



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
January 13, 2020

1
2 Present: Gene Crouch (Chair) (left at 10:14 p.m.)
3 William Moulton (Vice Chair)
4 Cathy Van Lancker
5 Carl Hakansson
6 K.G. Narayana
7 Greg Wands
8
9 Maeghan Dos Anjos (Agent)

10
11 **Call to order: 7:13 P.M. Recorded by WACA TV.**

12
13 **7:13 Review of the December 23, 2019, Meeting Minutes**

14 The Commission reviewed the Meeting Minutes.

15
16 Ms. Van Lancker made a motion, seconded by Mr. Narayana, to accept the December 23,
17 2019, Meeting Minutes as amended. Motion passed 5-0-1 (Mr. Moulton abstained).

18
19 **7:23 Informal Discussion, (OOC File Number 95-931), Mass DOT, Wetland Replication**
20 **Area**

21 Mr. Hakansson made a motion, seconded by Mr. Narayana, to table this discussion at the end
22 of the agenda. Motion passed. 5-0-1 (Mr. Crouch abstained).

23
24 **7:23 Review Draft ORAD, Town of Ashland, 12-16 Union Street, wetland delineation**

25 Ms. Lauren Gluck (Representative for Town of Ashland- Pare Corporation), and Mr. Richard
26 Kirby (Representative for Fafard Development- LEC Environmental Consultants, Inc) were
27 present for the discussion.

28
29 The Agent explained the past filings, and Mr. Crouch asked about the Interim Drainage Plan
30 from file number 95-249. The Agent explained that the file for 95-249 only included one set of
31 plans.

32
33 Mr. Hakansson explained what the Commission was reviewing to those in the audience.

34
35 Mr. Crouch stated that the plans are dated July 1998. Mr. Crouch explained how the wetland
36 regulations view a stormwater management system, and a wetland cannot be filled in for the
37 purposes of a stormwater management system.

38
39 Mr. Hakansson said that if it were flagged today, the basin would be a wetland. Ms. Gluck
40 said that she initially flagged the site before reviewing older files, and had flagged the basin as
41 a wetland system.

42 The Commission looked at flags B1- B7 as shown on the plans which demarcate the basin.
43 Ms. Van Lancker stated that it should be seen as a non-jurisdictional area, and should be seen
44 as a basin. The Commission asked about the channels that were observed on site. Ms. Gluck
45 said that a channel on the S series flags is one channel that was observed and may be non-
46 jurisdictional. The S series flagging is upgradient of a bordering vegetated wetland system.
47

48 The Agent asked about which flags should be cited in the ORAD. The Commission reviewed a
49 set of plans that the Agent had highlighted for the Commission as part of the discussion. The
50 Commission stated that Flags B7-B27, B35- B37, B100- B102, and D1 through D10 are
51 approved as Bordering Vegetated Wetland Systems. The Agent asked Ms. Gluck about the
52 stream channel. The Commission stated that they see it as jurisdictional. Ms. Gluck stated
53 that the flags should be S1-S4, and S100- S104.
54

55 The Commission stated that the Isolated Vegetated Wetland system (C series flags) and the
56 basin are non-jurisdictional.
57

58 Mr. Narayana made a motion, seconded by Mr. Wands to issue the ORAD as amended.
59 Motion passed 6-0-0.
60

61 **7:59 NOI, Marissa Hannon, 40 Pond Street, proposed fence, vegetation management,**
62 **private dog park**

63 The Agent stated that the Applicant requested a continuance to January 27, 2020.
64

65 Mr. Narayana, made a motion seconded by Ms. Van Lancker, to continue the hearing to
66 January 27, 2020. Motion passed 6-0-0.
67

68 **7:59 95-936, George Harrington, Lot 4 Harrington Drive, single family home**
69 **(continued from 12/ 23 /2019)**

70 The Agent received a request to continue the hearing to January 27, 2020.
71

72 Mr. Narayana, made a motion seconded by Ms. Van Lancker, to continue the hearing to
73 January 27, 2020. Motion passed 6-0-0.
74
75

76 **Mr. Crouch and Mr. Moulton recused themselves from the Eversource hearing**
77

78 **8:00 95-926 NOI/SMP, Eversource, Hopkinton to Ashland Transfer Line, gas line**
79 **replacement from Hardwick Road to Cedar Street (continued from 12/ 9/ 2019)**

80 Ms. Van Lancker opened the hearing Matthew Waldrip (Applicant- Eversource), Kenneth
81 Stanley (TriMont- Representative), and Mr. Rick Paquette (SWCA- Representative) were
82 present for the hearing.
83

84 The Agent spoke to the current contract with peer review consultant, Matthew Varrell from
85 Lucas Environmental, LLC. The Agent stated that the reason why Mr. Varrell is not present is
86 because the contract with Lucas Environmental, LLC has officially been fulfilled.
87

88 Mr. Paquette stated that that the last meeting was held on December 9, 2019. The hearing was
89 continued in order to allow the Agent to review the revised materials. Mr. Paquette stated that
90 he responded to Mr. Evan White' (Project Engineer, Town of Ashland) comment regarding
91 flood storage and that Mr. White seemed satisfied. Mr. Paquette also stated that he has some
92 photographs for stream crossings and asked if the Commission is interested in seeing these
93 photographs. Mr. Wands stated that he is interested.
94

95 While, Mr. Paquette was opening the electronic file, and turning the projector on, Mr.
96 Hakansson asked about the timeframe for the work under the Cold Spring Brook. Mr. Stanley
97 stated, that he recalled speaking to it briefly at the last hearing. Mr. Hakansson said that he
98 thought that Mr. Stanley had stated that it would take about a month. Mr. Stanley stated that it
99 could take that long.
100

101 Mr. Narayana asked that when you install the new pipe, how far away is it from the existing
102 pipe. Mr. Stanley stated that there is no standard offset as it is based on where the line currently
103 is within the easement.
104

105 Mr. Paquette reviewed the stream crossing photographs and some BMP as it relates to
106 construction standards. Mr. Paquette also showed a restored area along an upland area.
107

108 Mr. Wands stated that one photograph showed a restored area in upland areas. Mr. Paquette
109 stated that for any restoration work within wetland systems, they would use a wetland seed
110 mix, and a conservation seed mix would be used in upland areas. The Agent asked if they
111 would use nurse seeds as was suggested by Mr. Varrell through his comments. Mr. Paquette
112 said that they would use the nurse seeds and/or an annual rye with the seed mixes. Mr. Wands
113 said that he understand that the nurse seed would die within the first year. Mr. Paquette
114 confirmed this as the case.
115

116 Mr. Narayana asked when the pipeline went in. Mr. Paquette said that it was about 50 years
117 ago. Mr. Narayana asked how the pipes were bonded. Mr. Stanley briefly explained the
118 process. Mr. Narayana asked what would happen in the event of a disaster or a disaster in
119 wetlands. Mr. Waldrip respectfully was opposed to the use of the word "disaster", and stated
120 that Eversource was called in by the Baker Administration for the Columbia Gas's recovery,
121 and that the company was proud of that. Mr. Narayana asked what their plan to address an
122 emergency situation is. Mr. Waldrip stated that if an emergency occurred, the swamp mats
123 would be in the wetland systems already.
124

125 Mr. Wands referred back to the comment on flood storage, and asked how it may tie into the
126 removal of trees. Mr. Paquette stated that he is comfortable that it wouldn't impact flood
127 storage.
128

129 Upon the conclusion of the presentation from Eversource, and the questions from the
130 Commission, the Agent reviewed her comment. The Agent explained that the comments are
131 meant to give to the Applicant and the Commission ahead of a meeting to better track the open
132 and closed comments. The Agent stated that the Commission does not have hard copies in
133 front of them because it was over 60 pages long, and to allow the members of the audience to
134 review these comments, a PDF will be displayed using the projector. The Agent also stated

135 that if those in the audience have a smart phone, tablet, or a laptop, they can look on by going
136 to ashlandmass.com, then clicking on Departments, Conservation, Current Projects. Agent
137 said that these comments are under 1. G. on the website.
138

139 The Agent went over open comments from Section I of the comment. Open comments consist
140 of comment numbers 18, 20, 27, 31, 40, 43, 47, and 48. The Agent also stated that comments
141 from section II, II, and IV, are from the peer review consultant, and Section IV is closed as it
142 was related to Wildlife Habitat Review.
143

144 The Agent stated that Comment 18 dealt with flooding concerns, and that Mr. White responded
145 to Mr. Paquette's response dated January 13, 2020. The Agent stated that Comment 20
146 became a bit of a mess and asked Eversource about the scales on the plans. Mr. Paquette
147 stated that in designing the project, they were trying to minimize their footprint by staying
148 within the existing easement. Mr. Paquette also stated that there is a difficulty in the
149 landowner component to seeking out temporary construction easements. Mr. Waldrip stated
150 that there is no viable alternative. Mr. Narayana asked how long it would take.
151

152 The Agent discussed Comment Number 27, which is from Nathan Tipton of the Department of
153 Conservation and Recreation. The Agent asked if Eversource responded back to Mr. Tipton's
154 comment. Mr. Paquette stated that they had not.
155

156 The Agent also reviewed Comment Number 40, which is in regards to the super silt fence.
157 Mr. Narayana stated that he is concerned with the length of the super silt fence, and if wildlife
158 migration will be restricted. Mr. Waldrip stated that they worked with Natural Heritage and
159 Endangered Species. The super silt fence will be installed, and stapled so that it will be
160 reinforced and sealed. The Agent asked if it would be installed in the ground, or attached to
161 swamp mats, because she recalled some discrepancies on the details of the super silt fence.
162 Mr. Paquette stated that it will be installed into the ground.
163

164 The Agent reviewed Comment Number 43, and stated that this deals with adding scales to
165 details. Mr. Paquette said that details were added.
166

167 The Agent concluded her review. Mr. Hakansson asked the Applicant if they are hoping to
168 close tonight. Mr. Waldrip stated that based on his notes from the meeting, and the fact that
169 they have the 401 Water Quality Certification, and the 404 permit under the Clean Water Act,
170 it would be his preference to close tonight. Mr. Waldrip acknowledge that if something of
171 concern comes up, they could continue the hearing.
172

173 Mr. Hakansson stated that we have been listening to the hearing for over a year now, and these
174 comments that the Commission is reviewing are from Maeghan and Matt Varrell, and the
175 comments are not from the Conservation Commission.
176

177 Ms. Van Lancker opened the hearing to the public.
178

179 Mr. Mark Dassoni (49 Hawthorne Road) said that this hearing was better than the last, and that
180 the display of the comment sheet is transparency at 100%. Mr. Dassoni stated that the
181 wetlands are worth saving.

182
183 Ms. Diane Ring (42 Bay Colony Drive) stated that Mr. Narayana had mentioned how quickly
184 police and fire could mobilize if an emergency situation should arise. She stated that in July
185 2019, Eversource had not communicated with the Fire Chief of Hopkinton.
186
187 Mr. Kenneth Shelton (20 Treasure Way) stated that he is concerned about the disaster to the
188 natural resource. Mr. Shelton said that he is sure that Eversource meant what they said here,
189 and now, but they are employees of Eversource. He further stated that the project benefits
190 Hopkinton and Framingham, how does Ashland benefit? Mr. Shelton asked why this couldn't
191 be parallel to the Massachusetts Turnpike. Mr. Shelton also stated that we saw a lovely
192 presentation of workers maintaining the line. Mr. Hakansson said that that he would like to
193 put this into perspective because there are parallel applications submitted by Eversource. Mr.
194 Hakansson explained that one permit is with the Energy Facilities Siting Board, and one is with
195 the Conservation Commission. Mr. Hakansson went to say that the Commission's purview is
196 regarding wetlands, and are charged to protect those wetlands.
197
198 Mr. Joel Arbeitman (28 Woodridge Lane) stated that Eversource is a fossil fuel company, and
199 that the Article 97 is not a process that Eversource wants to get involved in.
200
201 Mr. Charles Lidz (150 Oregon Road) stated that he was concerned that we do not know where
202 the current pipeline runs. Mr. Waldrip clarified this stated that we know where the pipeline is,
203 there are some deviations because of ledge or boulders. Mr. Waldrip also explained that the
204 pipeline is delineated by markers in the ground.
205
206 Ms. Nancy Moscato (73 Braeburn Lane) asked that if the Commission closes tonight, what
207 happens next. The Agent said that typically, the Commission will close the hearing and issue
208 a draft Order of Conditions. Mr. Hakansson said that if we approve it will be an Order of
209 Conditions. If it is denied than it is up to Eversource to decide what they would like to do.
210 The Commission stated that they had not deliberated on it yet, and that it is probably worth it to
211 do so tonight. Mr. Waldrip asked if they will deliberate tonight. Mr. Hakansson said that the
212 Commission can deliberate after the hearing is closed, but that they cannot accept revised plans
213 or public comment.
214
215 Mr. Ed Hart (19 Nancy Drive) asked if that includes written documents.
216
217 Mr. Hakansson said that the Select Board does not have an open hearing, but they have a
218 discussion this Wednesday as a status update.
219
220 Mr. Dassoni asked if the Conservation Department and the Select Board can coordinate
221 together to have a much broader action.
222
223 Mr. Waldrip thanked everyone for their diligent review. Mr. Waldrip also thanked the
224 members of the public and that Eversource hears their concerns. Mr. Waldrip said that they
225 have exhausted their abilities and requested that the Commission close the hearing.
226
227 Mr. Hakansson made a motion, seconded by Mr. Narayana to close the hearing. Motion passed
228 4-0-0.

229
230 Mr. Narayana stated that “Whatever the information they have given doesn’t satisfy my needs
231 to protect the environment. I am totally opposed to this project. It doesn’t yield enough
232 protection for wetlands in our town.”
233

234 Mr. Wands explained that there are two issues here under the local bylaw and the NOI. Mr.
235 Wands said that the petition for the waiver is within the NOI and the focus is on the Wetlands
236 Protection Bylaw. Mr. Wands said that Home Rule Authority trumps the NOI.
237

238 Mr. Hakansson said that in this application, Eversource has requested a waiver to do work
239 within the locally regulated 25 Foot No Disturb Zone.
240

241 Mr. Wands read the local regulations concerning the 25 foot No Disturb Zone and waivers.
242 Mr. Wands explained that the Commission can grant a waiver, when no other practicable
243 alternatives are present. Mr. Wands further explained that the concern that he has is that there
244 is another way to go around the wetland systems, and the wetland system within the State Park.
245 Mr. Wands explained that the system within the State Park contains a lot of water, and the
246 wetlands are quite large.
247

248 Mr. Wands also stated that the Department of Conservation and Recreation is giving
249 Eversource a special permit and that Eversource is negotiating with DCR for permanent use.
250 Mr. Wands said that for the Commission to approve the permit, the Commission needs
251 compensation and mitigation, as the bylaw requires the disturbed area to be left in the same
252 state, or in a better state than before the disturbance occurred. Mr. Wands concluded his
253 comments by saying that nothing has been offered in that respect.
254

255 Mr. Hakansson said that he would like to thank Eversource and its Representatives. Mr.
256 Hakansson also thanked Mr. Paquette for the slideshows. Mr. Hakansson said that the review
257 of the project was stressful for Eversource and was stressful for the Commission. Mr.
258 Hakansson explained that the Commission poured through volumes of materials submitted by
259 Eversource. Mr. Hakansson said that what is before the Commission is whether the path
260 should follow the existing line. He also explained that in essence, the project is a pipeline from
261 Hopkinton to Ashland, near Route 126. Mr. Hakansson also said that Eversource presented
262 several alternatives that were weighted differently, and most of these could be in the right of
263 way of the road. Mr. Hakansson said that the route that has been chosen takes a right turn
264 through wetland areas.
265

266 Mr. Hakansson explained that the Impact Areas 4, 5, 6 [so called by Matt Varrell during his
267 review] are the largest wetland systems and that the biggest challenge is Cold Spring Brook.
268 Mr. Hakansson said that all of this needs to be done in a 30 foot wide easement. Mr.
269 Hakansson explained that two sections of the Wetlands Protection Act are applicable, and that
270 Eversource has presented a limited project. Mr. Hakansson suggested that Eversource is not
271 exempt from the rest of the Wetlands Protection Act, despite filing for a Limited Project. In
272 addition, both Mr. Hakansson and Mr. Wands spoke about performance standards for the 25
273 foot No Disturb Zone and Eversource’s waiver request.
274

275 Mr. Narayana made a motion, seconded by Mr. Wands to deny the applicant based on the
276 Wetlands Protection Act and the local Bylaw. Motion passed 4-0-0.

277

278 **9:40 Review draft OOC, 95-937, NOI, Catherine Briasco, 117 Oregon Road, septic**
279 **system replacement**

280 The Commission reviewed a set of draft special conditions for 117 Oregon Road. The Agent
281 asked about bounds, because it was not discussed during the hearing. Mr. Crouch said that
282 bounds shall be placed across flag numbers 2 and 3 along the 25 foot No disturb Zone.

283

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

286

287

288

Mr. Crouch recused himself from the Mass DOT permit review

289

290 **9:24 Review draft OOC, 95-931, NOI, Massachusetts Department of Transportation,**
291 **Route 126 (Pond Street), drainage, traffic, and safety improvements**

292 The Commission reviewed and edited the draft OOC for 95-931 Mass DOT. The Commission
293 discussed deed recording for the Order. The Commission discussed the possibility of
294 recording the OOC against the order of taking.

295

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

298

299

Mr. Crouch left the meeting

300

301 **10:12 Town of Ashland, Streetscape Improvements, Main Street, Myrtle Street, Front**
302 **Street**

303 The Commission reviewed the draft OOC for the Town of Ashland, and made some changes.

304

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

307

308 **10:13 Agent's Announcements**

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

316

317 The Agent also said that she issued an emergency certification for the breaching of a dam that
318 was impacting a culvert at Howe Street, as well as the train tracks. She asked for the
319 Commission to ratify the decision.

320

321 Ms. Van Lancker made a motion, seconded by Mr. Narayana to ratify the emergency
322 certification. Motion passed 6-0-0.

323
324 The Commission asked about 244 Prospect Street. Mr. Hakansson said that he went on a site
325 visit with the Agent, and he did not see it as a wetland. The Agent agreed. The Commission
326 verbalized that they were comfortable with Mr. Hakansson' findings, and the Agent's findings.

327
328 **10:37 Sign Documents**

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

334
335 **10:38 Adjournment**

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

338
339 **Documents Reviewed by the Conservation Commission on 1 / 13 / 2020**

- 340
- Conservation Commission Agenda 1/ 13 /2020
 - 341 • Document entitled, *Conservation Commission Meeting Minutes* and dated 12/9/2019
 - 342 • Email entitled, *Ashland- Route 126 OOC*, and dated 12/31/2019
 - 343 • Document entitled, *Order of Conditions 95-931*, pages 9D, 9F, 9G, 9H, and 9I
 - 344 • Photographs presented by SWCA Environmental and Eversource
 - 345 • Plans entitled, *Ashland Public Safety Complex* dated 11/ 15 /2019
 - 346 • Document entitled, *Comments on Filing: Eversource*, dated 1/ 13 /2020
 - 347 • Draft OOC for 117 Oregon Road
 - 348 • Sign documents as noted above