MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
January 27, 2020

Present: Cathy Van Lancker
Carl Hakansson
K.G. Narayana
Greg Wands
Gabriel Toledo
Maeghan Dos Anjos (Agent)

Absent: Gene Crouch (Chair)
William Moulton (Vice Chair)

Call to order: 7:05 P.M.

7:05  NOI, Marissa Hannon, 40 Pond Street, proposed fence, vegetation management, private dog park
The Applicant requested a continuance to the next meeting.

Mr. Narayana, made a motion, seconded by Mr. Wands to continue the hearing to February 10, 2020. Motion passed 5-0-0.

7:06  Review of the January 22, 2020 Meeting Minutes
The Commission reviewed the Meeting Minutes.

Mr. Wands made a motion, seconded by Mr. Narayana, to accept the January 22, 2020, Meeting Minutes as amended. Motion passed 5-0-0.

7:12  Agent’s Announcements
The Agent mentioned that an owner came in to discuss his options for installing a shed at 11 Tri Street. The Agent said that the Commission recently determined the stream as perennial. The Agent also stated that there is an existing shed on the property that is falling apart. The Commission stated that if he installs a shed within the existing shed, he will not need a permit, but if he installs a bigger shed, or a second shed, he will need a permit. The Commission discussed the permit options, and said that he can start with an RDA.

7:17  95-936, George Harrington, Lot 4 Harrington Drive, single family home
(continued from 1/ 23 /2020)
Mr. Matthew Marro (Representative- Marro Consulting), and Ms. Deborah Harrington (realtor) were present for the hearing. Mr. Marro stated that the plans were revised to show the comments from the Commission and the Agent from the last hearing date. The revisions include the following:
42 • Floodplain information
43 • Flow direction of the stream
44 • Erosion control wrapped around the entirety of the site
45 • A silt sack at the catch basin in Harrington Drive, which immediately abuts Lot 4
46 • Rip rap around the foundation outlet
47
48 The Commission reviewed the revised plans, and the Agent requested for details to be added
49 onto the plans. Mr. Marro agreed to do so. The Agent said that she would like to have the
50 Town’s Project Engineer (Mr. Evan White) to review the current, and anticipated revised
51 plans.
52
53 Mr. Hakansson, made a motion seconded by Mr. Wands, to continue the hearing to February
54 10, 2020. Motion passed 5-0-0.
55
56 7:20 Agent’s Announcements- Proposed revisions to the State’s Wetlands Protection
57 Regulations
58 The Commission reviewed the proposed 2019 changes to the Wetlands Protection Regulations.
59 The Agent said that comments are due by 5:00 p.m. on January 30, 2020. The Agent
60 explained the changes, and offered her comments. The Agent explained that the definition of
61 the “Date of Issuance” will change under 10.04, and takes into account when the permit is
62 mailed via certified mail to the Applicant and certified mail to DEP. The Agent said the other
63 options listed in 10.04 and 10.05 to get copies of permits to DEP is by hand delivery, or using
64 eDEP, which currently does not accept DOAs and Orders of Nonsignificance permits. The
65 Agent said that Ashland is the last municipality in the Northeast Regional district, and that
66 hand delivery would not be an option, and that the cost of sending the permits via certified mail
67 is $323.00.
68
69 Mr. Hakansson stated that he was concerned for the proposed change in 10.05 (4), which will
70 state:
71 Notification provided pursuant to this provision does not automatically confer standing
72 to the recipient to request Department action for the Underlying matter, see 310 CMR
73 10.05 (7) (a) 4.
74
75 Mr. Hakansson interpreted this as an appealing party can take their chance in an appeal, but
76 that they can lack standing.
77
78 The Agent also asked about the change to 10.55, which would update literature regarding
79 wetland vegetation. The Agent noticed that the current document, lists plants in categories of
80 Facultative, Facultative+, Facultative-, Facultative Wetland, Facultative Wetland +, and
81 Obligate, whereas the proposed document lists Obligate, Facultative Wetland, and Facultative.
82 The Agent asked if the Commission knew about the changes in the categories. Mr. Hakansson
83 asked the Agent to call Mr. Crouch, as he does not feel knowledgeable about that subject.
84
85 The Commission concluded their review and offered their comments. The Commission stated
86 that sending permits to eDEP can only be done if the system accepts all permits, and if training
87 is offered in a timely manner.
7:49 Member Prerogative
Ms. Van Lancker stated that Ashland will receive a total of $307,000 in funds from CPA.

Mr. Hakansson stated that he looked at the Construction Health and Safety Plan for 128 Main Street (SMP File Number 2018-01). He said that it was in a draft form to the point where “Company Name” on the front page of the document was left blank. Mr. Hakansson said that they built a trench without obtaining a permit from DEP, and if they did not know to do that, how can they know how to enforce or apply the Construction Health and Safety Plan. Mr. Hakansson asked who enforces that. Mr. Narayana said that Mr. Mark Oram (Board of Health Agent) is supposed to administer that.

Mr. Hakansson said that he was at the meeting about the clean-up of Operational Unit 2 (OU2), which was held by EPA, and DEP on January 23, 2020, and asked the Commission if any of them went to the meeting. Mr. Narayana said that he was there.

Mr. Hakansson said that he left that meeting with more questions than answers. Mr. Hakansson said that DNAPPL is still in the area, but that its source is unknown. Mr. Hakansson said that Operational Unit 3 is not listed as an area of concern, as the EPA’s geologist didn’t think that it is of concern. Mr. Hakansson reiterated that EPA does not know where the DNAPPL is coming from. Mr. Hakansson asked how you can do a plan, when you do not know where it is coming from, and suggested that test pits are needed. Mr. Hakansson said that EPA stated at the meeting that there is no risk to humans.

8:11 Review of the January 13, 2020 Meeting Minutes
The Commission reviewed the Meeting Minutes.

Mr. Hakansson made a motion, seconded by Mr. Narayana, to accept the January 13, 2020, Meeting Minutes as amended. Motion passed 5-0-0

8:31 Member Prerogative
The Commission said to include Michael Herbert (Town Manager), and Jennifer Ball (Assistant Town Manager), or Lisa Mead (Town Counsel) to be tied into the issuance of the denial issued to Eversource. The Commission also stated that it is vital about Eversource be given written notice of the denial.

8:39 Adjournment
Mr. Narayana made a motion, seconded by Mr. Wands to adjourn the meeting. Motion passed 5-0-0.

Documents Reviewed by the Conservation Commission on 1/27/2020
- Conservation Commission Agenda 1/27/2020
- Document entitled, Conservation Commission Meeting Minutes and dated 1/13/2020
- Document entitled, Conservation Commission Meeting Minutes and dated 1/22/2020
- Plans entitled, Site Plan/Notice of Intent 95-931, dated 1/23/2020
- Plans entitled, Lot 4 Harrington Drive: Improvements to Existing Wetland Crossing, dated 1/23/2020
- Plans entitled, Lot 4 Harrington Drive: Foundation Drain Apron dated 1/23/2020
• Letter with a subject line of *Proposed Changes to the Wetland Regulations*, dated 1/27/2020