



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
January 28, 2019

1  
2 Present: Jeff Lingham  
3 Carl Hakansson  
4 Cathy Van Lancker  
5 Greg Wands  
6  
7 Maeghan Dos Anjos (Agent)  
8  
9 Absent: Gene Crouch (Chair)  
10 William Moulton (Vice Chair)  
11 K.G. Narayana  
12  
13

14 **Call to order: 7:07 P.M.**

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16 **7:14 Review of the January 14, 2019, Meeting Minutes**

17 The Commission reviewed the Meeting Minutes from January 14, 2019.  
18

19 Mr. Wands made a motion, seconded by Ms. Van Lancker to accept the January 14, 2019,  
20 Meeting Minutes as amended. Motion passed 4-0-0.  
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22 **7:18 NOI, Eversource, Hopkinton to Ashland Transfer Line, gas line replacement from**  
23 **Hardwick Road to Cedar Street.**

24 Mr. Matthew Waldrip (Applicant- Eversource), Mr. Sean Berthiaume (Applicant- Eversource),  
25 Mr. Jack Lopes (Applicant- Eversource), and Mr. Rick Paquette (Representative- TRC), were  
26 present for the hearing.  
27

28 Mr. Lingham explained the hearing process to the abutters that were present. Mr. Rob Scherer  
29 (Selectmen) was present, and stated that the Selectmen had applied for and had received  
30 Intervener Status, and that Brian Winner with Town Counsel has been involved to file  
31 testimony with the Department of Public Utilities (DPU). Mr. Scherer further explained that  
32 the Town Manager wants to arrange correspondence with Department Heads. The main  
33 concern is whether the alternate route [shown as the Northern Route in documents] has less  
34 impacts over the preferred route [shown as the Transfer Line Easement Route]. Mr. Scherer  
35 concluded his comments by stating that the Board of Selectmen has filed for the Intervener  
36 Status and is actively involved in the process, and suggested that the Conservation Commission  
37 appoint a liaison from the committee to work with the Agent.  
38

39 Mr. Lingham asked about the Intervener Status as it relates with the Department of Public  
40 Utilities (DPU). Mr. Scherer had explained that the DPU will schedule a hearing, but has not  
41 scheduled it at this point. The Commission explained their jurisdiction and how it may relate  
42 to evaluating the alternate route. Mr. Scherer explained that while he could not speak to the

43 matter as it relates to the commission intelligently, he suggested that he would think that the  
44 Commission would evaluate a better alternative if the Commission thinks there is a better  
45 option.

46  
47 Mr. Paquette (TRC) explained that he would go over the scope of work, describe the project,  
48 the routing, the wetland resource areas, and construction. Mr. Paquette stated that the project  
49 is to replace an existing six inch gas pipe from Hopkinton to Ashland with a 12 inch gas  
50 pipeline. The gas pipe is a transfer line and Eversource customers do not receive their gas  
51 from that line. He stated that there are five segments of the transfer line that would be  
52 replaced over the course of five years. The total replacement is 3.7 miles, and roughly 2.6  
53 miles are in Ashland. Mr. Paquette stated that the easement is 20 feet wide throughout Town,  
54 with a wider easement through Ashland State Park. Mr. Berthiaume stated that construction in  
55 Ashland would begin in the later part of the construction season of 2020.

56  
57 Ms. Stephanie Siegmann (Abutter- Pennock Road) asked if she would lose gas during  
58 construction. Mr. Berthiaume stated that residents would not lose gas during construction.

59  
60 Mr. Berthiaume explained the existing easement and how it runs from Pennock Road to Cedar  
61 Street. He explained that the pipe east of Cedar Street had already been upgraded to a 12 inch  
62 pipe, and that the six inch replacement is that the current line cannot adequately serve the  
63 customers. Mr. Waldrip stated that the project is being reviewed with the Energy Siting Board,  
64 and that open houses (meetings) had been scheduled in Hopkinton and Ashland prior to  
65 tonight's hearing. That process started a discovery phase and the process is in play. A hearing  
66 is to be scheduled and is anticipated for the spring timeframe (April). Mr. Paquette stated that  
67 a NOI was filed with the Hopkinton Conservation Commission, and a 401 Water Quality  
68 Certificate was also filed, but comments have not yet been received. In addition, a General  
69 Permit was submitted with the Army Corps of Engineers. Ms. Van Lancker stated that the GP  
70 was within their filing.

71  
72 Mr. Hakansson asked if the application in front of the Commission part of a formality as part  
73 of the process with DPU. Mr. Paquette stated that the Siting Board expects the Applicants to  
74 receive permits in conjunction with the DPU process. Mr. Hakansson also asked about the  
75 life expectancy for gas lines. Mr. Berthiaume stated that there are many factors influencing  
76 the life expectancy of gas lines.

77  
78 Mr. Paquette explained the wetland resource areas within the easement. Bank, Land under  
79 Waterbodies and Waterways, Riverfront Area, Bordering Vegetated Wetlands, Top of Bank,  
80 and the No Disturb Zone are present within the existing easement. Mr. Hakansson stated that  
81 the delineation is poor and is missing the wetland system along West Union Street and Indian  
82 Spring Road. Mr. Hakansson explained a recent NOI filing for a 40B in the area and  
83 recommended that the Agent submit the 133 West Union Street Plans to TRC and Eversource.

84  
85 Ms. Stephanie Siegmann asked if the wetland impacts were explored along the alternative  
86 route. Mr. Hakansson stated the numbers of acres of wetlands impacted by the project, and  
87 that wetland regulations were not present when the pipe was first installed, and asked about a  
88 peer review. Mr. Waldrip stated that Eversource is not objecting to the peer review.

89 Mr. Lingham stated that he had concerns with abandoning the pipe in place, and the potential  
90 impact to groundwater transport if and when the pipe eventually corrodes. Mr. Paquette and  
91 Mr. Berthiaume explained the construction methods to be employed, which includes cutting  
92 and capping the line, and adding a layer of protection to the pipe remaining in the ground. Mr.  
93 Berthiaume stated that without the protective liner, the pipe will erode. Mr. Lingham stated  
94 that the current pipe alignment seems to bob and weave, and asked if Eversource will always  
95 have enough room to work within their easement. Mr. Paquette explained where erosion  
96 controls would be.

97

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

100

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

105

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

109

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

116

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

119

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

124

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

128

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

132

133 The Commission reviewed a draft peer review letter and made some suggestions.

134

135 Ms. Van Lancker made a motion, seconded by Mr. Hakansson to accept the peer review letter  
136 as amended. Motion passed 4-0-0

137 Ms. Van Lancker made a motion, seconded by Mr. Wands to continue the hearing to February  
138 25, 2019. Motion passed 4-0-0

139

140 **9:05 Other Business- Update on 95-876**

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

148

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

152

153 **9:34 Request for COC 95-919, Town of Ashland, MBTA Access Road, Lot 3A and**  
154 **Remaining Land as referenced on a plan dated 1/ 22 /2019**

155 The Agent explained that a Request for COC came in by the Town of Ashland for the Order of  
156 Conditions that was issued to Ashland Solar LLC. Lot 3 of the MBTA Access Road is being  
157 subdivided into separate lots. One lot will go to the YMCA and one lot to the Town of  
158 Ashland. The Agent read the language from the drafted Partial COC.

159

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

- 162
- 163 • If the Commission will issue a Certificate of Compliance on an Order of Conditions  
164 where work has not started, how will that impact the Ashland Solar project?
  - 165 • Is it legal for the Commission to issue a Partial Certificate of Compliance despite the  
166 fact that work has not started yet?
  - 167 • What are the legal ramifications of issuing this Partial Certificate of Compliance, and  
will it set a precedent?

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

169

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

172

173 **9:50 Executive Session pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider strategies in**  
174 **the matter of DEP Decision regarding 0 Tri Street the public discussion of which will**  
175 **have a detrimental impact on the litigation position of the Board.**

176 Ms. Van Lancker made a motion, seconded by Mr. Hakansson, to enter into Executive Session  
177 pursuant to M.G.L. c. 30A, sec 21 (a) (3) to consider strategies in the Matter of DEP Decision  
178 regarding 0 Tri Street the public discussion of which will have a detrimental impact on the

179 litigation position of the Board, and to enter back into open session upon the conclusion of  
180 Executive Session.  
181 Roll Call Vote (Carl Hakansson, Greg Wands, Cathy Van Lancker, Jeffery Lingham). Motion  
182 passed 4-0-0.

183  
184 **10:02 The Commission returned from Executive Session**

185  
186 **10:03 Adjournment**

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

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

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- 192 • Conservation Commission Agenda 1-28-2019.
  - 193 • Document entitled, *Meeting Minutes 1/24/2019*
  - 194 • Document entitled, *Notice of Intent: Hopkinton to Ashland Transfer Line Replacement Project* dated December 2018, including plans dated 12/12/2018