



Town of Ashland

M A S S A C H U S E T T S

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
September 12, 2022

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

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 **Discussion, Meeting Schedule, September 26th Meeting**

19 The Commission discussed availability of members for a quorum for the scheduled September 26th meeting.
20 The Commission determined to cancel the September 26th meeting.
21

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

23
24 **Request for Determination of Applicability, 23 Deer Ridge Road, David Marseglia, Deck Expansion**

25 Mr. Marseglia shared plans on screen and summarized the proposed work. The Commission had reviewed
26 the proposed deck expansion several months prior and required a Request for Determination of
27 Applicability (RDA) to be filed. The existing deck (11'x11') had water damage and needs to be rebuilt. Mr.
28 Marseglia proposed to expand the deck at the same time to (22'x13'). All work is outside the 25-foot No
29 Disturb Zone.

30
31 Ms. Van Lancker asked if the marker on the property was the wetland edge or the No Disturb Zone edge.
32 Mr. Hakansson stated he had been on site after the first meeting and believed the marker was the wetland
33 edge. Mr. Marseglia agreed. Mr. Moulton asked if the deck was coming out the edge of the existing brick
34 walkway. Mr. Marseglia responded that the deck would be expanded to the edge of the landscaping before
35 the walkway. The walkway should be undisturbed. Mr. Crow stated that erosion control should be installed
36 prior to work beginning and that the downspout from the roof should maintain the same outlet as current.
37 Mr. Crow asked if the Hopkinton Conservation Commission needed to be notified as the property is on the
38 town border. Ms. Solomon stated that since the work is on the Ashland side of the line it is Ashland's
39 jurisdiction. It is courtesy to notify the other Town's Commission in situations like these, but as this project
40 is only an RDA it likely isn't necessary. Ms. Van Lancker stated that the other issues brought up by Mr. Crow
41 can be put into conditions on the Determination of Applicability (DOA).
42

43 Mr. Crouch asked when the house was originally built and if Mr. Marseglia was the original owner. Mr.
44 Marseglia responded that the house was built in 1999 and they moved in in 2009. Mr. Crouch asked if the
45 backyard was changed at all. Mr. Marseglia stated that it is the same as when they moved in. Mr. Crouch
46 clarified that the if the marked is the wetland edge, technically the first 25 feet should not be disturbed per
47 the No Disturb Zone, but there is a lawn there. Mr. Hakansson responded that the lawn was likely legaced
48 as it existed prior to the local bylaw adoption.
49

50 Mr. Wands asked what excavation will be required for the proposed work. Mr. Marseglia stated it will be
51 limited to installing the deck footings. The deck will be on posts not a foundation. Mr. Crouch asked how the
52 work area will be accessed. Mr. Marseglia responded that it will be off the top of the driveway and around
53 the rear of the house. Mr. Hakansson stated that the wetland area wraps around form the rear to the side
54 of the driveway, erosion control should wrap around the back of the house and to the driveway. Mr.
55 Hakansson asked for a condition clarifying that if there is a change in plans to a foundation rather than posts
56 the project would need to come back before the Conservation Commission.
57

58 Mr. Crouch asked where the downspout goes currently. Mr. Marseglia responded that it goes into an
59 underground pipe and directly into the wetlands. It was existing when it Mr. Marseglia bought the house.
60 Mr. Crouch stated that the downspout should remain connected to that pipe. Ms. Van Lancker asked Ms.
61 Solomon to add a condition that the erosion control be inspected prior to work beginning.
62

63 Ms. Solomon summarized the conditions stated as: erosion control shall be installed at the rear of the work
64 limit and extending to the driveway, and be inspected by the Conservation Agent prior to the beginning of
65 work; the downspout connection should remain to the underground pipe; any change in plans to the install
66 the deck on a foundation will require the applicant to return to the Conservation Commission.
67

68 Mr. Hakansson asked that Mr. Marseglia has his contractor speak with Ms. Solomon as to what erosion
69 control should be used. Ms. Solomon added a condition for no hay bales to the draft DOA.
70

71
72 **Motion:** Mr. Wands motioned to issue a negative 3 determination with conditions stated as erosion control
73 shall be installed at the rear of the work limit and extending to the driveway, and be inspected by the
74 Conservation Agent prior to the beginning of work; erosion control will not consist of hay bales; the
75 downspout connection should remain to the underground pipe; any change in plans to the install the deck
76 on a foundation will require the applicant to return to the Conservation Commission. The motion was
77 seconded by Mr. Crow.

78 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).
79

80 **SMP application 100 Chestnut Street, Baystone Development LLC, Mixed Use Community**

81 Mr. T MacDowell, Baystone Development LLC, introduced himself as the representative for the project along
82 with Mr. Leidner, Civil Design Group, and Mr. R MacDowell and Mr. Swenson, Baystone Development LLC.
83 Mr. T MacDowell stated the project had been before Planning Board and they are now filing for Stormwater
84 Permit. The project is located between America Boulevard and Queen Isabella Way. The three existing
85 commercial buildings on the site which are connected to a stormwater basin off of Queen Isabella Way. The
86 buildings will be removed as part of the proposed work.
87

88
89 Mr. Leidner shared plans on the screen. The closest wetlands to the project are over 200 feet north on the
90 other side of the Queen Isabella Way basin. The project is only before the Conservation Commission for the
91 Stormwater Permit. Mr. Leidner summarized the existing conditions and historic use of the site. The
92 proposal is to demolish all existing structures and redevelop the site in its entirety. The project includes a
93 comprehensive stormwater management system designed to collect the stormwater and convey it to a

94 series of BMPs and treatment systems before discharging to an infiltration basin. The project was peer
95 reviewed by GCG Associated during the Planning Board review, which included a review of the stormwater
96 management system based on both state and local requirements. The stormwater system has been updated
97 several times as part of that process, and the current design now addresses all technical issues GCG
98 Associates had. Hooded deep sump catch basins will pretreat water which will then be routed to Contech
99 water quality units. From the Water Quality Units the water will be routed to an infiltration system
100 consisting of 400 plastic arch chambers with open stone bed bottom. Water will infiltrate to the ground, and
101 overflow will release through an outlet control structure the existing Queen Isabella Way basin.
102

103 Ms. Van Lancker asked if the Conservation Commission received GCG's peer review. Ms. Solomon stated
104 that a peer review of the current plans has not been received; however, the previous peer reviews which
105 the plans address the comments of were provided in the meeting packet. A new peer review was requested,
106 but a formal peer review was not received. Mr. Carter, GCG Associates, did provide an email recommending
107 the ownership of the Queen Isabella Way basin be addressed as it is under different ownership and
108 management.
109

110 Mr. Hakansson asked if the stormwater report is based on the previous 2009 proposal. Mr. Leidner
111 confirmed and clarified that the original plan set relied solely on the 2009 report as the site is part of the
112 larger Village of Americas project. The 2009 report assumed certain runoff characteristics coming from the
113 100 Chestnut site which are slightly different with the current plan. In order to have comparable data the
114 2009 report is used in conjunction with the new design. GCG Associates at the time did not agree that the
115 2009 report should be solely used as the stormwater regulations have since evolved. In addressing that
116 comment, the infiltration system was doubled in size and a greater catchment area was designed, which
117 satisfied the peer review concerns. Mr. Leidner continued that the current proposal is a standalone
118 development that, while originally designed with the 2009 report, has since been revised to stand alone in
119 terms in stormwater.
120

121 Mr. Hakansson noted that the Queen Isabella Way basin is not maintained currently, but is being reviewed
122 to bring it into compliance. Mr. Hakansson asked who is doing that review? Mr. Leidner clarified that the
123 basin in question was designed to hold the water not just from 100 Chestnut Street but from a large part of
124 the Village of Americas site and has not been adequately maintained. Ms. Solomon stated that the basin is
125 currently owned by Fafard and are working with the Ashland DPW and the Village of Americas Home
126 Owner's Association (HOA) to bring the basin into compliance. Mr. Hakansson noted that the Commission
127 has had issues with the basins and replications with the Village of Americas project historically. A required
128 wetlands replication behind the 100 Chestnut Street property had a Certificate of Compliance (COC) denied
129 as there was no evidence that the replication occurred. Mr. Hakansson asked if there was a COC for the
130 Queen Isabella Way basin, and if not will one be coming from. Ms. Solomon confirmed that the
131 representatives from Fafard was looking to come up with a plan to restore the basin in order to apply for a
132 COC. Vegetation would need to be grubbed out, some of which is within buffer zone, and as the Order of
133 Conditions (OOC) is expired, and Enforcement Order may be needed to allow the work.
134

135 Mr. Hakansson asked if the Commission had ever approved a project where one stormwater was being
136 directed to a basin under different ownership, and if so, has it ever been done before the basin had received
137 a COC. Mr. T MacDowell clarified that currently the 100 Chestnut Street is still under the same ownership,
138 but is planned to be sold for the work to occur. Mr. Hakansson stated that it is difficult to evaluate a
139 stormwater plan when the Commission does not know the condition of the basin where that water is going.
140

141 Mr. Moulton asked what precipitation data was used in the stormwater calculations. Mr. Leidner stated that
142 they used the same calculations as were used in the previous reports which were the Type 3 24-hour Storm
143 Event, with the specific storms included in the stormwater report. Mr. Moulton responded that the
144 Conservation Commission prefers NOAA Atlas 14 precipitation rates to be used. Mr. Leidner stated that the

145 report does not use NOAA Atlas 14 as the calculations needed to be comparable to what was previously
146 approved to make sure the design was consistent. Mr. Leidner asked using NOAA Atlas 14 was a
147 requirement or a preference. Mr. Moulton stated that the precipitation data should be up to date with the
148 current understanding of stormwater and not data developed in 1964. Mr. Moulton asked if there is an
149 increase in water volume leaving the site and if so, was a waiver from Planning Board received. Mr. Leidner
150 stated there would be no increase in water volume leaving the site.

151
152 Mr. Crouch stated the 100 Chestnut Street parcel was originally part of the Village of Americas project,
153 which has an OOC which has not been closed. Ms. Solomon confirmed that there is an outstanding Order of
154 Conditions on the Village of Americas project; however, the 100 Chestnut Street parcel is not within any
155 wetlands jurisdiction. The 100 Chestnut Street parcel was originally part of Phase VIII of the Village of
156 Americas project. Mr. Moulton asked if a partial COC is needed before another permit can be issued. Mr.
157 Moulton stated as the permit is just a Stormwater Permit and not a Notice of Intent (NOI), and the permits
158 are different, it could still be issued. Mr. Hakansson stated that Stormwater is still affected by the condition
159 of the Queen Isabella Way stormwater basin, which is part of the original OOC. Mr. Crouch stated that the
160 100 Chestnut Street parcel is still encumbered by the original order.

161
162 Mr. Crouch asked if the plan proposed Stormceptor Water Quality Units. Mr. Leidner responded that there
163 are Water Quality Units but they aren't Stormceptor. Mr. Leidner showed the locations of the Water Quality
164 Units on the plan. Mr. Crouch asked what was being claimed for TSS removal on the Water Quality Units.
165 Mr. Leidner stated it is listed as 80% based on adequate pre-treatment. All water runoff is going through
166 Water Quality units prior to reaching the infiltration basin. Mr. Crouch asked what the soil percolation rates
167 were on the site. Mr. Leidner stated that the rates were high, and an additional test pit is required by
168 Planning Board prior to the construction on site. Mr. Crouch asked where the 80% TSS removal was coming
169 from on the Water Quality Units. Mr. Leidner stated it was from the manufacturer's third party testing.

170
171 **Motion:** Mr. Moulton motioned to continue the hearing to the October 3, 2022 meeting at 7:05pm. The
172 motion was seconded by Mr. Crow.

173 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).

174
175
176 **Notice of Intent and SMP Application, 501 Pond Street, Oxbow Associates Inc, Apartment Building**
177 **Construction, 95-973**

178 Mr. Stevens introduced himself as the applicant as well as additional representative Mr. Saluk, Bruce Saluk
179 & Associates Inc., and Mr. Strohsahl, Oxbow Associates Inc. Mr. Saluk summarized the changes to the
180 project addressing the Commission's comments from the previous meeting. The stormwater report was
181 updated to use the NOAA Atlas 14 precipitation data, and an Addendum #2 of the stormwater report will be
182 submitted for the next meeting. The drain system size was increased to match or reduce the water volume
183 runoff. Additional chambers were proposed, and an outlet control structure was added. The TSS calculations
184 were modified to a 50% TSS Removal on the Contech systems. A trench drain was added with 50% take-out
185 in the catchment area that was bypassed in the previous design. The total removal on site is now at 82% for
186 TSS removal. The rain garden originally situated in the middle courtyard has been moved closer to Pond
187 Street to provide more separation from ground water and allow the 30 inches needed to allow for nitrogen
188 removal.

189
190 Ms. Van Lancker clarified that the information currently provided is an excerpt and a full comprehensive
191 report and updated plans would be submitted later. Mr. Saluk confirmed. Mr. Crouch asked if the plans
192 could be shown on screen so they could see the changes. Mr. Saluk showed the changes on the plans.

193
194 **Motion:** Mr. Crouch motioned to continue the hearing to the October 3, 2022 meeting at 7:05pm. The
195 motion was seconded by Mr. Crow.

196 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).
197

198 **Discussion, Legacy Farms Stormwater Breach**

199 Mr. Bemis stated he was not present at the time of the storm event and understood it was 0.6 inches in 23
200 minutes. Ms. Solomon showed photos of the storm event on screen, clarifying that the August 26th storm
201 caused discharge which is shown in the photos from Mr. Langmeyer, Ashland DPW. Mr. Langmeyer had
202 informed Ms. Solomon that the sediment was confirmed to enter the reservoir. Erosion Control was
203 overtopped on Wilson Street. During the September 6th storm the stormwater leaving the site was
204 substantially more clear, with an additional row of erosion control and crushed stone having been installed
205 to mitigate the issue. Ms. Solomon added that the Ashland DPW had provided an illicit discharge report as
206 well.
207

208 Mr. Bemis added that he was not aware of the breach until after the storm event, at which point the added
209 barrier was installed. Mr. Bemis shared additional photos taken during and after the September 6th storm,
210 and summarized the actions taken. Turbidity tests were taken. Mr. Bemis explained that the night of the
211 August 26th storm water had overwhelmed the silt sacks and bypassed through the front of a lot adjacent
212 and washing out the fines through a rock embankment. To resolve the issue, the embankment has been
213 sealed with filter fabric and crushed stone in place of the boulders there previously. A section was filled with
214 stump grindings as it will ultimately be planted. Mr. Bemis further showed photos of the existing
215 stormwater basins and summarized the turbidity readings from the outlets of each.
216

217 Mr. Bemis provided a status update on the NOI required under the Enforcement Order. Mr. Bemis explained
218 that the NOI is not signed yet as the narrative is not complete. Mr. Hakansson asked if Mr. Bemis was
219 appearing before the Hopkinton Conservation Commission on September 13th. Mr. Bemis confirmed he was
220 attending for the same matter, in addition to review of the request for an Amended Order dealing with the
221 proposed changes to the detention basins. MS. Solomon stated she would be attending the Hopkinton
222 Conservation Commission meeting as well.
223

224 **No motion was made and not vote taken**

225
226 **Discussion, Mindess, Stormwater Breach**

227 Ms. Solomon summarized the results of the August 26th and September 6th storm events at the Mindess
228 school site. During the August 26th storm event the stream had remained dry and did not appear to have
229 discharged; however, on the September 6th event there was a significant breach at multiple location. The
230 settling area between the swale outlet and the stream inlet had sediment leaving the site. The controls in
231 this area consisted of crushed stone, jute fabric, filter fabric, and floc blocks, surrounded by a row of mulch
232 sock and silt fence. Ms. Solomon explained that part of the sediment appeared to have been caused by a
233 stockpile that had been placed adjacent to the swale and which had collapsed into the settling area. When
234 safe to do so, the settling area had been cleaned out, the filter fabric, jute, and floc blocks replaced. Further
235 on site where two larger stockpiles are kept, Jersey Barriers draped in filter fabric as a good faith secondary
236 measure had been installed adjacent to the required mulch sock and silt fence. Despite those controls, the
237 water with sediment did make it outside the construction site, but did remain contained on site due to the
238 existing grading in the area. Additionally, the catch basin at the emergency entrance had been
239 overwhelmed. With the volume and rate of water it bypassed the basin and passed over disturbed area
240 which has since been hydro-seeded, and passed into the road and to the adjacent pond. Ms. Solomon added
241 that a row of Jersey Barrier supporting mulch socks was installed at the driveway to redirect the flow off the
242 street and into a depression in an adjacent lawn area to mitigate the sediment and allow it to settle.
243

244 Mr. Quinlan, Compass, shared photos and summarized the mitigation they have additionally installed since
245 the storm event. The stockpile has since been moved away from the swale, and all parts of the settling area
246 have been reconstructed. The disturbed area outside the emergency gate was for utility installation and

247 prepare for new paving during which the erosion control had been temporarily removed for the work, and
248 had not been put back in place prior to the storm. The erosion controls have been re-installed. The hydro-
249 seed installed was mixed with flocculent to mitigate future storms.

250
251 Mr. Moulton asked where the stockpiles were moved to and are erosion controls around the stockpiles. Mr.
252 Seymour, site superintendent, explained that the true stockpiles which are not being used currently have
253 been hydro-seeded; however, the other stockpiled are being used every day and have not been seeded. MR.
254 Moulton asked if filter socks would be placed around them. Mr. Seymour stated the stockpiles were
255 removed from the swale so there shouldn't be any issues. Mr. Moulton stated there is still potential for
256 them move in a downpour with sediment coming off. Precautions should be taken using filter socks or some
257 other moveable erosion control to mitigate the issue.

258
259 Mr. Crouch asked if there was a condition in the order regarding erosion control around stockpiles. Ms.
260 Solomon confirmed that Condition 40 requires erosion control on stockpiles not being used within 24 hours.
261 Ms. Van Lancker stated the site should have an erosion control monitor and asked why they didn't review
262 the erosion controls which had been removed and not put back in place prior to the storm. Ms. Solomon
263 confirmed that OOC requires the Erosion Control monitor, and the stockpiles are required to be 50 feet from
264 any stormwater system. Mr. Conroy, Shawmut, confirmed that there is an Erosion Control monitor that had
265 missed the issue. Ms. Van Lancker asked how that would be fixed going forward, if there would be a double
266 check. Mr. Conroy confirmed that there would be a secondary back-up who will do the double check going
267 forward.

268
269 Mr. Hakansson asked if the school had flooded at all. Mr. Quinlan responded that he was not aware of any
270 flooding in the school. Mr. Hakansson stated that they had spoken at length in the past about things failing,
271 and the Commission had been assured that the proposal would work. Mr. Hakansson continued that what
272 the Commission had predicted would fail, had failed, and that this event was a significant breach. Mr.
273 Hakansson stated there needs to be some kind of oversight, and expressed concern that the new mitigation
274 would not work.

275
276 Mr. Crouch asked if the settling basins that were approved have been installed yet. Mr. Seymour responded
277 that the settling basins would be installed near the end of fall as the roof drains are brought online. Mr.
278 Hakansson stated that the basins were for when the project finished, but the concerns were the
279 management of stormwater during the construction process. Mr. Crouch state he was under the impression
280 that the basins would be online during construction.

281
282 Mr. Kendall added that the failure was more on the oversight than the controls, and that is being addressed
283 now. This event was a lapse in oversight in vigilance, and it is on the team to make sure that it does not
284 happen again. Ms. Van Lancker added that the stockpiles were placed in violation of the Order of
285 Conditions, and erosion controls need to be maintained. Mr. Kendall agreed.

286
287 Mr. Hakansson asked if someone could be assigned to be the observer for these events. It shouldn't fall to
288 the Ashland DPW to be the first on the scene. Someone should be on site for these storm events so issues
289 can be addressed in real time. Mr. Quinlan agreed and stated he would discuss with Ms. Solomon to keep
290 everyone updated.

291
292 Mr. Crouch asked if an Enforcement Order should be issued. Ms. Van Lancker stated they had done all the
293 work that should have been required. Mr. Hakansson stated the Commission had issued an Enforcement
294 Order to the Public Safety Building when the same issue occurred last year, and to be consistent, one should
295 be issued now. Mr. Crouch agreed. Mr. Moulton agreed and added that it should make specific mention
296 that erosion control should be around stockpiled at the end of the day and during rain events. Ms. Van
297 Lancker added that the erosion control monitor should be checking erosion control whenever they are

298 moved or replaced, and stockpiles should be maintained at 50 feet away from the swale, and someone
299 should be assigned to be on site whenever there is rain event. Mr. Crouch asked if the SWPPP reports were
300 ~~was~~ being submitted weekly as required. Ms. Solomon confirmed they were being received.
301

302 The Commission determined to discuss the exact language an Enforcement Order at the end of the meeting.
303

304 **No motion was made and no vote taken**

305

306 **Emergency Certification Ratification, 106 Cordaville Road, Hazard Trees**

307 Ms. Solomon summarized that the homeowner had concern over two trees in the buffer zone. American
308 Climber provided a letter stating the trees were an immediate hazard to the house and the residents. An
309 Emergency certification was issued with conditions that any woody debris that fell in the wetlands would be
310 left where it lay and all other debris removed from the site.
311

312 **Motion:** Mr. Crouch motioned to ratify the Emergency Certification. The motion was seconded by Mr.
313 Crow.

314 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).
315

316 **Request for Certificate of Compliance, 28 Nancy Drive, Felicia Fahey, DEP File No. 95-217**

317 Ms. Solomon summarized that the COC was for a 33-year-old Order of Conditions for construction of the
318 original house. There is a pool that was built that wasn't on the original plan; however, it was approved
319 through an RDA at a later time. Ms. Van Lancker clarified that the OOC had not been closed when the RDA
320 was approved. Mr. Crouch asked if Ms. Solomon had been on the site. Ms. Solomon confirmed and added
321 that the wetlands were clean of debris and in good condition. There was no requirement on the OOC for
322 bounds to be installed or for a deed recording, so neither had occurred. Mr. Hakansson asked if the owner
323 was the original owner. Ms. Solomon stated they were not, and had bought the house roughly 28 years
324 prior. The existence of the OOC was not communicated to the current homeowner's when they bought the
325 house.
326

327 **Motion:** Mr. Hakansson motioned to issue a Complete Certificate of Compliance for 28 Nancy Drive, DEP
328 File Number 95-217. The motion was seconded by Mr. Crow.

329 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).
330

331 **Request for Certificate of Compliance, Whittemore Estates Lot 9, Peter Venuto, DEP File No. 95-883**

332 Ms. Solomon summarized that the property also had stormwater issues during both the August 26th and
333 September 6th storm events. Several areas that had been hydro-seeded had runoff and had since been re-
334 seeded. The areas are not established at this time. The stormwater basin has had work started to repair it,
335 but it has not been completed. Vegetation has been grubbed out of the smaller infiltration basin. The rain
336 garden and catch basin the Commission asked to be evaluated have not been reviewed yet.
337

338 Ms. Van Lancker asked Mr. Venuto how long it would be before the basin was fully repaired. Mr. Venuto
339 stated they had worked on the weekend. Several large boulders were removed from the berm. Ms. Van
340 Lancker repeated the question on how long the berm would take to be completed. Mr. Venuto stated that
341 they were well underway and the rocks were pulled out, and new material is being placed and compacted to
342 construct the new berm and the bottom of the basin was being cleaned out as well. Mr. Venuto showed in
343 some photos how the boulders from the berm had been removed and placed as armor on the wall of the
344 basin closest to the homes. Mr. Venuto showed a video of the work being done. Mr. Venuto stated that the
345 breach Ms. Solomon referred to was not from the berm. Ms. Solomon agreed and stated the breach was
346 through the outlet of the basin where the pump for the silt bag was not operational and was allowing the
347 sediment to exit the basin. The water flow had then carried the sediment to the silt fence and overtopped it

348 before entering the pond. Mr. Venuto stated that the roof and perimeter drains are all installed and are
349 working well. Ms. Solomon presented some additional photos of the basin's current conditions.

350
351 Mr. Venuto stated that the next Conservation hearing is not until October 3rd and they need the COC so they
352 can sell the lots. The Commission reviewed the exact sequence of work on the berm looking at photos
353 provided by Mr. Venuto. Mr. Venuto stated it is clear the basin was never constructed correctly. Mr.
354 Hakansson said that what was being decided tonight is just the COC.

355
356 Mr. Moulton asked if the site is prepared for the upcoming storm events. Mr. Venuto explained that he had
357 a Stormceptor set up and the filter bag, and a berm that is reconstructed. The silt sacks have been cleared
358 out and street swept.

359
360 Mr. Crouch asked what conditions were put on the previous COC. Ms. Solomon read those conditions. Mr.
361 Crouch asked if there was any reason why those same conditions would not be used on Lot 9 and the other
362 Lots on the agenda. Mr. Venuto stated the lots encompass the basin as it's not on its own lot, but Lots 12
363 and 13 and are on the opposite side of the road and do not encompass the basin. Mr. Venuto added that
364 two of the lots have additional unrelated Orders of Conditions, Lot 9 and Lot 10. Ms. Solomon confirmed
365 that those OOCs were provided separately in 2020. Mr. Crouch reiterated his question regarding the
366 conditions. Mr. Crouch added that the lots on the other side of the road are still built into the same Order of
367 Conditions on the original parcel before it was subdivided. The conditions of the Order still apply to those
368 parcels. Mr. Venuto stated he could agree to skip the COC request Lot 10 tonight. Ms. Solomon stated that
369 Lot 12 is still missing an engineer letter and it should have a condition regarding that issue added for that lot
370 specifically. Mr. Moulton added that there was not an as-built for Lot 12. Mr. Crouch asked which lot had
371 the certified engineer letter. Ms. Solomon said that Lot 13 and Lot 9 have letters, but not Lot 12. Mr.
372 Hakansson asked if the COC Request for Lot 10 is being held. Mr. Venuto confirmed.

373
374 Ms. Williams, 34 Whittemore Drive, stated that there are five components of the stormwater system, and
375 one is defective and the other four have not been evaluated. Ms. Williams asked if the Commission could
376 consider the partial partial release be based upon ensuring all components of the stormwater components
377 are functional. Mr. Crouch asked if DPW was looking at all the pieces. Ms. Solomon stated DPW was doing
378 some review and there is a condition on the partial partial release stating the parcel is still subject to all
379 stormwater conditions which would encompass Ms. Williams concerns. Mr. Venuto stated he has been
380 paying fees for GCG Associates to do inspections on the site. Mr. Crouch stated the stormwater systems
381 should be approved by the town and determined functional as a condition.

382
383 Mr. Crouch asked if for Lot 12 a COC could still be issued given that it is missing the as-built and engineer's
384 letter. Mr. Venuto stated he had a certified plot plan and septic installation, but he's just missing the final
385 grading plan.

386
387 **Motion:** Mr. Hakansson motioned to issue a partial Partial Certificate of Compliance for Whittemore Estates
388 Lot 9, DEP File Number 95-883 with a requirement for the completion and acceptance of the completed
389 detention basin and stabilization of the site to not be released until a full partial release of the lot is
390 requested; and that the lot not be released from any stormwater requirements of the Order of Conditions.
391 The motion was seconded by Mr. Crow.

392 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).

393
394 **Request for Certificate of Compliance, Whittemore Estates Lot 10, Peter Venuto, DEP File No. 95-883**
395 The Commission referred to the discussion in the previous item. The Commission determine to hold this
396 item to a future meeting.

397
398 **No motion was made and no vote taken.**

399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449

Request for Certificate of Compliance, Whittemore Estates Lot 12, Peter Venuto, DEP File No. 95-883

The Commission referred to the discussion in the Whittemore Estates Lot 9 item.

Motion: Mr. Hakansson motioned to issue a partial Partial Certificate of Compliance for Whittemore Estates Lot 12, DEP File Number 95-883 to be released contingent on the receipt of the as-built plan and engineer letter, with a requirement for the completion and acceptance of the completed detention basin and stabilization of the site to not be released until a full partial release of the lot is requested; and that the lot not be released from any stormwater requirements of the Order of Conditions. The motion was seconded by Mr. Crow.

Vote: The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).

Request for Certificate of Compliance, Whittemore Estates Lot 13, Peter Venuto, DEP File No. 95-883

The Commission referred to the discussion in the Whittemore Estates Lot 9 item.

Motion: Mr. Hakansson motioned to issue a partial Partial Certificate of Compliance for Whittemore Estates Lot 13, DEP File Number 95-883 with a requirement for the completion and acceptance of the completed detention basin and stabilization of the site to not be released until a full partial release of the lot is requested; and that the lot not be released from any stormwater requirements of the Order of Conditions. The motion was seconded by Mr. Crow.

Vote: The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).

Mr. Crow expressed concern that the rocks were placed to armor the basin without any review by the Commission. Mr. Venuto stated he would ask the engineer to provide a plan and letter for the board as the placement was their recommendation.

Mr. Cavanaugh, 32 Whittemore Drive, expressed concern that the HOA has nothing in their agreement for maintenance of an armored wall on the stormwater basin, and asked that they be included in any future discussion of the changes to the system. Mr. Hakansson responded that the concerns were likely not within Conservation jurisdiction and should be addressed to the Planning Board.

Review and Vote of Mindess Enforcement Order

Mr. Crouch stated that a fine might be suitable as long as it is issued to the contractor and not the Town. Ms. Solomon showed on screen the draft conditions of the Enforcement Order as discussed earlier on the meeting. The Commission reviewed and discussed the conditions.

Motion: Mr. Moulton motioned to issue an Enforcement Order with the conditions as discussed, and a fine of \$100 to Shawmut and Compass. The motion was seconded by Mr. Crow.

Vote: The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).

Review minutes from 8/22/22

8/22/22 Meeting Minutes:

Commission Members reviewed and edited the August 22, 2022 meeting minutes.

Motion: Mr. Moulton motioned to approve the August 22, 2022 meeting minutes as amended. The motion was seconded by Mr. Crow.

Vote: The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).

Meeting Adjournment:

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

450 **Vote:** The motion passed with a 7-0-0 vote. (Rollcall vote: OA, PC, GC, CH, WM, GW, CVL).

451

452

453 The meeting was adjourned at 10:51p.m.

454

455 **Documents reviewed by the Conservation Commission on 9/12/2022**

- 456 ● Document entitled, *Agenda, dated 9/12/2022*
- 457 ● Document entitled, *Meeting Minutes, dated 7/25/2022*
- 458 ● Document entitled, *WPA Form 1- Request for Determination of Applicability 23 Deer Ridge Road,*
459 *dated 8/5/2022*
- 460 ● Document entitled, *Stormwater Permit Application 100 Chestnut Street, dated 8/24/2022*
- 461 ● Plans entitled, *Site Plan for 100 Chestnut Street, dated 8/17/2022*
- 462 ● Email correspondence entitled, *Legacy Farms Breach Friday dated 8/26/2022*
- 463 ● Email correspondence entitled, *Updates after Friday's storm, dated 8/31/2022*
- 464 ● Email correspondence entitled, *Stormwater Update, Legacy Farms, dated 9/7/2022*
- 465 ● Email correspondence entitled, *Mindess Stormwater Follow-up, dated 9/7/2022*
- 466 ● Email correspondence entitled, *Stormwater Update Mindess, dated 9/6/2022*
- 467 ● Email correspondence entitled, *Mindess and stormwater overflows, dated 9/6/2022*
- 468 ● Document entitled, *WPA Emergency Certification Form 106 Cordaville Road, dated 8/22/2022*
- 469 ● Email correspondence entitled, *Dokenjian 106 Cordaville Rd Tree work, dated 8/18/2022*
- 470 ● Email correspondence entitled, *Stormwater Update Burnham Circle dated 9/7/2022*
- 471 ● Email correspondence entitled, *Burnham Circle Discharge, dated 9/6/2022*
- 472 ● Email correspondence entitled, *Detention Pond, dated 9/6/2022*
- 473 ● Email correspondence entitled, *Detention Pond, dated 9/10/2022*
- 474 ● Email correspondence entitled, *Lots 9, 10, 12 Engineer Letters, dated 9/7/2022*