



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
July 22, 2019

1 Present: Gene Crouch (Chair)
2 William Moulton (Vice Chair)
3 Carl Hakansson
4 Cathy Van Lancker
5 K.G. Narayana
6 Greg Wands
7
8 Maeghan Dos Anjos (Agent)
9

10 Call to order: 7:10 P.M.
11

12 **7:10 Review of the July 8, 2019, Meeting Minutes**

13 The Commission reviewed the Meeting Minutes from July 8, 2019.
14

15 Mr. Wands made a motion, seconded by Ms. Van Lancker, to accept the July 8, 2019, Meeting
16 Minutes as amended. Motion passed 5-0-1 (K.G. Narayana abstained).
17

18 **7:10 Discussion, Lake Waushakum Association**

19 Mr. Chris Iarussi (President), Nicholas Iarussi, and Matthew Garland (Vice President) were
20 present for the discussion. Mr. Chris Iarussi explained the impacts to the pond and the
21 overgrowth of vegetation since he built his home in 1996. Mr. Chris Iarussi stated that the
22 pond belongs to the residents of both communities (Ashland and Framingham), and that an
23 association was created with Lake abutters from both Ashland and Framingham. Mr. Chris
24 Iarussi stated that the goal of the Association is to educate residents about Waushakum. He
25 further stated that the biggest impact to Wauskaum and the largest concern of the association is
26 stormwater runoff.
27

28 Mr. Nicholas Iarussi stated that there have been two feasibility studies performed in 1998, and
29 2001. Mr. Nicholas Iarussi said that the reports indicate that “we’re losing depth in sediment”
30 due to high phosphorous loading, coming from the neighborhoods that are located within the
31 watershed. Mr. Nicholas Iarussi explained that he has a water quality concern due to a foul
32 smell which occurs at night, and that it smells like sewer.
33

34 Mr. Nicholas Iarussi further explained that the Lake Association wants to make people aware,
35 and that a 319 grant was received, and work was done in 2005. Structural best management
36 practices were installed, but a few of the rain gardens were removed when landowners changed
37 hand. Mr. Nicholas Iarussi also stated that the Association led a cleanup, and a beach party
38 catered by Ashland and Framingham residents.
39

40 Mr. Nicholas Iarussi also explained that the Framingham beach was closed due to E. coli. Mr.
41 Nicholas Iarussi stated that Waushakum is a Category 5 impaired waterway and listed the
42 impairments as phosphorous, turbidity, exotic plants, nuisance native plants, and dissolved

43 oxygen. Waushakum is now filled with weeds, making recreational uses on Waushakum
44 tough.

45
46 Mr. Nicholas Iarussi explained that the Association has been looking into treatments, and that
47 the studies spoke about an Alum Treatment, which would bind the phosphorous and help
48 control the phosphorous impairment. Mr. Crouch asked if Alum treatment would remove new
49 phosphorous entering into Waushakum. Mr. Nicholas Iarussi explained that the treatment
50 creates a layer on top of the sediment and will help with water clarity.

51
52 Mr. Moulton asked if the Association has contacted DCR through the Lakes and Ponds
53 program regarding treatment of Waushakum. Mr. Moulton explained DCR's assistance
54 program.

55
56 Mr. Chris Iarussi state that the Agent stated has agreed to assist with permitting. The Agent
57 confirmed this.

58
59 Mr. Hakansson asked if this was the same group that came to the Commission previously. Mr.
60 Nicholas Iarussi confirmed that it was. Mr. Hakansson stated that at the time it seemed that
61 Waushakum abutters were on the fence then about treating the pond and by what methods, and
62 asked if the group is still divided on that subject. Mr. Nicholas Iarussi stated that they are not,
63 but that there are a few abutters that would prefer no treatments. Mr. Hakansson stated that he
64 commended the Association for doing the work that they are doing, and mentioned the need of
65 support from state agencies. Mr. Nicholas Iarussi explained the federal Clean Water Act and
66 how it relates to what is going on with Waushakum and what the Association is doing. Mr.
67 Hakansson asked about the tributaries. Mr. Nicholas Iarussi explained that it comes from an
68 old retention pond from Cedar Street, which drains down through Shore Road. Mr. Nicholas
69 Iarussi said that there are 13 outfalls that drain to Waushakum. Mr. Hakansson encouraged
70 Mr. Nicholas Iarussi and the Association to create a program to educate those that reside within
71 the watershed. Mr. Nicholas Iarussi said that the studies point to such a program particularly
72 on fertilizing your yard.

73
74 Mr. Rob St. German (Chair of the Stormwater Advisory Committee) stated that Doug Small
75 (DPW Director) encouraged Mr. St. Germain to get involved with the Association. Mr. St.
76 Germain explained that the Stormwater Advisory Committee held a meeting with the
77 Association present, and an engineer from the City of Framingham present. Mr. St. Germain
78 stated that Framingham was going to treat Waushakum, but there was an imperfection with the
79 permitting, that prevented Framingham from treating this year (Summer 2019). Mr. St.
80 Germain explained that the Stormwater Advisory Committee determined that it needed to do
81 something, and that the Stormwater Advisory Committee will give a lot of attention to the
82 needs of the waterbody. Mr. St. Germain further described that test kits were received and
83 outfalls will be tested.

84
85 Mr. Rob St. Germain stated that the retention pond at Cedar Street is high in phosphorous, and
86 that the Association knows that they must educate the public. Mr. St. Germain further
87 explained that steps need to be taken to dictate fertilizer use in accordance with the Board of
88 Health, and that the Stormwater Advisory Committee is looking into it.

89 Mr. Nicholas Iarussi stated that there is an algae problem especially in the spring after it rains.
90 He said that the smell occurs at night, and not during the day.

91
92 Mr. Matthew Garland (Framingham Waushakum Abutter, and member of the Association)
93 stated that he felt bad for the Ashland abutters, but that the Association is starting to get people
94 involved. He further explained that they know about the runoff issue, but mentioned a
95 concern about the stream that flows into Waushakum from Shore Road, and encouraged the
96 Commission, and the residents to make Wauskaum a priority to focus on.

97
98 **7:49 RDA, Jack Borges, 73 Shore Road, above ground pool**
99 Mr. Jack Borges (Applicant/Owner) was present for the discussion. Mr. Borges stated that he
100 is looking to install an above ground pool to be located in existing lawn.

101
102 Mr. Crouch asked about the floodplain, as the map presented shows the floodplain on
103 neighboring property to the rear. Mr. Crouch stated that there are no elevations on the maps,
104 and that he is concerned of the graphic representation.

105
106 Mr. Jack Borges stated that he had been in the house since 1973 and never experienced
107 flooding. Mr. Crouch stated that many people state this, and that he can guarantee that Mr.
108 Borges has not seen a 100 year flood event.

109
110 The Commission asked for further information and suggested that the Agent pull previous
111 filings.

112
113 Mr. Moulton made a motion seconded by Mr. Narayana to continue the meeting to August 12,
114 2019. Motion passed 6-0-0.

115
116 **8:09 NOI, MassDOT, Route 126 (Pond Street) Revitalization**

117
118 **Mr. Gene Crouch recused himself from the hearing.**

119
120 Mr. Moulton opened the hearing and asked for a motion to continue the hearing per the
121 Applicant's request.

122
123 Mr. Narayana, made a motion, seconded by Ms. Van Lancker to continue the hearing to
124 August 12, 2019. Motion passed 5-0-0.

125
126 **Mr. Crouch returned to the meeting.**

127
128 **7:27 NOI, Jose Baez, 17 Fruit Street, after-the-fact permit for drainage replacement,**
129 **and requesting to replace retaining wall, and stairs**

130 Jose Baez (Applicant/Owner), and Susan McArthur (Representative- McArthur Environmental
131 Consulting LLC.) were present for the hearing.

132
133 Ms. McArthur stated that there is BVW to the side of the property with a stream running
134 through the property. The NOI was filed as an after-the-fact permit for drainage improvements
135 that were necessary. Ms. McArthur explained that Mr. Baez had noticed ponding at the corner

136 of his foundation and when he dug down to find the leak, he discovered a crushed pipe. She
137 further explained that Mr. Baez dug a trench along the length of the pipe and replaced the pipe.
138

139 Ms. McArthur explained that future work that is requested as part of the NOI consists of
140 repairing the headwall to the culvert of the intermittent stream that crosses his property, and
141 replacing the front staircase. In addition, the embankment to the stream will be lined with
142 stones. Ms. McArthur stated that labor manual will be used for the replacement of the
143 headwall.
144

145 Mr. Crouch asked what the headwall is made of now. Ms. McArthur stated that it is made of
146 modular blocks. Mr. Baez, said that part of the reason that the headwall was collapsing was
147 because it was built straight up, and that he would replace the wall and build it at an incline.
148 Ms. McArthur stated that the work will cause about 20 linear feet of impacts to the bank of the
149 stream.
150

151 Mr. Crouch asked if any member of the audience had any questions or comments. Members of
152 the audience shook their heads.
153

154 Mr. Moulton made a motion, seconded by Ms. Van Lancker, to the close the hearing. The
155 motion passed. 6-0-0.
156

157 **8:14 NOI, Francis Venuto, 93 Nickerson Road, storage facilities, continued from**
158 **7/8/2019**

159 Mr. Francis Venuto (Applicant), and Mr. Dale Mackinnon (Engineer, Guerriere and Halnon-
160 Representative) were present.
161

162 Mr. MacKinnon went over the drainage areas leading to each catch basin, and peak flow rates.
163 The Agent stated that because one drainage area is greater than ¼ acre over impervious
164 surfaces, it cannot take TSS removal credit. Mr. Mackinnon stated that the Agent's comments
165 led to the sizing of a deep sump from four feet to five feet.
166

167 Mr. MacKinnon also went over the isolator row, and TSS Removal. Mr. Crouch stated that
168 the only concern that he has is that the isolator row will need to be cleaned out more
169 frequently, and that inspections will determine when the isolator rows will need to be cleaned.
170

171 Mr. Moulton made a motion seconded by Ms. Van Lancker to close the hearing. Motion
172 passed 5-0-1 (Mr. Crouch abstained).
173

174 **8:27 Request for Extension and project update, 95-841, Robert Hill Way, senior**
175 **housing**

176 Mr. Dana Angelo (Representative- EA Fish), Mr. Matt Mittelstadt (Representative- EA Fish),
177 and Mr. Seth Aronson (Representative- Dellbrook/ JKS) were present for the meeting. Mr.
178 Angelo and Mr. Mittelstadt presented information on the history of the project itself, and the
179 permitting history.

180 Mr. Angelo explained the project itself, which is a 40B project for affordable senior housing.
181 Mr. Angelo also explained the history of the involvement with the Planning Department, and

182 Town Management. Mr. Angelo said that they are expecting to close on the property in the
183 middle of August.

184
185 Mr. Narayana asked what has been holding up the project. Mr. Angelo said that appeals were
186 the cause of the delay.

187
188 Ms. Van Lancker asked if there were any changes to the approved plans. The Commission
189 discussed what was allowed under the current regulations; such as if the Commission feels that
190 it is not feasible under current standards.

191
192 The Commission opened the discussion to the audience.

193
194 Mr. James Hanna (65 Eliot Street) commented on the process. Mr. Hakansson stated that there
195 are different processes with different boards and committees, and that the Conservation
196 Commission is dealing with the wetlands side of the process. Mr. Hanna stated that “you have
197 to know the subject”, and described the history as he knew it back to 2002. Mr. Crouch stated
198 that the permitting started with the Conservation Commission in 2013. Mr. Hanna stated that
199 the Town Meeting in 2012 voted for this situation not to exist. Mr. Hanna said that he does not
200 want anything to go through a board without due process. Mr. Hakansson responded by saying
201 that part of the reason that the project took so long was because of the Board of Selectmen was
202 sued, and that it was adjudicated, and what is in front of the Commission tonight is part of the
203 Commission’s purview.

204
205 Mr. Peter Graham (73 Independence Lane) asked how long the construction would take. Mr.
206 Angelo stated that it would take about three years. Mr. Graham also asked how many units are
207 proposed. Mr. Angelo stated that 64 units are proposed. Mr. Graham asked about the phasing.
208 Mr. Angelo stated that they are doing Phase I. Mr. Graham asked about Phase II. Mr. Angelo
209 repeated that they are moving forward with Phase I currently.

210
211 Mr. Mark Dassoni (49 Hawthorne Rd) asked Mr. Angelo how long the process with the
212 Conservation Commission has taken place. Mr. Angelo stated that process started in 2013. Mr.
213 Dassoni asked about stormwater Mr. Crouch explained the stormwater standards. Mr. Dassoni
214 asked what happens when stormwater changes. Mr. Crouch stated that it does not change.

215
216 Mr. Moulton made a motion, seconded by Ms. Van Lancker to issue an Extension. Motion
217 passed. 5-0-1 Mr. Hakansson abstained.

218
219 **8:57 Request for COC, 95-27 for 7 Whippoorwill Lane, Oak Tree Estates**
220 The Agent explained that the OOC is issued for a subdivision and that the property is inside the
221 buffer zone to a wetland, but that the house is outside of jurisdictional areas.

222
223 Ms. Van Lancker made a motion, seconded by Mr. Narayana to issue a Partial COC for 7
224 Whippoorwill Lane. Motion passed 6-0-0.

225
226
227 **8:59 Request for COC, Russell Pollard, 35 and 37 Lakeside Drive**

228 The Agent explained that the OOC was issued for the demolition of a home at 37 Lakeside
229 Drive, and to construct an addition on the house located at 35 Lakeside Drive. The Agent
230 explained that an as-built plan was submitted, and that work was done in compliance with the
231 OOC and approved plans. The Agent went on to say that the mitigation area fully survived and
232 that she recommends that a full Certificate of Compliance be issued.
233

234 Ms. Van Lancker made a motion, seconded by Mr. Narayana to issue a Complete COC.
235 Motion passed 6-0-0.
236

237 **9:13 Review Draft OOC, 95-930, Francis Venuto, 93 Nickerson Road, storage facilities**
238 The Commission reviewed a draft OOC for Francis Venuto, 93 Nickerson Road.
239

240 Ms. Van Lancker made a motion, seconded by Mr. Wands to issue the OOC. Motion passed 5-
241 0-1 (K.G. Narayana abstained).
242

243 **9:23 Review Draft OOC, 95-928, Massachusetts DCR, 274 Howe Street, dam**
244 **improvements**

245 The Commission reviewed a draft OOC for Massachusetts Department of Conservation and
246 Recreation.
247

248 Ms. Van Lancker made a motion seconded by Mr. Wands to issue the OOC. Motion passed.
249 5-0-1. Mr. Moulton abstained.
250

251 **9:27 Member Prerogative**

252 Mr. Hakansson stated that several members of the Land Stewardship Committee need to be
253 reappointed and asked for this to be added to the next agenda.
254

255 **9:29 Agent's Announcements**

256 The Agent stated that the Oak Street Conservation Restriction has been officially approved.
257

258 **9:27 Member Prerogative**

259 Mr. Wands asked Mr. Hakansson about a recent tour at Warren Woods that Mr. Hakansson
260 conducted. Mr. Hakansson said that he did the tour with residents that live in the Lanterns at
261 Warren Woods, and that he had a great turnout and is considering a second tour.
262

263 Ms. Van Lancker stated that the Lake Waushakum Association may be able to get Community
264 Preservation Funds, and that she will look into it. Mr. Moulton spoke about the Division of
265 Ecological Restoration as a potential avenue for funding.
266

267 **9:38 Sign Documents**

268 COC 95-27 for 7 Whippoorwill Lane, Oak Tree Estates

269 COC Russell Pollard, 35 and 37 Lakeside Drive

270 OOC 95-930, Francis Venuto, 93 Nickerson Road, storage facilities

271 OOC 95-928, Massachusetts DCR, 274 Howe Street, dam improvements
272

273 **9:40 Adjournment**

274 Ms. Van Lancker made a motion, seconded by Mr. Wands to adjourn the meeting.

275 Motion passed 6-0-0.

276

277 **Documents Reviewed by the Conservation Commission on 7 / 22 / 2019**

- 278 • Conservation Commission Agenda 7-22-2019
- 279 • Document entitled, *Meeting Minutes 7/8/2019*
- 280 • Document entitled, *Waushakum Pond: A Resident's Guide to Care an Protection*
- 281 • Document entitled, *Response: 319 Nonpoint Source Pollution Grant Program*, dated
282 6/1/2005
- 283 • NOI filing, submitted by McArthur Environmental for Jose Baez, 17 Fruit St
- 284 • Document entitled, *Certified Plot Plan 17 Fruit Street*, dated June 3, 2019
- 285 • Document entitled, *Notice of Intent 96 Nickerson Road, Ashland Massachusetts*
286 (response to comments) and dated July 3, 2019
- 287 • Document entitled, *Notice of Intent 96 Nickerson Road, Ashland Massachusetts*
288 submitted by Guerriere & Halnon, dated July 18, 2019
- 289 • Document entitled, *Design Computations for Storm Drains*, dated July 18, 2019
- 290 • Revised plans for 96 Nickerson Road, sheets 3, 5, and 7 dated July 17, 2019
- 291 • Plans entitled, *83 Nickerson Road "Catch Basin Water Plans"*, dated July 18, 2019
- 292