ms. Van Lancker, to  
190 approve the Order of Conditions as amended.

191 **Vote:** The motion was approved with a 5-0-0 vote.

192

### 193 **Land Stewardship Committee Appointments**

194 **Motion:** A motion was made by Mr. Hakansson, which was seconded by Ms. Van Lancker, to  
195 appoint Gene Crouch to the Land Stewardship Committee.

196 **Vote:** The motion was approved with a 5-0 vote.

197

### 198 **Member Prerogative:**

199 Commission Members discussed the letter that was sent to the Commission from the Select  
200 Board and the School Committee pertaining to the Mindess School Project. The Planning Board  
201 received a similar letter. Mr. Crouch referenced a section of the letter in which they advised the  
202 Commission not to ‘disrupt decisions that could derail the process’. Ms. Van Lancker noted that  
203 the Commission will do what it needs to do for the Wetlands Protection Act and for stormwater  
204 management. The Commission discussed how they should respond to the letter; Mr. Crouch will  
205 respond to the letter in writing and will also address this during the opening of the meeting  
206 tomorrow night.

207

208 The Commission Members agreed that the response letter will note that the Commission follows  
209 their charge in what they were appointed to do, to administer the Wetlands Protection Act,  
210 Stormwater Protection and the Wetlands By-law. Commission Members agreed to suggest that  
211 the letter be rescinded. The Commission agreed to send a copy of the response letter to the  
212 Planning Board.

213

214 Commission Members agreed to try to have a three-hour time limit on tomorrow night’s meeting.

215

### 216 **Agent Announcements:**

#### 217 **Waushakum Pond Treatment Update**

218 The Agent updated the Commission on the Waushakum Pond Treatment, stating that it now has  
219 cyanobacteria which has been tested on the Framingham side, they could not open the beaches.  
220 DEP did one round of testing; another should be done this week. The Lake Association asked  
221 that we test the Ashland side, the Agent stated that because it is present on the Framingham side,  
222 it is likely to also be present on the Ashland side. Signs have been posted by the DPH.

223

#### 224 **OOC, 95-947, Jim Thompson, 155 Winter Street- recording update**

225 The Agent explained that the previous owner of 155 Winter Street, Jim Thompson, may have an  
226 issue with this Order of Conditions. This was issued for the installation of a septic system, while  
227 the property was under a Purchase & Sale Agreement. There are two statements on the Order of  
228 Conditions that were required to be recorded but got missed in the Purchase & Sale. Jim  
229 Thompson had reached out to the Registry of Deeds but they were not able to do anything, as he  
230 is no longer the owner; he also reached out to the current owner, who did not return his phone  
231 call.

232

233 Mr. Hakansson recused himself from the discussion, as he is a friend of Jim Thompson. Mr.  
234 Crouch stated that Mr. Thompson is no longer the owner, and therefore it should not be his issue,  
235 it should be up to the new owners. The Agent noted that there was an escrow account created  
236 and funds may be tied up. The Commission agreed the new owner will need to request the Order  
237 of Conditions.  
238

239 **Agent Notes**

240 The Agent noted that she would like the Commission's input regarding issues at 40 Cedar Street,  
241 the owners are building a porch and there may be wetlands, she noted she is getting some  
242 pushback and they do not want to go through the Conservation process. Commission Members  
243 agreed there is a wetlands issue which needs to be addressed.  
244

245 **Member Prerogative:**

246 Mr. Hakansson requested the Agent check on Legacy Farms and the Public Safety Building sites  
247 tomorrow morning given the current rainfall.  
248

249 Mr. Wands noted there was an act of vandalism at the River Walk bridge, someone was spotted  
250 painting the rocks with white latex paint. A gel paint remover could be utilized, along with a  
251 power washer, to remediate the paint. No RDA is required.  
252

253 **Meeting Adjournment**

254 **Motion:** A motion was made by Ms. Van Lancker, which was seconded by Mr. Hakansson, to  
255 adjourn the meeting.

256 **Vote:** The Motion passed with a 5-0-0 vote.  
257 The meeting adjourned at 10:34 PM.  
258

259 **Documents Reviewed by the Conservation Commission on 8/23/2021**

- 260 • Document entitled, *Agenda* dated 8/23/2021
- 261 • OOC #95-933, 10 Wenzell Road
- 262 • 133 Eliot Street, Above Ground Pool Plan
- 263 • 133 West Union Street, Plan
- 264 • Photos from Maeghan Dos Anjos during rainstorm, East Union Street, Sudbury River
- 265 • COC, 95-841, Robert Hill Way
- 266 • Draft Conservation Committee Meeting Minutes, 7/12/2021
- 267 • Draft OOC, 95-959, 6 Pond View Lane
- 268 • Draft OOC, 95-960, 80 Cross Street
- 269 • OOC, 95-947, 155 Winter Street