



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
October 3, 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

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9 Absent: William Moulton

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11 Agent: Becca Solomon

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

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

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19 **Mr. Crow was not present at this time.**

20
21 **Request for Determination of Applicability, 511 Main Street, Joseph Donovan, Driveway Replacement and**
22 **Expansion**

23 Ms. Solomon summarized the proposed work to repave and extend an existing driveway. The current
24 driveway is one car width adjacent to lawn which has also been used for parking. The lawn area is degraded
25 from the parking use. It is close to the No Disturb Zone, and there is vegetation between the proposed
26 driveway extension and the wetland. There is no erosion control proposed in the plan provided. Ms. Van
27 Lancker stated that the erosion control should be added as a condition.

28
29 Mr. Hakansson stated he recalled the property from when it had previously come before the Commission
30 for an addition, and continued that the area is surrounded by a significant wetland. Mr. Wands asked if the
31 water was flowing into the wetland or the street, and if the expanded driveway would change that flow. Ms.
32 Donovan believed the driveway was planned to be sloped to the street. Ms. Van Lancker asked that the
33 slope to the street be added as a condition.

34
35 **Motion:** Mr. Wands motioned to issue a negative 3 determination with conditions stated as erosion control
36 shall be installed along the wetlands side extent of the work, and the driveway be sloped towards the
37 driveway and at the same grade as existing pavement. The motion was seconded by Mr. Ackerman.

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

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41 **Request for Determination of Applicability, 3 Walkup Lane, Stephen Clark, Home Addition and Deck**

42 Mr. Clark introduced his contractor Mr. English. Mr. English summarized the proposed work to remove an
43 existing deck to be replaced with a small addition and deck with stairs. Ms. Van Lancker noted that the deck

44 would be supported with helical piers which would not require excavation. Mr. English confirmed. Ms.
45 Solomon shared the plans on screen for review. Ms. Van Lancker asked if erosion control was needed. Ms.
46 Solomon stated that as the piers did not require excavation, erosion control may not be necessary. Mr.
47 Ackerman asked what the current deck was placed on. Mr. English stated the deck was on sonotubes. Mr.
48 Ackerman asked if the sonotubes were being removed. Mr. English stated that normally they remove the
49 part of the sonotubes above ground so it isn't sticking out of the ground, but they aren't usually dug out.
50

51 Mr. Crouch asked if the helical piers would be installed with a bobcat. Mr. English explained that small
52 machine similar in size to a lawn mower with a computer that registers the torque and pressure as it screws
53 into the ground. Mr. Crouch asked if the 25 foot No Disturb Zone was bounded on the property. Mr. Clark
54 stated that it was not. Ms. Van Lancker asked if concrete bounds could be placed at the 25 foot No Disturb
55 Zone. Mr. English responded that the No Disturb Zone is within the existed wooded area and would require
56 significant removal to access. Ms. Solomon noted on the plan the existing vegetation line at approximately
57 the 50-foot buffer. Ms. Van Lancker asked if No Disturb Zone should be identified in another way. Ms.
58 Solomon stated that as the project is an RDA and not a Notice of Intent that creates encumbrance on the
59 property, it would be difficult to follow up unless there was condition on the Determination of Applicability
60 to do so. Ms. Solomon continued that she would not recommend disturbing the 50 feet of vegetated buffer
61 which exceeds the 25-foot No Disturb Zone requirement. The markers could be nailed into trees, but that is
62 likely the extent that could be done without causing further disturbance. Mr. Hakansson agreed and stated
63 that it would likely do more harm than good, especially if no one would ever see them unless the area was
64 substantially cleared. Ms. Van Lancker stated that Mr. Clark should be aware that dumping cannot occur in
65 the wetland and No Disturb Zone.
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67 **Motion:** Mr. Wands motioned to issue a negative 3 determination. The motion was seconded by Mr.
68 Ackerman.

69 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, GC, CH, GW, CVL).
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72 **Notice of Intent, 29 Hardwick Road, Michael and Marjorie Rah, Home Addition, DEP file No. 95-975**

73 Mr. Truax, GLM Engineering, introduced himself as the representative for the applicants and shared plans
74 on the screen. Mr. Truax summarized the proposed work to construct an in-law apartment off the back of
75 the house with associated garage and driveway connection. The proposed work is in existing lawn and patio
76 area. Erosion control is proposed along the rear of the property. Bounds along the 25-foot No Disturb Zone
77 are proposed and shown on the plan per the Conservation Commission's standard conditions. Ms. Van
78 Lancker requested the erosion control be extended in two locations to mitigate run off due to the slope and
79 impervious surfaces. Mr. Crouch asked if the foundation was a frost wall or basement. Ms. Rah stated the
80 home would be a full foundation with a frost wall around the garage. Mr. Crouch asked what the L-shaped
81 mark near the No Disturb Zone was denoting. Ms. Rah explained that it was a raised bed planter, but it has
82 since been removed and is now lawn. Mr. Crouch asked if the tree line was the 25-foot No Disturb Zone. Mr.
83 Truax confirmed. Mr. Crouch asked if the deed includes the language typically required by the standard
84 conditions. Mr. Truax was not sure. Ms. Van Lancker did not believe it would have been, but it will be
85 required by the standard conditions. Mr. Truax asked how it would be added to the deed now. Ms. Van
86 Lancker stated it could be added as an addendum or something similar, as other projects have done the
87 same in the past.
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90 **Motion:** Mr. Crouch motioned to close the public hearing. The motion was seconded by Mr. Wands.

91 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, GC, CH, GW, CVL).
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93 The Commission determined to review and vote on the Order of Conditions for 29 Hardwick Road during the
94 next meeting on October 17th, 2022.

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

Ms. Van Lancker stated that the applicant has requested the hearing be moved after the Enforcement Order item on Queen Isabella Way, as that item would impact the 100 Chestnut Street proposal.

Motion: Mr. Ackerman motioned to continue the hearing until after the Queen Isabella Way Enforcement Order item on the agenda. The motion was seconded by Mr. Wands.

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

Notice of Intent and SMP Application, 501 Pond Street, Oxbow Associates Inc., Apartment Building Construction, 95-973

Mr. Stevens introduced himself as the applicant as well as additional representative Mr. Saluk, Bruce Saluk & Associates Inc., and Mr. Strohsahl, Oxbow Associates Inc. Mr. Stevens summarized the status of the project and discussions with the Commission thus far. Mr. Hakansson asked if Mr. Saluk could go through the changes to the stormwater report and plans, while showing them on screen.

Mr. Crow joined the meeting at this time.

Mr. Saluk summarized the rainfall depths were updated from the standard Mass WPA depths to the NOAA Atlas 14 rainfall depths Type D rainfall distribution as requested; the capacity for the subsurface system was increased dramatically to certify that both the volume and the rate of water was either matched or reduced. Mr. Saluk reviewed the changes in peak rate calculations. Chamber systems 5 and 6 were increased, with number 6 being split into two systems. TSS Removal for the Water Quality Units was adjusted to 50% each. A French drain was added in the area by the two driveways towards the existing mini-golf property abutting. The rain garden in the courtyard area was moved in increased in size allowing for additional filtration. The rain garden does not take water from any impervious area and does not require pre-treatment.

Ms. Van Lancker asked Ms. Solomon about the culverts on the property. Ms. Solomon responded that there are two existing culverts on site that outlet to a settling area that exits through another culvert which outlets in the wetlands on the mini-golf property. One of the culverts inlets from further on the 501 Pond Street property, but it has since been buried over time by sediment. Ms. Solomon continued that the only real concern was to have the removal of that culvert noted on the plan. Mr. Saluk confirmed that the culvert is being removed, and they will add a note to the plan. Ms. Solomon added that she had gone on site during the September 6th storm to get a baseline of stormwater conditions on site, during which it was observed that small trickle of water was flowing into the culvert from the site, but that the settling area had sediment in it with unclear origin.

Motion: Mr. Ackerman motioned to close the public hearing for 501 Pond Street, DEP File No. 95-973. The motion was seconded by Mr. Crow.

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

The Commission determined to review and vote on the Order of Conditions at the October 17th meeting.

Mr. Crouch left the meeting at this time.

Emergency Certification Ratification, 224 Oregon Road, Janelle Hayes, Hazard Tree Removal

Mr. Hayes summarized that the tree proposed for removal is fully dead and poses a threat to falling on the abutting home, but is located just within the buffer zone of a nearby wetland. Ms. Solomon added that Mr. White, the Town Engineer, has signed the Emergency Ratification and issued it. Ms. Solomon recommended

146 the Commission amend the start date of the Emergency Certification as the tree company had provided a
147 work date two days after the expiration of the original. The issuance date would be whichever day the
148 Certification received four signatures.

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150 **Motion:** Mr. Ackerman motioned to ratify the Emergency Certification. The motion was seconded by Mr.
151 Crow.

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

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155 **Request for Certificate of Compliance, 5 Concord Court, Ed Giombetti, DEP File No. 95-607**

156 Ms. Solomon summarized that the engineer letter pointed out that pavement had not been removed from
157 an area that it had been proposed to be, and that a section of proposed buffer restoration is currently
158 seeded with lawn grass. It may have had restoration plantings in the past, but the Order of Conditions did
159 not specify what was supposed to be planted in the area. The lawn grass is still an improvement over the
160 previous conditions. Mr. Crow asked if this was across the street from the wetlands. Mr. Clue, representing
161 the applicant, stated that the house was across the street from the Sudbury River, and the planting area was
162 abutting the Sudbury River. Mr. Clue continued that it had been previously used to park cars and the
163 Commission had asked that the parking use be prevented in the future. The area was landscaped as
164 requested and a landscape ties placed in front to prevent parking in the future. Ms. Van Lancker clarified
165 that there was 200-foot Riverfront Area. Ms. Solomon agreed and clarified that the buffer restoration was
166 part of the Riverfront Area.

167
168 **Motion:** Mr. Hakansson motioned to issue a Complete Certificate of Compliance for 5 Concord Court, DEP
169 File Number 95-103. The motion was seconded by Mr. Crow.

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

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173 **Request for Certificate of Compliance, 373 and 399 Union Street, J K Holmgren Engineering DEP File No.**
174 **95-599**

175 Ms. Solomon summarized that the Certificate of Compliance (COC) for the property was previously
176 discussed at the July 25th meeting, at which time the Commission had asked that the wetland replication
177 area be reviewed. Ms. Solomon continued that she had gone on site with representatives from both
178 properties and had confirmed the replication appeared to have been done.

179
180 **Motion:** Mr. Wands motioned to issue a Complete Certificate of Compliance for 373 and 399 Union Street,
181 DEP File Number 95-599. The motion was seconded by Mr. Crow.

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

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185 **Request for Certificate of Compliance, 40 Tudor Lane, John Agostinelli, DEP File No. 95-103**

186 Ms. Solomon summarized that the property had at one point three Orders of Conditions (OOCs) on the
187 property at one time, the last of which was closed out with a Complete COC. Ms. Solomon stated the 95-103
188 was the original OOC for the subdivision and has two partial COCs one for the roadway and one for a series
189 of individual lots. 40 Tudor Lane, Lot 10B, was one of eight lots that had not been released. There was a
190 letter submitted to the Commission at the time requesting those eight lots be added to the release, but
191 there did not appear to be a response on record. A letter sent 10 years after asked that some grading be
192 fixed in the area; however, it was not clear if the request applied to this particular lot. Ms. Solomon
193 continued that she had been on site, the wetlands are clear of debris, there are very few invasive plants, and
194 the culvert appears in good condition. The site is stable and has been for many years.

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196 **Motion:** Mr. Wands motioned to issue a Partial Certificate of Compliance for 40 Tudor Lane, DEP File
197 Number 95-103. The motion was seconded by Mr. Crow.

198 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL).
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200
201 **Request for Certificate of Compliance, 40 Tudor Lane, John Agostinelli, DEP File No. 95-165**

202 Ms. Solomon stated that the OOC for 95-165 was superseded by the third order, 95-259, which was
203 ultimately closed out with a Complete COC; however, the original 95-165 Order was never formally
204 released. Ms. Solomon stated the applicant was looking to receive an Invalid Order determination as the
205 Order has expired and no work begun under it.

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207 **Motion:** Mr. Hakansson motioned to issue a Certificate of Compliance with an Invalid Order determination
208 for 40 Tudor Lane, DEP File Number 95-165. The motion was seconded by Mr. Crow.

209 **Vote:** The motion passed with a 5-0-0 vote. (Rollcall vote: OA, PC, CH, GW, CVL).
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212 **Request for Certificate of Compliance, Whittemore Estates Lot 10, Peter Venuto, DEP File No. 95-883**

213 Ms. Van Lancker asked if this was being requested as a partial partial release the same as the other
214 Whittemore Estate properties. Mr. Venuto stated the basin was completed, and shared a video showing the
215 conditions. Mr. Venuto highlighted the armored bank of the basin, consisting of rocks from the berm. Ms.
216 Van Lancker stated that the basin should be fully inspected and the grass grown in. Mr. Venuto stated that
217 the outlet structure at the far end of the basin was cut six inches too high and asked if it could be recut
218 lower. Mr. Crow stated that it is probably easier to fix it to match the design than it is to have it peer
219 reviewed. Ms. Van Lancker stated the current condition does not match the approved design. Mr. Venuto
220 stated the hole would need to be covered, the structure re-poured, and a new hole cut. Mr. Crow stated to
221 keep it as it is, which has not been reviewed, new plans would need to be submitted. Ms. Solomon added
222 that keeping the outlet as it is now, being different from the plan, it would require a full Amended Order of
223 Conditions with a re-opening of the public hearing. Mr. Venuto agreed to cut the concrete. Mr. Crow asked
224 if the two lots with COC Requests on the agenda are the last two agendas, and asked if the Commission
225 would still have the legal ability to enforce the stormwater requirements as needed. Ms. Solomon added
226 that there is an additional Order of Conditions on Lot 10.

227
228 Ms. Williams, 34 Whittemore Drive, clarified that Mr. Venuto was responsible for all components of the
229 stormwater basin, and additionally asked if those other components were evaluated as requested at the
230 two previous meetings. Ms. Solomon stated that the smaller basin was grubbed out, but no update was
231 received on the rain garden and catch basin concerns. Ms. Van Lancker asked that it be requested in writing.
232 Ms. Solomon state multiple emails have been sent, but no response received. Ms. Van Lancker asked that
233 the email be resent.

234
235 Mr. Kraus, 36 Whittemore Drive, noted that the catch basin was put in, but it is still pooling water. Mr.
236 Venuto stated that he would have his engineers review the issue. Mr. Crow asked if the street was planned
237 to be a public street. Ms. Solomon confirmed. Mr. Crow stated that if there is water pooling at the end of a
238 driveway, that is something that the Planning Board has historically asked to be corrected before accepting
239 the street, and that it is likely jurisdictional to the Planning Board.

240
241 Mr. Cavanaugh, 32 Whittemore Drive, stated that as a future member of the Whittemore Estates
242 Homeowners Association (HOA), Mr. Kraus' issue is something they want to correct and be able to avoid in
243 the future. There have been numerous washouts of the catch basin in question, one which washout the
244 sidewalk, and another that caused significant icing across the driveway and road itself.
245

246 **Motion:** Mr. Wands motioned to issue a partial Partial Certificate of Compliance for Whittemore Estates Lot
247 10, DEP File Number 95-883 with a requirement for the completion and acceptance of the completed
248 detention basin and stabilization of the site to not be released until a full partial release of the lot is
249 requested; and that the lot not be released from any stormwater requirements of the Order of Conditions.
250 The motion was seconded by Mr. Crow.

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

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254 **Request for Certificate of Compliance, Whittemore Estates Lot 11, Peter Venuto, DEP File No. 95-883**

255 The Commission referred to the discussion in the previous item.

256

257 **Motion:** Mr. Wands motioned to issue a partial Partial Certificate of Compliance for Whittemore Estates Lot
258 11, DEP File Number 95-883 with a requirement for the completion and acceptance of the completed
259 detention basin and stabilization of the site to not be released until a full partial release of the lot is
260 requested; and that the lot not be released from any stormwater requirements of the Order of Conditions.
261 The motion was seconded by Mr. Crow.

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

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265 **Enforcement Order, Off Queen Isabella Way, Michael Belinski, Stormwater Basin**

266 Ms. Solomon shared an As-Built plan of a stormwater basin located off Queen Isabella Way which is
267 permitted under an Order of Conditions that has since expired. The basin was constructed but not
268 maintained. In order to seek a COC the basin needs to be brought into compliance with the OOC. Ms.
269 Solomon stated that as the buffer zone extends into the basin where the work is needed, and as the OOC
270 has expired, a new Order is necessary to permit the work. Ms. Solomon continued that DEP had
271 recommended in the past for situations where an OOC had required work that was not completed, but the
272 OOC had expired, an Enforcement Order should be issued. The as-built plan shown on screen was submitted
273 as a plan of the intended conditions for the basin, and is referenced on the draft Enforcement Order
274 submitted for review. Mr. Belinski, Fafard Company, added that the intent is to confirm the basin meets
275 the as-built and if not, to bring it to that standard.

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277 Ms. Van Lancker clarified that the basin had not been maintained for several years. Ms. Solomon confirmed.
278 Ms. Van Lancker asked who was responsible for maintaining the basin going forward. Mr. Belinski stated
279 that the management responsibility passes to the Village of Americas infrastructure trust once the basin is
280 complete. Mr. R MacDowell, Baystone Development, added that the plan approved by the Planning Board
281 made it clear that Chestnut Street Realty Trust was responsible for the basin until it was brought up to
282 standards, at which point it would be taken over by the Village of Americas infrastructure trust as part of the
283 Village of Americas HOA. Mr. Wands asked if the basin would be hydro-seeded. Ms. Solomon it would likely
284 be seeded with an erosion control mix. Mr. Hakansson expressed concern about the clarity of the
285 stormwater management going forward, and that something should be done to ensure this doesn't happen
286 again, and it should be clear and enforceable by the Conservation Commission. Mr. R MacDowell clarified
287 through their ownership of 100 Chestnut Street, Baystone Development would be a member of the HOA
288 and would want to ensure the basin is maintained. Ms. Solomon added that representatives of the Village of
289 Americas HOA have been present in site visits and discussions regarding the basin, along with Ashland DPW,
290 and GCG Associates, the Town's Peer Reviewer.

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292 Mr. Hakansson asked when the work would begin if the Enforcement Order is issued. Mr. Belinski
293 responded that erosion control would be installed the same week the Order is received, and work would
294 begin as soon as the erosion control was inspected. Mr. Hakansson asked if the work in the street that has
295 been going on is related. Mr. Belinski stated that the work was not related to the basin but is a part of the
296 project plans for Village of America approved in 2004.

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Motion: Mr. Wands motioned to issue an Enforcement Order with conditions as discussed. The motion was seconded by Mr. Crow.

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

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

Mr. T MacDowell, Baystone Development LLC, introduced himself as the representative for the project along with Mr. Leidner, Civil Design Group, and Mr. R MacDowell and Mr. Swenson, Baystone Development LLC. Mr. T MacDowell stated that at the previous meeting the status of the Queen Isabella basin had been discussed, as the peer review expressed concerns over the basin. Since then GCG Associates has issued a revised peer review noting that all technical issues have been addressed, but the stormwater basin is still outstanding. Ms. Van Lancker stated that GCG Associates had provided comments regarding the test pit proximity to the infiltration basin. Mr. T MacDowell stated that the Planning Board had conditioned that a test pit be dug prior to installation of the basin to ensure separation from groundwater was met; however, the test pit could not be dug closer until the existing commercial buildings on site were removed.

Mr. Hakansson stated the Commission had previously asked for the calculations to be updated with NOAA Atlas 14 data. Mr. Leidner responded that the NOAA Atlas 14 data was not used on the project, because it is a Master Plan development and it needs to be consistent with the rest of the development. Mr. Leidner asked if the Commission could consider the whole package and understand that the design is conservative and does not take credit for the existing stormwater management on site. The design treats the proposal as a new development rather than a redevelopment and decreases the water runoff and provides a greater recharge volume than is required. Mr. Leidner continued that as the entire Village of the Americas is designed with different precipitation data and is conservative in other ways, and that the project is not a wetland project, and has been thoroughly peer reviewed, he would ask if the Commission would reconsider the request for the NOAA Atlas 14 data. Mr. Hakansson responded that the Commission has made it a practice to ask for NOAA Atlas 14. Other projects have been asked to do the same and have done so; and the Commission aims to maintain precedent on these issues that are enforceable. Mr. Hakansson continued that the two Commissioners who requested the NOAA Atlas 14 precipitation data be used are not present on the meeting, and as they are senior members of the Commission this item should be continued to allow their comment. Mr. Hakansson added that the basin is non-compliant and owned by another party which has not been an issue before the Ashland Conservation Commission before, and should be further reviewed by the entire Commission.

Mr. T MacDowell stated that the overall Master Plan for this project has been going on for 20 years and they have been working with GCG Associates to refine the stormwater system and improve infiltration to meet all the state and local regulations in such a way as to keep it consistent with what was previously approved. Mr. T MacDowell continued that at this time, the ownership of the basin and 100 Chestnut Street is the same; Baystone Development is just the applicant. Mr. R MacDowell added that he understood the Commission's concern about the stormwater management, and that Baystone Development would be accepting of a condition requiring the completed stormwater be approved by the Commission prior to the Conservation Agent signing the occupancy permit for the property. Mr. Hakansson reiterated that he would prefer waiting for Mr. Crouch and Mr. Moulton to be on a meeting and provide their opinion. Mr. R MacDowell stated they would prefer the hearing be closed tonight. Ms. Van Lancker stated that when the 501 Pond Street project updated to the NOAA Atlas 14 it did not result in major changes. Ms. Solomon added that the majority of changes that were made to the 501 Pond Street plan were in response to the GCG Associates comments not the change to NOAA Atlas 14. Ms. Van Lancker stated she would be comfortable with the current calculations presuming it would not be a significant change. Mr. R MacDowell added that the other project was in buffer zone and was a wetlands project, which 100 Chestnut Street is not. Mr. Hakansson noted that the project had been going on for several years and they were only asking

348 that it be extended for two weeks to get the approval and commentary from the senior members of the
349 Commission that couldn't be on tonight's meeting.

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351 **Motion:** Mr. Wands motioned continue the hearing to October 17, 2022 at 7:05pm. The motion was
352 seconded by Mr. Crow.

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

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356 **Enforcement Order Update, 50 Megunko Road, Chris Kotsiopoulos, Stockpile Removal**

357 Ms. Solomon updated the Commission that Mr. Kotsiopoulos was able to remove the new piles, but there
358 are remaining piles in the rear that are still in the buffer zone. Ms. Solomon noted that the deadline for
359 removal of the stockpiles from the buffer zone has passed. Ms. Van Lancker clarified that there was still
360 material that was required for removal. Ms. Solomon stated the terms of the Enforcement Order required
361 all material to be removed from site entirely or at least from buffer zone. If the stockpiles were moved to
362 the front of the building they would be outside the buffer zone and in compliance.

363
364 Ms. Van Lancker recommended issuing a fine. Mr. Crow stated the site has been an ongoing problem and
365 the Commission needs to enforce the Order they were required to comply with. Mr. Wands and Mr.
366 Ackerman agreed. Ms. Van Lancker asked if the stockpiles aren't moved, when the next fine should be.

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368 **Mr. Hakansson left the meeting at this time**

369
370 Ms. Solomon recommended that a notification be provided along with the fine explaining why the fine was
371 issued, and requiring the stockpiles to be removed by a specific date the following week or be fined again.
372 Ms. Van Lancker stated that if the stockpiles are still present after the one week, a fine should be issued
373 every day until it is moved.

374
375 **Review minutes from 9/12/22**

376 **9/12/22 Meeting Minutes:**

377 The Meeting minutes were not provided in time for the meeting and could not be reviewed. The
378 September 12, 2022 meeting minutes will be reviewed on the October 17, 2022 meeting.

379
380 **No motion was made and no vote taken**

381
382 **Mr. Hakansson rejoined the meeting at this time**

383
384 **Member Prerogative**

385 Mr. Hakansson reiterated some concerns regarding the NOAA Atlas 14 discussion on 100 Chestnut Street.
386 Ms. Van Lancker asked if the NOAA Atlas 14 requirement could be clearly added to SMP applications going
387 forward. Ms. Solomon stated it was updated on the checklist for both the NOI and SMP on the website after
388 the September 12, 2022 meeting. Ms. Solomon added that the Commission could update the regulation to
389 require the use of NOAA Atlas 14 precipitation data via a posted public hearing with public comment.

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391 **Meeting Adjournment:**

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

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

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395 The meeting was adjourned at 9:26p.m.

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397 **Documents reviewed by the Conservation Commission on 10/3/2022**

- 398
- Document entitled, *Agenda, dated 10/3/2022*

- 399 ● Document entitled, *WPA Form 1- Request for Determination of Applicability 511 Main Street, dated*
400 *8/24/2022*
- 401 ● Document entitled, *WPA Form 1- Request for Determination of Applicability 3 Walkup Lane, dated*
402 *9/14/2022*
- 403 ● Plans entitled, *Certified Plot Plan 3 Walkup Lane, dated 6/9/2022*
- 404 ● Document entitled *Notice of Intent 29 Hardwick Road, dated 8/28/2022*
- 405 ● Plans entitled, *Proposed Addition Plan 29 Hardwick Road, dated 7/9/2022*
- 406 ● Document entitled, *RE: Site Plan Review and Special Permit- Mixed Use Development 501 Pond*
407 *Street, dated 9/21/2022*
- 408 ● Document entitled, *Addendum#2 Stormwater Management Report 501 Pond Street, dated*
409 *9/21/2022*
- 410 ● Plans entitled, *Site Plan 501 Pond Street, dated 9/20/2022*
- 411 ● Document entitled *RE: Site Plan Review and Special Permit- Residential Apartment Community 100*
412 *Chestnut Street (Assessor's Map 20, Lot 271, and Portion of Lot 273), dated 9/28/2022*
- 413 ● Email correspondence entitled, *224 Oregon Tree Removal, dated 9/27/2022*
- 414 ● Document entitled, *WPA Emergency Certification Form 224 Oregon Road, dated 9/27/2022*
- 415 ● Document entitled, *Arborist Letter 224 Oregon Road, dated 9/27/2022*
- 416 ● Document entitled, *WPA Form 5 Order of Conditions 95-607*
- 417 ● Document entitled, *WPA Form 8a Request for Certificate of Compliance 5 Concord Court*
- 418 ● Document entitled, *Certificate of Compliance 5 Concord Court, dated 9/9/2022*
- 419 ● Plans entitled, *Existing Conditions Plans 5 Concord Court, dated 8/11/2022*
- 420 ● Document entitled, *399 Union Street Certificate of Compliance Application, dated 9/9/2022*
- 421 ● Plans entitled, *Plan to Accompany Certificate of Compliance, dated 9/19/2022*
- 422 ● Document entitled, *DEP 95-103 Woodland Subdivision, dated 7/11/1994*
- 423 ● Document entitled, *Woodland Subdivision – Tudor Lane and Byron Road DEQE File No. 95-103,*
424 *dated 11/17/1987*
- 425 ● Document entitled, *Certificate of Compliance 95-103, dated 10/21/1987*
- 426 ● Document entitled, *Certificate of Compliance 95-103, dated 11/23/1987*
- 427 ● Document entitled, *Order of Conditions 95-103*
- 428 ● Document entitled, *Order of Conditions 95-165*
- 429 ● Document entitled, *Request for Partial Certificate of Compliance Lot 10 Burnham Circle, dated*
430 *9/15/2022*
- 431 ● Plans entitled, *As-Built Queen Isabella Way, dated 4/8/2011*
- 432 ● Document entitled, *Draft WPA Form 9 Enforcement Order, Off Queen Isabella Way*