Present:  Gene Crouch (Chair) (left at 10:14 p.m.)
William Moulton (Vice Chair)
Cathy Van Lancker
Carl Hakansson
K.G. Narayana
Greg Wands
Maeghan Dos Anjos (Agent)

Call to order: 7:13 P.M. Recorded by WACA TV.

7:13  Review of the December 23, 2019, Meeting Minutes
The Commission reviewed the Meeting Minutes.

Ms. Van Lancker made a motion, seconded by Mr. Narayana, to accept the December 23, 2019, Meeting Minutes as amended. Motion passed 5-0-1 (Mr. Moulton abstained).

7:23  Informal Discussion, (OOC File Number 95-931), Mass DOT, Wetland Replication Area
Mr. Hakansson made a motion, seconded by Mr. Narayana, to table this discussion at the end of the agenda. Motion passed. 5-0-1 (Mr. Crouch abstained).

7:23  Review Draft ORAD, Town of Ashland, 12-16 Union Street, wetland delineation
Ms. Lauren Gluck (Representative for Town of Ashland- Pare Corporation), and Mr. Richard Kirby (Representative for Fafard Development- LEC Environmental Consultants, Inc) were present for the discussion.

The Agent explained the past filings, and Mr. Crouch asked about the Interim Drainage Plan from file number 95-249. The Agent explained that the file for 95-249 only included one set of plans.

Mr. Hakansson explained what the Commission was reviewing to those in the audience.

Mr. Crouch stated that the plans are dated July 1998. Mr. Crouch explained how the wetland regulations view a stormwater management system, and a wetland cannot be filled in for the purposes of a stormwater management system.

Mr. Hakansson said that if it were flagged today, the basin would be a wetland. Ms. Gluck said that she initially flagged the site before reviewing older files, and had flagged the basin as a wetland system.
The Commission looked at flags B1- B7 as shown on the plans which demarcate the basin. Ms. Van Lancker stated that it should be seen as a non-jurisdictional area, and should be seen as a basin. The Commission asked about the channels that were observed on site. Ms. Gluck said that a channel on the S series flags is one channel that was observed and may be non-jurisdictional. The S series flagging is upgradient of a bordering vegetated wetland system.

The Agent asked about which flags should be cited in the ORAD. The Commission reviewed a set of plans that the Agent had highlighted for the Commission as part of the discussion. The Commission stated that Flags B7-B27, B35- B37, B100- B102, and D1 through D10 are approved as Bordering Vegetated Wetland Systems. The Agent asked Ms. Gluck about the stream channel. The Commission stated that they see it as jurisdictional. Ms. Gluck stated that the flags should be S1-S4, and S100- S104.

The Commission stated that the Isolated Vegetated Wetland system (C series flags) and the basin are non-jurisdictional.

Mr. Narayana made a motion, seconded by Mr. Wands to issue the ORAD as amended. Motion passed 6-0-0.

7:59  NOI, Marissa Hannon, 40 Pond Street, proposed fence, vegetation management, private dog park

The Agent stated that the Applicant requested a continuance to January 27, 2020.

Mr. Narayana, made a motion seconded by Ms. Van Lancker, to continue the hearing to January 27, 2020. Motion passed 6-0-0.

7:59  95-936, George Harrington, Lot 4 Harrington Drive, single family home

(continued from 12/23/2019)

The Agent received a request to continue the hearing to January 27, 2020.

Mr. Narayana, made a motion seconded by Ms. Van Lancker, to continue the hearing to January 27, 2020. Motion passed 6-0-0.

Mr. Crouch and Mr. Moulton recused themselves from the Eversource hearing

8:00  95-926 NOI/SMP, Eversource, Hopkinton to Ashland Transfer Line, gas line replacement from Hardwick Road to Cedar Street (continued from 12/9/2019)

Ms. Van Lancker opened the hearing Matthew Waldrip (Applicant- Eversource), Kenneth Stanley (TriMont- Representative), and Mr. Rick Paquette (SWCA- Representative) were present for the hearing.

The Agent spoke to the current contract with peer review consultant, Matthew Varrell from Lucas Environmental, LLC. The Agent stated that the reason why Mr. Varrell is not present is because the contract with Lucas Environmental, LLC has officially been fulfilled.
Mr. Paquette stated that the last meeting was held on December 9, 2019. The hearing was continued in order to allow the Agent to review the revised materials. Mr. Paquette stated that he responded to Mr. Evan White’ (Project Engineer, Town of Ashland) comment regarding flood storage and that Mr. White seemed satisfied. Mr. Paquette also stated that he has some photographs for stream crossings and asked if the Commission is interested in seeing these photographs. Mr. Wands stated that he is interested.

While, Mr. Paquette was opening the electronic file, and turning the projector on, Mr. Hakansson asked about the timeframe for the work under the Cold Spring Brook. Mr. Stanley stated, that he recalled speaking to it briefly at the last hearing. Mr. Hakansson said that he thought that Mr. Stanley had stated that it would take about a month. Mr. Stanley stated that it could take that long.

Mr. Narayana asked that when you install the new pipe, how far away is it from the existing pipe. Mr. Stanley stated that there is no standard offset as it is based on where the line currently is within the easement.

Mr. Paquette reviewed the stream crossing photographs and some BMP as it relates to construction standards. Mr. Paquette also showed a restored area along an upland area.

Mr. Wands stated that one photograph showed a restored area in upland areas. Mr. Paquette stated that for any restoration work within wetland systems, they would use a wetland seed mix, and a conservation seed mix would be used in upland areas. The Agent asked if they would use nurse seeds as was suggested by Mr. Varrell through his comments. Mr. Paquette said that they would use the nurse seeds and/or an annual rye with the seed mixes. Mr. Wands said that he understand that the nurse seed would die within the first year. Mr. Paquette confirmed this as the case.

Mr. Narayana asked when the pipeline went in. Mr. Paquette said that it was about 50 years ago. Mr. Narayana asked how the pipes were bonded. Mr. Stanley briefly explained the process. Mr. Narayana asked what would happen in the event of a disaster or a disaster in wetlands. Mr. Waldrip respectfully was opposed to the use of the word “disaster”, and stated that Eversource was called in by the Baker Administration for the Columbia Gas’s recovery, and that the company was proud of that. Mr. Narayana asked what their plan to address an emergency situation is. Mr. Waldrip stated that if an emergency occurred, the swamp mats would be in the wetland systems already.

Mr. Wands referred back to the comment on flood storage, and asked how it may tie into the removal of trees. Mr. Paquette stated that he is comfortable that it wouldn’t impact flood storage.

Upon the conclusion of the presentation from Eversource, and the questions from the Commission, the Agent reviewed her comment. The Agent explained that the comments are meant to give to the Applicant and the Commission ahead of a meeting to better track the open and closed comments. The Agent stated that the Commission does not have hard copies in front of them because it was over 60 pages long, and to allow the members of the audience to review these comments, a PDF will be displayed using the projector. The Agent also stated
that if those in the audience have a smart phone, tablet, or a laptop, they can look on by going to ashlandmass.com, then clicking on Departments, Conservation, Current Projects. Agent said that these comments are under 1. G. on the website.

The Agent went over open comments from Section I of the comment. Open comments consist of comment numbers 18, 20, 27, 31, 40, 43, 47, and 48. The Agent also stated that comments from section II, III, and IV, are from the peer review consultant, and Section IV is closed as it was related to Wildlife Habitat Review.

The Agent stated that Comment 18 dealt with flooding concerns, and that Mr. White responded to Mr. Paquette’s response dated January 13, 2020. The Agent stated that Comment 20 became a bit of a mess and asked Eversource about the scales on the plans. Mr. Paquette stated that in designing the project, they were trying to minimize their footprint by staying within the existing easement. Mr. Paquette also stated that there is a difficulty in the landowner component to seeking out temporary construction easements. Mr. Waldrip stated that there is no viable alternative. Mr. Narayana asked how long it would take.

The Agent discussed Comment Number 27, which is from Nathan Tipton of the Department of Conservation and Recreation. The Agent asked if Eversource responded back to Mr. Tipton’s comment. Mr. Paquette stated that they had not.

The Agent also reviewed Comment Number 40, which is in regards to the super silt fence. Mr. Narayana stated that he is concerned with the length of the super silt fence, and if wildlife migration will be restricted. Mr. Waldrip stated that they worked with Natural Heritage and Endangered Species. The super silt fence will be installed, and stapled so that it will be reinforced and sealed. The Agent asked if it would be installed in the ground, or attached to swamp mats, because she recalled some discrepancies on the details of the super silt fence. Mr. Paquette stated that it will be installed into the ground.

The Agent reviewed Comment Number 43, and stated that this deals with adding scales to details. Mr. Paquette said that details were added.

The Agent concluded her review. Mr. Hakansson asked the Applicant if they are hoping to close tonight. Mr. Waldrip stated that based on his notes from the meeting, and the fact that they have the 401 Water Quality Certification, and the 404 permit under the Clean Water Act, it would be his preference to close tonight. Mr. Waldrip acknowledge that if something of concern comes up, they could continue the hearing.

Mr. Hakansson stated that we have been listening to the hearing for over a year now, and these comments that the Commission is reviewing are from Maeghan and Matt Varrell, and the comments are not from the Conservation Commission.

Ms. Van Lancker opened the hearing to the public.

Mr. Mark Dassoni (49 Hawthorne Road) said that this hearing was better than the last, and that the display of the comment sheet is transparency at 100%. Mr. Dassoni stated that the wetlands are worth saving.
Ms. Diane Ring (42 Bay Colony Drive) stated that Mr. Narayana had mentioned how quickly police and fire could mobilize if an emergency situation should arise. She stated that in July 2019, Eversource had not communicated with the Fire Chief of Hopkinton.

Mr. Kenneth Shelton (20 Treasure Way) stated that he is concerned about the disaster to the natural resource. Mr. Shelton said that he is sure that Eversource meant what they said here, and now, but they are employees of Eversource. He further stated that the project benefits Hopkinton and Framingham, how does Ashland benefit? Mr. Shelton asked why this couldn’t be parallel to the Massachusetts Turnpike. Mr. Shelton also stated that we saw a lovely presentation of workers maintaining the line. Mr. Hakansson said that that he would like to put this into perspective because there are parallel applications submitted by Eversource. Mr. Hakansson explained that one permit is with the Energy Facilities Siting Board, and one is with the Conservation Commission. Mr. Hakansson went to say that the Commission’s purview is regarding wetlands, and are charged to protect those wetlands.

Mr. Joel Arbeitman (28 Woodridge Lane) stated that Eversource is a fossil fuel company, and that the Article 97 is not a process that Eversource wants to get involved in.

Mr. Charles Lidz (150 Oregon Road) stated that he was concerned that we do not know where the current pipeline runs. Mr. Waldrip clarified this stated that we know where the pipeline is, there are some deviations because of ledge or boulders. Mr. Waldrip also explained that the pipeline is delineated by markers in the ground.

Ms. Nancy Moscato (73 Braeburn Lane) asked that if the Commission closes tonight, what happens next. The Agent said that typically, the Commission will close the hearing and issue a draft Order of Conditions. Mr. Hakansson said that if we approve it will be an Order of Conditions. If it is denied than it is up to Eversource to decide what they would like to do. The Commission stated that they had not deliberated on it yet, and that it is probably worth it to do so tonight. Mr. Waldrip asked if they will deliberate tonight. Mr. Hakansson said that the Commission can deliberate after the hearing is closed, but that they cannot accept revised plans or public comment.

Mr. Ed Hart (19 Nancy Drive) asked if that includes written documents.

Mr. Hakansson said that the Select Board does not have an open hearing, but they have a discussion this Wednesday as a status update.

Mr. Dassoni asked if the Conservation Department and the Select Board can coordinate together to have a much broader action.

Mr. Waldrip thanked everyone for their diligent review. Mr. Waldrip also thanked the members of the public and that Eversource hears their concerns. Mr. Waldrip said that they have exhausted their abilities and requested that the Commission close the hearing.

Mr. Hakansson made a motion, seconded by Mr. Narayana to close the hearing. Motion passed 4-0-0.
Mr. Narayana stated that “Whatever the information they have given doesn’t satisfy my needs to protect the environment. I am totally opposed to this project. It doesn’t yield enough protection for wetlands in our town.”

Mr. Wands explained that there are two issues here under the local bylaw and the NOI. Mr. Wands said that the petition for the waiver is within the NOI and the focus is on the Wetlands Protection Bylaw. Mr. Wands said that Home Rule Authority trumps the NOI.

Mr. Hakansson said that in this application, Eversource has requested a waiver to do work within the locally regulated 25 Foot No Disturb Zone.

Mr. Wands read the local regulations concerning the 25 foot No Disturb Zone and waivers. Mr. Wands explained that the Commission can grant a waiver, when no other practicable alternatives are present. Mr. Wands further explained that the concern that he has is that there is another way to go around the wetland systems, and the wetland system within the State Park. Mr. Wands explained that the system within the State Park contains a lot of water, and the wetlands are quite large.

Mr. Wands also stated that the Department of Conservation and Recreation is giving Eversource a special permit and that Eversource is negotiating with DCR for permanent use. Mr. Wands said that for the Commission to approve the permit, the Commission needs compensation and mitigation, as the bylaw requires the disturbed area to be left in the same state, or in a better state than before the disturbance occurred. Mr. Wands concluded his comments by saying that nothing has been offered in that respect.

Mr. Hakansson said that he would like to thank Eversource and its Representatives. Mr. Hakansson also thanked Mr. Paquette for the slideshows. Mr. Hakansson said that the review of the project was stressful for Eversource and was stressful for the Commission. Mr. Hakansson explained that the Commission poured through volumes of materials submitted by Eversource. Mr. Hakansson said that what is before the Commission is whether the path should follow the existing line. He also explained that in essence, the project is a pipeline from Hopkinton to Ashland, near Route 126. Mr. Hakansson also said that Eversource presented several alternatives that were weighted differently, and most of these could be in the right of way of the road. Mr. Hakansson said that the route that has been chosen takes a right turn through wetland areas.

Mr. Hakansson explained that the Impact Areas 4, 5, 6 [so called by Matt Varrell during his review] are the largest wetland systems and that the biggest challenge is Cold Spring Brook. Mr. Hakansson said that all of this needs to be done in a 30 foot wide easement. Mr. Hakansson explained that two sections of the Wetlands Protection Act are applicable, and that Eversource has presented a limited project. Mr. Hakansson suggested that Eversource is not exempt from the rest of the Wetlands Protection Act, despite filing for a Limited Project. In addition, both Mr. Hakansson and Mr. Wands spoke about performance standards for the 25 foot No Disturb Zone and Eversource’s waiver request.
Mr. Narayana made a motion, seconded by Mr. Wands to deny the applicant based on the Wetlands Protection Act and the local Bylaw. Motion passed 4-0-0.

9:40 Review draft OOC, 95-937, NOI, Catherine Briasco, 117 Oregon Road, septic system replacement
The Commission reviewed a set of draft special conditions for 117 Oregon Road. The Agent asked about bounds, because it was not discussed during the hearing. Mr. Crouch said that bounds shall be placed across flag numbers 2 and 3 along the 25 foot No disturb Zone.

Mr. Narayana made a motion, seconded by Ms. Van Lancker to issue the OOC as amended. Motion passed 5-0-1. Mr. Moulton abstained.

Mr. Crouch recused himself from the Mass DOT permit review

9:24 Review draft OOC, 95-931, NOI, Massachusetts Department of Transportation, Route 126 (Pond Street), drainage, traffic, and safety improvements
The Commission reviewed and edited the draft OOC for 95-931 Mass DOT. The Commission discussed deed recording for the Order. The Commission discussed the possibility of recording the OOC against the order of taking.

Ms. Van Lancker made a motion, seconded by Mr. Narayana to accept the OOC as amended. Motion passed 4-0-1. (Mr. Moulton abstained) and (Mr. Crouch recused).

Mr. Crouch left the meeting

10:12 Town of Ashland, Streetscape Improvements, Main Street, Myrtle Street, Front Street
The Commission reviewed the draft OOC for the Town of Ashland, and made some changes.

Ms. Van Lancker made a motion seconded by Mr. Narayana to issue the OOC as amended. Motion passed 5-0-0.

10:13 Agent’s Announcements
The Agent spoke about beaver concerns, and that the Board of Health Agent and the Agent are looking into a beaver management program. The Agent spoke to the program in Billerica that manages 43 sites successfully out of 55 without lethal methods. The Agent said the program would be intended for the breaching of dams or use of water lowering control devices in areas that are impact public safety and transportation. Mr. Crouch said that it is not the responsibility of the Commission or the Agent to implement rob involved in this program as we are a reactive agency that issues permits for breaching and water lowering control devices.

The Agent also said that she issued an emergency certification for the breaching of a dam that was impacting a culvert at Howe Street, as well as the train tracks. She asked for the Commission to ratify the decision.
Ms. Van Lancker made a motion, seconded by Mr. Narayana to ratify the emergency certification. Motion passed 6-0-0.

The Commission asked about 244 Prospect Street. Mr. Hakansson said that he went on a site visit with the Agent, and he did not see it as a wetland. The Agent agreed. The Commission verbalized that they were comfortable with Mr. Hakansson’ findings, and the Agent’s findings.

10:37 Sign Documents

COC 95-844, George Harrington, Lot 4 Harrington Drive, single family home
OOC Town of Ashland, Streetscape Improvements, Main Street, Myrtle Street, Front Street
OOC 95-931, NOI, Massachusetts Department of Transportation, Route 126 (Pond Street), drainage, traffic, and safety improvements
Ratify Emergency Certification to DPW for breaching a dam at Howe Street.

10:38 Adjournment

Ms. Van Lancker made a motion, seconded by Mr. Wands to adjourn the meeting. Motion passed 5-0-0.

Documents Reviewed by the Conservation Commission on 1/13/2020

- Conservation Commission Agenda 1/13/2020
- Document entitled, Conservation Commission Meeting Minutes and dated 12/9/2019
- Email entitled, Ashland-Route 126 OOC, and dated 12/31/2019
- Photographs presented by SWCA Environmental and Eversource
- Plans entitled, Ashland Public Safety Complex dated 11/15/2019
- Document entitled, Comments on Filing: Eversource, dated 1/13/2020
- Draft OOC for 117 Oregon Road
- Sign OOC as noted above