



A. Violation Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Ashland
 Conservation Commission (Issuing Authority)

July 9, 2021
 Date

To:

Vin Gately
 Name of Violator
490-B Boson Post Road, Suite 202
 Address

1. Location of Violation:

Town of Ashland/ Department of Conseravation and Recreation
 Property Owner (if different)
Howe Street
 Street Address
Ashland
 City/Town
Map 17
 Assessors Map/Plat Number

01721
 Zip Code
Lots 001, 0003, 0006 (DCR),
 Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

On July 2, July 8, and July 9, 2021, the Ashland Conservation Agent received noticed that sediment froma development known as "Legacy Farms" in Hopkinton.

On July 2, 2021, the contractor had isntalled stormwater drainage features on a portion of Weston Lane that is currently under construction. However, the infrastrucuture only consisted partially finished structures. The contracted had connected this imcompletion system to the existing infrastructure on a completed portion of Weston Lane. This allowed sediment to discharge to a detention basin, that has an outfall upgradient of Howè Street near the Town's lagoon area. The sediment travelled over the slope, then ran into a drainage ditrch that runs parrellel to the driveway to the lagoon.

The sediment then entered into a corrugated pipe at the bottom of the driveway. The pipe runs parallel to Howe Street, and discharges to a culvert under Howe Street. The sediment traversed from the culvert



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under Howe Street, to a second culvert under the driveway to the water treatment plant. This culvert discharges water into the Hopkinton Reservoir, where the Town of Ashland's wells are. Sediment was observed in the water column and along the bank. The Hopkinton Agent, Kimberly Ciaramicoli, and the Ashland Hopkinton Agent met on site. Zachary Beemis (Engineer for the Applicant also met on site). Through the Hopkinton Agent, the contractors were directed to stabilize the site in the area where stormwater infrastructure was installed but not completed. The contractors did so by the end of the day on July 2, 2021.

The July 8, 2021 event echoed this. The Hopkinton Conservation Commission and Building Department issued a cease and desist, allowing only stormwater bmps on site to continue. The Ashland Conservation Agent met with Peter Beemis (Engineer for the Applicant). Mr. Beemis and Ms. Dos Anjos walked the site and discussed the actions to take place on site to prepare for Tropical Storm Elsa. Mr. Beemis stated that additional sedimentation controls were going to be installed on the site, the settling basin was going to be increased in size, and an infiltration trench was being installed. Mr. Beemis sent a text message at 7:01 p.m. on July 8, 2021, stating that "Everything we discussed has been deployed, final sweeping underway, will follow-up in the morning."

Overnight from July 8, 2021 to July 9, 2021 Tropical Storm Elsa hit the region bringing with it an expected amount of three to four inches of rain. The sediment traversed into the water column by the same means as the July 2, 2021 storm. However, there were multiple points of discharges observed from the Legacy Farms project down the slope and into the reservoir (see attached map).

Finally, on July 12, 2021, additional sediment was observed from the culverts under Howe Street and the driveway to the treatment plant, and in the water column and banks of the Hopkinton Reservoir.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

B. Findings (cont.)



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the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Vin Gately	March 20, 2018
Name	Dated
188-1649	18,26
File Number	Condition number(s)

The Order of Conditions expired on (date): _____ Date

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before _____ Date

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

C. Order (cont.)



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Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

See Attachment A-D

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Maeghan Dos Anjos, Conservation Agent

Name

508-532-7924

Phone Number

Monday, Tuesday, Thursday: 8 a.m.- 4p.m., Wednesday: 8 a.m.- 7 p.m.

Hours/Days Available

Issued by:

Ashland

Conservation Commission

Conservation Commission signatures required on following page.

D. Appeals/Signatures (cont.)



Town of Ashland, *Office of Conservation*

July 13, 2021

Attachment A: Necessary Further Actions

The Applicant or his representative shall take the following actions:

- **All work is ordered ceased and desist** until the Ashland Conservation Commission and its Agent are fully satisfied that the site is stabilized and will not result in turbidity in Ashland resource areas.
- The Ashland Conservation Commission hereby extends its jurisdiction into Hopkinton to the extent needed to protect Ashland resource areas.
- The responsible party shall work cooperatively with the Hopkinton Conservation Commission for peer review.
- The applicant shall submit a signed affidavit no later than Monday, July 16, 2021 by 3:30 p.m. stating that he shall meet the Enforcement Order in full compliance, which was issued by the Ashland Conservation Agent, Maeghan Dos Anjos, and dated on July 13, 2021.
- As discussed with Peter Bemis on July 9, 2021, the applicant or his representative shall perform analysis on the sediment in the water on the site entering the storm drains, and the basin. The analysis shall be performed on the criteria stipulated in the email from Jeffery Fournier, Plant Operator and dated Monday, July 12, 2021 (see Attachment B). and submit a report by Thursday, July 1, 2021.
- Submit engineered stamped plans showing temporary erosion control stabilization, and existing drainage features and patterns on Thursday, July 16, 2021 by 3:30 p.m.
- Attend the Ashland Conservation Commission through zoom on Monday, July 12, 2021.
- Restore and clean the culverts under Howe Street and the driveway at the water treatment by Thursday, July 16, 2021, unless determined unnecessary by the Department of Public Works.
- Pay the reparations and/or fines that are anticipated to be issued by the Ashland Conservation Commission, by July 30, 2021.
- Submit SWPPP reports and plan to the Ashland Conservation Agent by July 13, 2021
- Meet any additional conditions of the Ashland Conservation Commission from the discussion that is scheduled for the July 12, 2021 Meeting.

- The Ashland Conservation Commission shall reserve the right to require additional based on any changes of site conditions to protect resource areas.
- Schedule a virtual meeting with the following people by July 16, 2021:
 - Maeghan Dos Anjos, Conservation Agent, Town of Ashland (mdosanjos@ashlandmass.com)
 - Kimberly Ciaramicoli, Conservation Administrator, Town of Hopkinton (kciaramicoli@hopkintonma.gov)
 - Doug Small, DPW Director, Town of Ashland (dsmall@ashlandmass.com)
 - Roy Correia, Assistant DPW Director, Town of Ashland (rcorreia@ashlandmass.com)
 - Peter Matchak, Town Planner, Town of Ashland (pmatchak@ashlandmass.com)
 - Michael Herbert, Town Manager, Town of Ashland, (mherbert@ashlandmass.com)
 - Jennifer Ball, Assistant Town Manager, Town of Ashland (jball@ashlandmass.com)
 - Members of the Ashland, and the Hopkinton Select Boards
 - Norman Kumalo, Town Administrator with Hopkinton (nkhumalo@hopkintonma.gov)
 - Dan Maurer, Water/Sewer General Foreman, Town of Ashland (dmaurer@ashlandmass.com)
 - Evan White, Project Engineer, Town of Ashland (ewhite@ashlandmass.com)
 - Jeffery Fournier, Plant Operator, Woodard and Curran (jfournier@woodardcurran.com)
 - Jeff Barnes, Chair Hopkinton Conservation Commission (jbarnes@hopkintonma.gov)
 - Melissa Recos, Vice Chari, Hopkinton Conservation Commission (melissa.recos@gmail.com)
 - John Wrestling, Town of Hopkinton DPW (jwesterling@hopkintonma.gov)
 - John Gelcich, Town Planner, Town of Hopkinton (jgelcich@hopkintonma.gov)
 - Peter Bemis, Engineer, Bemis Engineering (pbemis@edcma.com)
 - Jeff Cate, Hopkinton Supervisor DCR, jeff.cate@mass.gov
 - Kevin Hollenbeck, District Manager DCR, kevin.hollenbeck@mass.gov

Attached as part of Legacy Farms EO issued on 7/9/2021.

**Attachment B:
email from Jeffery Fournier**

Attached as part of Legacy Farms EO issued on 7/9/2021.



Maeghan Dos Anjos <mdosanjos@ashlandmass.com>

Legacy Farms: EO

Jeffery Fournier <jfournier@woodardcurran.com>

Mon, Jul 12, 2021 at 9:09 AM

To: Maeghan Dos Anjos <mdosanjos@ashlandmass.com>, Peter Bemis <pbemis@edcma.com>, Joe Geary <jgeary@woodardcurran.com>

Cc: Kimberly Ciaramicoli <kciaramicoli@hopkintonma.gov>, Doug Small <dsmall@ashlandmass.com>, Daniel Maurer <dmaurer@ashlandmass.com>, "Geilen, Alicia (DEP)" <alicia.geilen@state.ma.us>, Evan White <ewhite@ashlandmass.com>

To All,

Attached are picture of today's surface runoff.

- As discussed with Peter Bemis on July 9, 2021, the applicant or his representative shall perform analysis on the sediment in the water and submit a report by Monday, July 12, 2021
- I would recommend an analysis on the following constituents and sending the sample to alpha analytical in Southborough. This is an independent lab that performs analysis on water samples.

The results will take more than a day.

- Color
- Turbidity
- Total suspended solids
- Total dissolved solids
- Nitrogen
- Phosphorus
- Potassium
- Arsenic
- S.O.C. (synthetic organic compounds)

Regards,
JefferyJeffery Fournier
Plant Manager
Cell # 781-572-9580
Office # 508-881-4282
Skype # 781-613-0156



Water the first Health Drink !!

From: Maeghan Dos Anjos <mdosanjos@ashlandmass.com>

Sent: Friday, July 9, 2021 5:08 PM

To: Peter Bemis <pbemis@edcma.com>

Cc: Kimberly Ciaramicoli <kciaramicoli@hopkintonma.gov>; Doug Small <dsmall@ashlandmass.com>; Daniel Maurer <dmaurer@ashlandmass.com>; Jeffery Fournier <jfournier@woodardcurran.com>; Geilen, Alicia (DEP) <alicia.geilen@state.ma.us>; Evan White <ewhite@ashlandmass.com>

Subject: Legacy Farms: EO

[Quoted text hidden]

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3 attachments



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481K



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455K



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395K

Attachment C
July 2, 2021 Photos



7/2/2021: Sediment discharge from Legacy Farms. Picture taken at Water Treatment Plant, Ashland facing the Reservoir.

Attached as part of Legacy Farms EO issued on 7/9/2021.



7/2/2021: Picture taken by Jeff Fournier, Plant Operator (water treatment plant). These culverts are under Howe Street.

Attached as part of Legacy Farms EO issued on 7/9/2021.

Appendix D: July 8, 2021 Photos



7/8/2021: Fine Sediment in Discharge. Taken at the water treatment plant, Ashland, facing the Hopkinton Reservoir.

Attached as part of Legacy Farms EO issued on 7/9/2021.

Appendix E: July 9, 2021, Photos



7/9/2021: Sediment in the Hopkinton Reservoir, water column.
Taken on the bank off of the Water Treatment Plant property.

Attached as part of Legacy Farms EO issued on 7/9/2021.



7/9/2021: Photo taken of the Howe Street Culverts at the driveway leading to the Water Treatment Plant.

Attached as part of Legacy Farms EO issued on 7/9/2021.



7/9/2021: Headwall to Howe Street culverts near the treatment plant.

Attached as part of Legacy Farms EO issued on 7/9/2021.

Appendix F
July 12, 2021 Photos



7/12/2021: Sediment in the Hopkinton Reservoir, Water Column.
Taken on the bank off of the Water Treatment Plant property.

Attached as part of Legacy Farms EO issued on 7/9/2021.



7/12/2021: turbidity water from culverts under Howe Street, leading to the culvert under the driveway at the Water Plant, Howe Street, Ashland, and then to the Hopkinton Reservoir.

Attached as part of Legacy Farms EO issued on 7/9/2021.



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In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Signature Gregory D. Wands
Signature William Moulton
Signature Carl H. Kanisson
Signature Gabriel Toledo
Signature Gene F. Crocutt
Signature _____
Signature _____
Signature _____
Signature _____

Printed Name Gregory D. Wands
Printed Name William Moulton
Printed Name Carl H. Kanisson
Printed Name Gabriel Toledo
Printed Name Gene F. Crocutt
Printed Name _____
Printed Name _____
Printed Name _____
Printed Name _____

Signature of delivery person or certified mail number _____