MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
January 28, 2019

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

Call to order: 7:07 P.M.

7:14 Review of the January 14, 2019, Meeting Minutes
The Commission reviewed the Meeting Minutes from January 14, 2019.

Mr. Wands made a motion, seconded by Ms. Van Lancker to accept the January 14, 2019, Meeting Minutes as amended. Motion passed 4-0-0.

7:18 NOI, Eversource, Hopkinton to Ashland Transfer Line, gas line replacement from Hardwick Road to Cedar Street.
Mr. Matthew Waldrip (Applicant- Eversource), Mr. Sean Berthiaume (Applicant- Eversource), Mr. Jack Lopes (Applicant- Eversource), and Mr. Rick Paquette (Representative- TRC), were present for the hearing.

Mr. Lingham explained the hearing process to the abutters that were present. Mr. Rob Scherer (Selectmen) was present, and stated that the Selectmen had applied for and had received Intervener Status, and that Brian Winner with Town Counsel has been involved to file testimony with the Department of Public Utilities (DPU). Mr. Scherer further explained that the Town Manager wants to arrange correspondence with Department Heads. The main concern is whether the alternate route [shown as the Northern Route in documents] has less impacts over the preferred route [shown as the Transfer Line Easement Route]. Mr. Scherer concluded his comments by stating that the Board of Selectmen has filed for the Intervener Status and is actively involved in the process, and suggested that the Conservation Commission appoint a liaison from the committee to work with the Agent.

Mr. Lingham asked about the Intervener Status as it relates with the Department of Public Utilities (DPU). Mr. Scherer had explained that the DPU will schedule a hearing, but has not scheduled it at this point. The Commission explained their jurisdiction and how it may relate to evaluating the alternate route. Mr. Scherer explained that while he could not speak to the
matter as it relates to the commission intelligently, he suggested that he would think that the Commission would evaluate a better alternative if the Commission thinks there is a better option.

Mr. Paquette (TRC) explained that he would go over the scope of work, describe the project, the routing, the wetland resource areas, and construction. Mr. Paquette stated that the project is to replace an existing six inch gas pipe from Hopkinton to Ashland with a 12 inch gas pipeline. The gas pipe is a transfer line and Eversource customers do not receive their gas from that line. He stated that there are five segments of the transfer line that would be replaced over the course of five years. The total replacement is 3.7 miles, and roughly 2.6 miles are in Ashland. Mr. Paquette stated that the easement is 20 feet wide throughout Town, with a wider easement through Ashland State Park. Mr. Berthiaume stated that construction in Ashland would begin in the later part of the construction season of 2020.

Ms. Stephanie Siegmann (Abutter - Pennock Road) asked if she would lose gas during construction. Mr. Berthiaume stated that residents would not lose gas during construction.

Mr. Berthiaume explained the existing easement and how it runs from Pennock Road to Cedar Street. He explained that the pipe east of Cedar Street had already been upgraded to a 12 inch pipe, and that the six inch replacement is that the current line cannot adequately serve the customers. Mr. Waldrip stated that the project is being reviewed with the Energy Siting Board, and that open houses (meetings) had been scheduled in Hopkinton and Ashland prior to tonight’s hearing. That process started a discovery phase and the process is in play. A hearing is to be scheduled and is anticipated for the spring timeframe (April). Mr. Paquette stated that a NOI was filed with the Hopkinton Conservation Commission, and a 401 Water Quality Certificate was also filed, but comments have not yet been received. In addition, a General Permit was submitted with the Army Corps of Engineers. Ms. Van Lancker stated that the GP was within their filing.

Mr. Hakansson asked if the application in front of the Commission part of a formality as part of the process with DPU. Mr. Paquette stated that the Siting Board expects the Applicants to receive permits in conjunction with the DPU process. Mr. Hakansson also asked about the life expectancy for gas lines. Mr. Berthiaume stated that there are many factors influencing the life expectancy of gas lines.

Mr. Paquette explained the wetland resource areas within the easement. Bank, Land under Waterbodies and Waterways, Riverfront Area, Bordering Vegetated Wetlands, Top of Bank, and the No Disturb Zone are present within the existing easement. Mr. Hakansson stated that the delineation is poor and is missing the wetland system along West Union Street and Indian Spring Road. Mr. Hakansson explained a recent NOI filing for a 40B in the area and recommended that the Agent submit the 133 West Union Street Plans to TRC and Eversource.

Ms. Stephanie Siegmann asked if the wetland impacts were explored along the alternative route. Mr. Hakansson stated the numbers of acres of wetlands impacted by the project, and that wetland regulations were not present when the pipe was first installed, and asked about a peer review. Mr. Waldrip stated that Eversource is not objecting to the peer review.
Mr. Lingham stated that he had concerns with abandoning the pipe in place, and the potential impact to groundwater transport if and when the pipe eventually corrodes. Mr. Paquette and Mr. Berthiaume explained the construction methods to be employed, which includes cutting and capping the line, and adding a layer of protection to the pipe remaining in the ground. Mr. Berthiaume stated that without the protective liner, the pipe will erode. Mr. Lingham stated that the current pipe alignment seems to bob and weave, and asked if Eversource will always have enough room to work within their easement. Mr. Paquette explained where erosion controls would be.

Mr. Jim Grasberger (Warren Road) asked if Eversource is required to have a Response Plan on site in case the pipe gets hit during construction. Mr. Berthiaume said that they are.

Mr. Grasberger stated that heavy equipment would be moved through the wetlands. Mr. Grasberger asked how the wetland cannot be disturbed in those areas. Mr. Hakansson stated that the area across from Kidde Fenwal runs from that point all the way to the dike of the Ashland State Park.

Mr. Waldrip stated that pipes have been installed in water with permits from Commissions in the past. Waldrip further explained that it does impact the resources, but Eversource uses swamp mats that are stacked on top of one another to minimize disturbances.

Mr. Hakansson recommended that they go back, and review the wetland flags. Mr. Lingham asked if they would need to drain down the reservoir. Mr. Hakansson asked about the potential impacts of draining down the reservoir. He also asked about how wildlife will be impacted as that [wildlife habitat] is one of the interests of the Wetlands Protection Act. Mr. Waldrip stated that it’s logistically easier to work within wetlands, and use dewatering techniques, rather than work within the street [suggesting the alternative route].

Ms. Stephanie Siegmann asked about the cost with the alternative route. The Agent stated that it is $11.6 million given information from their NOI submittal.

Ms. Donna S. asked if it an incident like what happened in Lawrence and Woburn to happen on this line. Mr. Berthiaume stated that new regulations have been set by the Department of Public Utilities regarding safety, and that Eversource had many of those practices in place and had been implementing them.

Mr. Lingham asked how West Union Street will be crossed. Mr. Berthiaume stated that it will be crossed using the open cut method. Mr. Lingham stated that he would like to see the culvert at West Union Street to be rebuilt.

Mr. Waldrip stated that they will update plans based on the comments received by the Agent previously, and based on items mentioned tonight. Mr. Waldrip explained that the plans will be updated to show the wetland system along Indian Spring Road and West Union Street.

The Commission reviewed a draft peer review letter and made some suggestions.
Ms. Van Lancker made a motion, seconded by Mr. Hakansson to accept the peer review letter as amended. Motion passed 4-0-0.

Ms. Van Lancker made a motion, seconded by Mr. Wands to continue the hearing to February 25, 2019. Motion passed 4-0-0.

9:05 Other Business- Update on 95-876
Mr. Ryan Leary of 18 Charles Street was present for the discussion. Mr. Leary stated that he abuts the applicant’s property. He explained that Mr. Zani had come up to him to state that he was losing money on taxes. There was a 20-25 foot buffer between Mr. Zani’s property and Mr. Leary’s property. Mr. Leary explained that Mr. Zani said that he was going to remove some of the trees, and that he would leave a barrier. Mr. Leary had stated that the trees and barrier were gone. Mr. Leary stated that there are 50 cars parked there, cars are pulling in and backing up in the middle of the night. He also stated that he can see through to the gas station.

The Commission stated that this is outside the jurisdiction of the Ashland Conservation Commission and recommended that he speak to the Board of Selectmen through their Citizen’s Participation process.

9:34 Request for COC 95-919, Town of Ashland, MBTA Access Road, Lot 3A and Remaining Land as referenced on a plan dated 1/22/2019
The Agent explained that a Request for COC came in by the Town of Ashland for the Order of Conditions that was issued to Ashland Solar LLC. Lot 3 of the MBTA Access Road is being subdivided into separate lots. One lot will go to the YMCA and one lot to the Town of Ashland. The Agent read the language from the drafted Partial COC.

The Commission was concerned about issuing a COC on an Order of Conditions where work has yet to start. The Commission asked the following questions:

- If the Commission will issue a Certificate of Compliance on an Order of Conditions where work has not started, how will that impact the Ashland Solar project?
- Is it legal for the Commission to issue a Partial Certificate of Compliance despite the fact that work has not started yet?
- What are the legal ramifications of issuing this Partial Certificate of Compliance, and will it set a precedent?

The Commission expressed interest in having the Chair look at the request.

Mr. Wands, made a motion, seconded by Ms. Van Lancker request more information as discussed, before a Partial COC can be issued. Motion passed 4-0-0.

9:50 Executive Session pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider strategies in the matter of DEP Decision regarding 0 Tri Street the public discussion of which will have a detrimental impact on the litigation position of the Board.
Ms. Van Lancker made a motion, seconded by Mr. Hakansson, to enter into Executive Session pursuant to M.G.L. c. 30A, sec 21 (a) (3) to consider strategies in the Matter of DEP Decision regarding 0 Tri Street the public discussion of which will have a detrimental impact on the
litigation position of the Board, and to enter back into open session upon the conclusion of Executive Session.

Roll Call Vote (Carl Hakansson, Greg Wands, Cathy Van Lancker, Jeffery Lingham). Motion passed 4-0-0.

**10:02 **The Commission returned from Executive Session

**10:03 **Adjournment

Ms. Van Lancker made a motion, seconded by Mr. Hakansson to adjourn the meeting. Motion passed 4-0-0

**Documents Reviewed by the Conservation Commission on 1/28/2019**

- Document entitled, *Meeting Minutes 1/24/2019*
- Document entitled, *Notice of Intent: Hopkinton to Ashland Transfer Line Replacement Project* dated December 2018, including plans dated 12/12/2018