



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
September 11, 2023

1
2 Present: Catherine Van Lancker (Chair)
3 Greg Wands (Vice Chair)
4 Owen Ackerman
5 Preston Crow
6 Carl Hakansson
7 William Moulton

8
9 Absent: Gene Crouch

10
11 Agent: Becca Solomon
12

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

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

19 **Request for Determination of Applicability, 17 Raymond Marchetti Street, Elam Paruthi Kesavan, Patio**
20 **Construction**

21 Ms. Solomon shared the plans and summarized the proposed work to install a patio 85-feet from a
22 bordering vegetated wetland. The patio is in existing lawn and will be concrete patio stones with a 2-foot
23 wall. Ms. Solomon stated the patio was adjacent to a swale, which did have previous plans showing it was
24 constructed as a stormwater feature.
25

26 Mr. Moulton asked what the grade of the work site was. Ms. Solomon stated it was very flat. Mr. Wands
27 asked if the swale would be considered a jurisdictional resource area. Ms. Solomon responded that since it
28 is a stormwater feature, but may be jurisdictional under the local stormwater bylaw.
29

30 Mr. Crow stated that a condition be included to require erosion controls. Mr. Moulton asked if there was an
31 easement on the swale. Ms. Solomon responded that there was not an easement.
32

33 Mr. Dassoni, 49 Hawthorne Road, asked if stormwater permits are needed to build the patio. Ms. Van
34 Lancker responded that it did not. Ms. Solomon confirmed that the work did not meet the requirements to
35 trigger a Stormwater Management Permit.
36

37 **Motion:** Mr. Hakansson moved to issue a Determination of Applicability with a Negative 3 determination
38 with a condition that erosion controls be installed between the work area and the swale. The motion was
39 seconded by Mr. Crow.

40 **Vote:** The motion passed with a 6-0-0 vote. (Rollcall vote: OA, PC, CH, WM, GW, CVL)
41
42

43 **Request for Determination of Applicability, Cold Spring Brook at Spring Street, Town of Ashland, Decoy**
44 **Beaver Dam**

45
46 **Mr. Moulton recused himself from the item**

47 Mr. White, Town Engineer, summarized that there have been beavers clogging up two culverts under Spring
48 Street where it crosses Cold Spring Brook. The proposal is to install a decoy that the beavers would build a
49 dam on without affecting the culverts, instead of trapping the beavers. Mr. Hakansson stated that he had
50 accompanied several town staff on a site visit with Beaver Solution and understood that there would not be
51 any impacts to the wetland resource area. Mr. White stated the dam would allow water to pass through the
52 culverts without affecting the beavers. Mr. Crow asked for further clarification of what the decoy fence
53 would consist of. Mr. White explained that it is similar to a chain link fence that is placed in the water, and
54 the beavers prefer to dam on the structure than the culverts. Ms. Solomon added that they would need to
55 excavate or damage vegetation.

56
57 Mr. Narayana, 17 Half Crown Circle, asked if it deters the beaver from crossing through the culvert. Mr.
58 White responded that the decoy dam just encourages the beavers to dam in a specific area.

59
60 **Motion:** Mr. Hakansson moved to issue a Determination of Applicability with both a Negative 2 and
61 Negative 3 determination. The motion was seconded by Mr. Crow.

62 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL)

63
64 **Notice of Intent, Cold Spring Brook, Ashland State Park, Bridge Replacement, DEP File No 95-988**

65
66 **Mr. Moulton recused himself from the item**

67
68 Mr. Jahnige, Massachusetts Department of Conservation and Recreation (DCR), introduced himself and Mr.
69 Toohill, Coneco Engineers & Scientists, as the representatives for the project. Mr. Toohill showed photos
70 and plans and summarized the proposed project to replace an existing bridge which crosses the spillway.
71 The work would remove the existing bridge to be replaced with fiberglass prefabricated structure with
72 helical piles. Ms. Van Lancker asked if there would be any excavation required. Mr. Jahnige responded that
73 there will be some excavation, but it will be minimal. Ms. Van Lancker asked if there will be erosion controls
74 installed. Mr. Jahnige pointed out the location of the erosion controls on the proposed plan. Mr. Hakansson
75 asked when the work would begin. Mr. Jahnige responded that it would likely be in the next calendar year.
76 Mr. Crow asked how long the construction period would be. Mr. Jahnige did not think it would be longer
77 than 3 weeks. Ms. Van Lancker asked how the bridge would be dropped in. Mr. Jahnige responded that it
78 would be brought in by crane through means and methods to be determined by whoever received the
79 contract.

80
81 Mr. Wands asked where the access route would be. Mr. Mortell, DCR, stated that there was access through
82 Metropolitan Avenue on the downstream side.

83
84 The Conservation Commission reviewed and edited the draft conditions for the project.

85
86 **Motion:** Mr. Hakansson moved to close the public hearing. The motion was seconded by Mr. Crow.

87 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL)

88
89 **Motion:** Mr. Hakansson moved to issue the Order of Conditions for DEP File Number 95-988 with conditions
90 as discussed. The motion was seconded by Mr. Crow.

91 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL)

92
93

94 **Notice of Intent, 11 Bay Colony Drive, Oxbow Associates Inc, Sewer Pipe Connection, DEP File No 95-987**
95 Mr. Strohsahl, Oxbow Associates, summarized that a site visit was performed the previous Saturday with
96 the Conservation Commission and re-summarized the proposal to install a 27-foot length of sewer pipe to
97 connect the Ledgemere Pump Station to an existing sewer pipe, with part of the work is within the
98 bordering vegetated wetlands.

99
100 Mr. Wands asked if the sewer gas smell would be relieved by the work. Mr. Stevens, Trask Development,
101 responded that the work will not impact the sewer gasses. Mr. Hakansson stated that he understood the
102 pipe would work as an emergency bypass if the pump fails. Mr. Stevens confirmed that was correct. Mr.
103 Moulton stated that the sewer gas smell could occur whether or not the pump station was there, due to
104 various conditions. Mr. Strohsahl stated that there was an enzyme that might be introduced in the future
105 that helps breakdown the hydrogen sulfide that produces the smell.

106
107 The Conservation Commission reviewed and edited the draft conditions for the project.

108
109 **Motion:** Mr. Wands moved to close the public hearing. The motion was seconded by Mr. Crow.

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

111
112 **Motion:** Mr. Moulton moved to issue the Order of Conditions for DEP File Number 95-987 with conditions
113 as discussed. The motion was seconded by Mr. Crow.

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

115
116 **Emergency Certification Ratification, Ashland State Park, Emergency Replacement of Footbridge**

117
118 **Mr. Moulton recused himself from the item**

119
120 Ms. Solomon summarized that a footbridge near the beach area on the west side of the Ashland Reservoir
121 was identified during the site visit on the property was determined to have collapsed, partly blocking the
122 stream it crosses and presenting an immediate hazard to public safety due to it's location at a trailhead in a
123 highly visited area. Ms. Solomon stated she administratively issued the Emergency Certification for the
124 footbridge to be removed by hand and replaced in-kind. The work should not take longer than a week. Mr.
125 Wands asked if the bridge would be prefabricated. Ms. Solomon stated that it will be constructed from
126 dimensional lumber and built on site.

127
128 **Motion:** Mr. Hakansson moved to ratify the Emergency Certification. The motion was seconded by Mr.
129 Crow.

130 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL)

131
132
133 **Order of Conditions Extension Request, 12 Union Street, Town of Ashland, DEP File No. 95-945**

134
135 **Mr. Moulton recused himself from the item**

136 Ms. Solomon summarized that the extension is for the Order of Conditions on the Public Safety Building at
137 12 Union Street. The work on site is complete, but there is a three-year monitoring period on the plantings
138 for the wetlands replication area. The extension is needed for the duration of the monitoring period.

139
140 Mr. Hakansson asked if the issues where the cement pipes were, had been resolved. Ms. Solomon sated
141 that the pipes were removed, and trees that fell down were taken away and the area planted as required.

142
143 **Motion:** Mr. Hakansson moved to issue a 3-year extension for the Order of Conditions with DEP file number
144 95-945. The motion was seconded by Mr. Crow.

145 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL)

146
147 **Certificate of Compliance, 96 Nickerson Road, Francis Venuto, LF LLC, DEP File No. 95-930**

148 Ms. Solomon stated that the applicants had withdrawn their application.

149
150 **No motion was made and no vote taken.**

151
152 **Certificate of Compliance, Village of Americas, Commonwealth Design LLC, DEP File No. 95-684**

153 Mr. Crow stated that there was some trash that needed to be cleaned up from the replication area. Ms.
154 Solomon added that the list from the peer reviewer, GCG Associates, was received, but the remaining items
155 on the checklist were within the Planning Board jurisdiction.

156
157 Mr. Hakansson stated that the replication area was previously determined to be inadequate because there
158 wasn't enough water to support a wetlands replication at the time. Mr. Hakansson continued that this time
159 it was explained that there are still some wetland functions it does provide, and that the site was previously
160 artificially fed by activities that are no longer occurring. Mr. Moulton added that the site was marginal, but it
161 did provide flood storage.

162
163 **Motion:** Mr. Moulton moved to issue a complete Certificate of Compliance pending the removal of trash
164 from the replication area. The motion was seconded by Mr. Crow.

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

166
167 **Certificate of Compliance, Hopkinton State Park Reservoir Dam, Department of Conservation and**
168 **Recreation, DEP File No. 95-928**

169
170 **Mr. Moulton recused himself from the item**

171
172 Mr. Mortell, DCR, introduced himself and Mr. Andrews, GZA GeoEnvironmental Inc, as the representatives
173 for the application. Mr. Solomon showed the as-built plans while Mr. Andrews summarized that the work
174 was for maintenance to the dam on the Hopkinton Reservoir that was completed in April 2022. Everything
175 was done in accordance with the plans with the exception of striping on the parking lot and a bench that
176 was proposed was never installed.

177
178 **Motion:** Mr. Wands moved to issue a complete Certificate of Compliance. The motion was seconded by
179 Mr. Crow.

180 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL)

181
182
183 **CR Encroachment Discussion, 9 Old Country Path**

184 Ms. Solomon summarized that the Great Bend Farm Trust had reached out to the Conservation Office due
185 to concerns about encroachment from an abutter onto the Conservation Restriction (CR) held by the
186 Conservation Commission. There was some vegetation removals, regrading and installation of a retaining
187 wall, but because the CR had not been surveyed it was unclear how much of the work was on the CR and
188 how much was not.

189
190 Mr. Hakansson clarified that the Conservation Commission holds the CR, but the land is owned by the Great
191 Bend Farm Trust (GBFT). Mr. Hakansson asked Ms. Jennet, GBFT Volunteer, how often the CR boundaries
192 are inspected. Ms. Jennet stated that there are trails on the CR and so it is monitored frequently by
193 neighbors. This work is close to the trail and was reported to the GBFT quickly by neighbors. Ms. Jennet
194 continued that they have discussions on possible encroachments on a weekly basis.

195

196 Ms. Jennet asked if the Commission recommended the area be planted. Ms. Van Lancker asked if there was
197 vegetation damaged. Ms. Solomon replied that understory herbaceous plant and grasses we damaged by
198 brush being placed there. There were trees cut, but it is not clear if those trees were on the CR or not. Mr.
199 Hakansson asked if it is an upland or wetland area on the CR. Ms. Solomon stated that it is an upland portion
200 of the CR.

201
202 The Commission scheduled a site visit to review the site.

203
204 **No motion was made and no vote taken.**

205
206 **Wetlands Violations, 54 High Street**

207 Ms. Solomon stated that erosion control was originally inspected on July 27, 2023 and the homeowners
208 were permitted to begin work pending any additional permits they may need from other town departments.
209 On August 30, 2023, it was found that work had begun in the Right of Way without a Road Opening Permit
210 from the Ashland DPW or DigSafe. Upon inspection it was found that a rock construction entrance that was
211 not depicted on the plans approved by the Conservation Commission had been constructed and had filled
212 the drainage ditch running the in the DPW Right of Way, which was required to be cleared out. Some areas
213 had been regraded and the limit of work exceeded by a stockpile of crushed stone, and the silt fence had
214 been ripped or otherwise damaged in multiple locations. The property owner was required to correct these
215 issues. Ms. Solomon continued that an HDPE pipe was found on the uphill side of the site, towards
216 Whittemore Drive, which was not previously disclosed during the Notice of Intent hearing for the project,
217 and was directing water through the site, where the septic system had been proposed. The applicant was
218 required to have a wetland scientist provide a letter detailing whether the pipe was a drainage pipe or a
219 culverted stream.

220
221 Ms. Skinner Catrone, presented her report on the HDPE pipe, and her conclusions that the pipe was a
222 drainage pipe as the water flowing out of it did not flow out of a bordering vegetated wetland. Ms. Skinner
223 Catrone summarized the soils and vegetation of the area, which was found to be consistent with upland
224 characteristics.

225
226 Ms. Van Lancker asked what action needed to be taken. Ms. Solomon responded that the Commission
227 should determine if an amended order is needed to address the flow of the water as it goes through the
228 proposed septic system, and if the flow is an intermittent stream, the septic system would need to be
229 moved due to Title 5 requirements.

230
231 Mr. Moulton stated that he had walked the site and that it appears there is a wetlands at the top of the hill
232 and an intermittent stream that goes down the hill into the pipe and sheet flows after exiting the pipe. Mr.
233 Moulton noted that there was skunk cabbage in the area, and that there was grape which was in fruit, which
234 does not usually occur unless it is near water.

235
236 Mr. Hakansson stated that he had also walked the site and there was a wetland at the top of the hill and at
237 the bottom of the hill and there is a channel that is at least three feet deep and scoured connecting the two.

238
239 The Commission scheduled a site visit to review the site further.

240
241 Ms. Van Lancker asked if there was an Enforcement Order issued. Ms. Solomon stated that she had not
242 administratively issued one.

243
244 **Motion:** Mr. Hakansson moved to issue an Enforcement Order with required actions re-iterating the
245 previous required actions as well as attendance to for the next Commission meeting. The motion was
246 seconded by Mr. Crow.

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

248

249

250 **Wetlands Violations, 8 Rodman Road**

251 Ms. Solomon stated that on August 29, 2023 it was reported that work was occurring on the property, which
252 is entirely in 100-foot buffer zone. A drive-by site visit found that there was stockpiles of construction
253 materials and other debris, as well a structure that was being constructed. Ms. Solomon stated that she had
254 met with Mr. Weeks at the time who had informed her that the structure was temporary. Ms. Solomon
255 continued that she had given a verbal cease and desist and a requirement that they attend the Conservation
256 Commission meeting. A Notice of Violation Letter was mailed out the same day and has additionally been
257 emailed to the property owner Ms. Weeks. The Cease and Desist has not currently been complied with.

258

259 Mr. Crow asked what the structure was for. Ms. Solomon responded that she did was not sure, and there
260 were no building permits for it, which the Building Inspector had sent notices for. Ms. Solomon showed
261 photos of the site on screen and showed where the wetlands were. Ms. Van Lancker stated a Request for a
262 Determination of Applicability should have been filed at minimum. Ms. Van Lancker asked if an Enforcement
263 Order was issued. Ms. Solomon stated she had not administratively issued an Enforcement Order as it is
264 discouraged by DEP except in situations requiring immediate resolution, and was unsure how the
265 Commission wanted to handle the situation, but that she had sent a Notice of Violation Letter under the
266 local bylaw.

267

268 **Motion:** Mr. Hakansson moved to issue an Enforcement Order with required actions re-iterating the
269 required actions of the Notice of Violation Letter as well as requiring the filing of a Request for
270 Determination of Applicability. The motion was seconded by Mr. Crow.

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

272

273 Mr. and Ms. Weeks experienced technical issues and could not connect their audio at the time. The
274 Commission determine to hold further discussion of the item until after the Mr. and Ms. Weeks were able to
275 connect their audio.

276

277 **Wetlands Violations, Mindess**

278 Mr. Kendall, School Building Committee, informed the Commission that the Mindess project team had been
279 authorized to engage a Wetlands Scientist to perform the review of the area required by the Commission to
280 determine potential impacts by the project.

281

282 Ms. Van Lancker stated that the Commission had received a letter from Mr. White with concerns about
283 installing a rain garden as discussed in the previous meeting. Mr. Moulton stated that there were plants that
284 are salt tolerant that could work, but the trail comes out right on the curb cut, with a swale or depression of
285 the side of the trail that could accommodate a forebay for treatment and the trail rerouted so it is not in line
286 with the curb cut. Mr. Kendall stated that the curb cut is a road drainage condition that is unrelated to the
287 project. Mr. Moulton responded that sediment from the project did enter the road and then enter the
288 wetlands after passing through the curb cut. Mr. Kendall clarified that he agrees that impacts caused by the
289 project should be cleaned up, but permanently changing the road drainage should be dealt with by DPW as
290 a separate engineered project.

291

292 Mr. Hakansson stated that he felt the wetland scientist should be agreed upon between the Commission
293 and the Mindess project team. Mr. Kendall said they had a few names and would reach out to them and try
294 to have something for the next meeting or the one after.

295 **No motion was made and no vote taken.**

296

297 **Wetlands Violations, 8 Rodman Road**

298 Ms. Weeks stated that she had not done anything to clean up the site yet because she did not understand
299 the requirements detailed in the letters she had received from the different Town departments, and was
300 dealing with a personal issue that prevented her from taking action. Ms. Van Lancker explained that Ms.
301 Weeks property was very close to the wetlands, and when changes to a property are done it needs a permit
302 from the Conservation Commission to make sure there is no damage to the wetlands. Ms. Solomon stated
303 there is a meeting scheduled for the upcoming Wednesday with the Town Hall staff to help explain what
304 actions need to be taken to comply with the regulations and codes involved. Mr. Weeks asked if there was a
305 permit that could be applied for to continue the activities on site. Ms. Van Lancker stated that the Request
306 for Determination of Applicability would meet that purpose. Mr. Weeks asked if the Commission was aware
307 of the violation on the rest of the street. Ms. Van Lancker asked Ms. Solomon to inspect the issues. Ms.
308 Solomon stated that at least two properties there have permits and the rest of the street was constructed
309 before the Wetlands Protection Act. Ms. Solomon continued that she can investigate potential new
310 encroachments.

311
312 **No motion was made and no vote taken.**

313
314
315 **Wetlands Violations, 220 Oregon Road, No Associated DEP File Number**

316 Ms. Skinner Catrone stated that she had delineated the site and was just waiting for the engineer to put the
317 replication recommendations on a plan for the Commission.

318
319 **No motion was made and no vote taken.**

320
321 **Review minutes 8/14/2023**

322 **8/14/2023 Meeting Minutes:**

323
324 The Commission determined to review the minutes at the next meeting.

325
326 **Review minutes 8/28/2023**

327 **8/28/2023 Meeting Minutes:**

328
329 The Commission determined to review the minutes at the next meeting.

330
331 **No motion was made and no vote taken.**

332
333 **Meeting Adjournment:**

334 **Motion:** Mr. Hakansson moved to adjourn the meeting. The motion was seconded by Mr. Crow.

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

336
337 The meeting was adjourned at 9:33p.m.

338
339 **Documents reviewed by the Conservation Commission on 9/11/2023**

- 340
- Document entitled, *Agenda, dated 9/11/2023*
 - 341 ● Document entitled, *WPA Form 1 17 Raymond Marchetti Street, dated 6/7/2023*
 - 342 ● Document entitled, *WPA Form 1 Cold Spring Brook at Spring Street, dated 8/18/2023*
 - 343 ● Document entitled, *Notice of Intent for Pedestrian Trail Bridge Replacement, dated 8/22/2023*
 - 344 ● Plans entitled, *Bridge Design, dated, 8/21/2023*
 - 345 ● Document entitled, *Response to Comments Ashland State Park, dated 8/31/2023*
 - 346 ● Document entitled, *Emergency Certification Ashland State Park*
 - 347 ● Document entitled, *Request for Certificate of Compliance Hopkinton Reservoir Dam Project, dated*
348 *8/8/2023*

- 349 ● Email correspondence entitled, *54 High Street*, dated 7/27/2023
- 350 ● Email correspondence entitled, *54 High Street, mitigation requirements*, dated 8/31/023