



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
January 27, 2020

1  
2 Present: Cathy Van Lancker  
3 Carl Hakansson  
4 K.G. Narayana  
5 Greg Wands  
6 Gabriel Toledo  
7  
8 Maeghan Dos Anjos (Agent)  
9  
10 Absent: Gene Crouch (Chair)  
11 William Moulton (Vice Chair)  
12

13 **Call to order: 7:05 P.M.**

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15 **7:05 NOI, Marissa Hannon, 40 Pond Street, proposed fence, vegetation management,**  
16 **private dog park**

17 The Applicant requested a continuance to the next meeting.  
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19 Mr. Narayana, made a motion, seconded by Mr. Wands to continue the hearing to February 10,  
20 2020. Motion passed 5-0-0.  
21

22 **7:06 Review of the January 22, 2020 Meeting Minutes**

23 The Commission reviewed the Meeting Minutes.  
24

25 Mr. Wands made a motion, seconded by Mr. Narayana, to accept the January 22, 2020,  
26 Meeting Minutes as amended. Motion passed 5-0-0.  
27

28 **7:12 Agent's Announcements**

29 The Agent mentioned that an owner came in to discuss his options for installing a shed at 11  
30 Tri Street. The Agent said that the Commission recently determined the stream as perennial.  
31 The Agent also stated that there is an existing shed on the property that is falling apart. The  
32 Commission stated that if he installs a shed within the existing shed, he will not need a permit,  
33 but if he installs a bigger shed, or a second shed, he will need a permit. The Commission  
34 discussed the permit options, and said that he can start with an RDA.  
35

36 **7:17 95-936, George Harrington, Lot 4 Harrington Drive, single family home**  
37 **(continued from 1/ 23 /2020)**

38 Mr. Matthew Marro (Representative- Marro Consulting), and Ms. Deborah Harrington (realtor)  
39 were present for the hearing. Mr. Marro stated that the plans were revised to show the  
40 comments from the Commission and the Agent from the last hearing date. The revisions  
41 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.

88

89 **7:49 Member Prerogative**

90 Ms. Van Lancker stated that Ashland will receive a total of \$307, 000 in funds from CPA.

91  
92 Mr. Hakansson stated that he looked at the Construction Health and Safety Plan for 128 Main  
93 Street (SMP File Number 2018-01). He said that it was in a draft form to the point where  
94 “Company Name” on the front page of the document was left blank. Mr. Hakansson said that  
95 they built a trench without obtaining a permit from DEP, and if they did not know to do that,  
96 how can they know how to enforce or apply the Construction Health and Safety Plan. Mr.  
97 Hakansson asked who enforces that. Mr. Narayana said that Mr. Mark Oram (Board of Health  
98 Agent) is supposed to administer that.

99  
100 Mr. Hakansson said that he was at the meeting about the clean-up of Operational Unit 2  
101 (OU2), which was held by EPA, and DEP on January 23, 2020, and asked the Commission if  
102 any of them went to the meeting. Mr. Narayana said that he was there.

103  
104 Mr. Hakansson said that he left that meeting with more questions than answers. Mr.  
105 Hakansson said that DNAPPL is still in the area, but that its source is unknown. Mr.  
106 Hakansson said that Operational Unit 3 is not listed as an area of concern, as the EPA’s  
107 geologist didn’t think that it is of concern. Mr. Hakansson reiterated that EPA does not know  
108 where the DNAPPL is coming from. Mr. Hakansson asked how you can do a plan, when you  
109 do not know where it is coming from, and suggested that test pits are needed. Mr. Hakansson  
110 said that EPA stated at the meeting that there is no risk to humans.

111  
112 **8:11 Review of the January 13, 2020 Meeting Minutes**

113 The Commission reviewed the Meeting Minutes.

114  
115 Mr. Hakansson made a motion, seconded by Mr. Narayana, to accept the January 13, 2020,  
116 Meeting Minutes as amended. Motion passed 5-0-0

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118 **8:31 Member Prerogative**

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

123  
124 **8:39 Adjournment**

125 Mr. Narayana made a motion, seconded by Mr. Wands to adjourn the meeting.  
126 Motion passed 5-0-0.

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128 **Documents Reviewed by the Conservation Commission on 1 / 27 / 2020**

- 129
- 130 • Conservation Commission Agenda 1/ 27 /2020
  - 131 • Document entitled, *Conservation Commission Meeting Minutes* and dated 1/ 13 / 2020
  - 132 • Document entitled, *Conservation Commission Meeting Minutes* and dated 1/ 22 / 2020
  - 133 • Plans entitled, *Site Plan/ Notice of Intent 95-931*, dated 1/ 23 / 2020
  - 134 • Plans entitled, *Lot 4 Harrington Drive: Improvements to Existing Wetland Crossing*,  
dated 1/ 23 / 2020
  - 135 • Plans entitled, *Lot 4 Harrington Drive: Foundation Drain Apron* dated 1/ 23 / 2020

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- Letter with a subject line of *Proposed Changes to the Wetland Regulations*, dated 1/27/2020