Present: Gene Crouch (Chair)  
William Moulton (Vice Chair)  
Carl Hakansson  
Cathy Van Lancker  
K.G. Narayana  
Greg Wands  
Gabriel Toledo  
Maeghan Dos Anjos (Agent)

Meeting held by Zoom  
Call to order: 7:04 P.M.

7:04 Introduction  
Mr. Crouch explained to attendees the etiquette of the Conservation Commission hearings.

7:19 RDA, Rachael and Tyler Champagne, 274 Cordaville Road  
Mr. Tyler Champagne (Applicant/Owner) was present for the meeting.

The Agent explained that he had come in front of the Commission to discuss tree removal for the purpose of installing solar panels. The Agent explained that tree removal will take place in the 200 foot Riverfront Area, the BLSF, and 100 foot Buffer Zone. The Agent explained that Mr. Champagne did not have access to a plot plan, so GIS was used for the application. The Commission reviewed the graphic that was submitted with the application.

Mr. Champagne had explained that four trees are to be removed for the panels, but the arborist had pointed out another tree that was a potential hazard. Mr. Crouch asked how the trees will be removed. Mr. Champagne explained that the selected bidder has specialized equipment and would avoid using heavy equipment. Mr. Crouch asked if the trees will be chipped. Mr. Champagne explained that he asked the arborist to leave larger chunks for him (Mr. Champagne) to use for firewood. Mr. Champagne further explained that he asked for the chipping to take place away from the resource areas due to concerns with the Commission’s jurisdiction. Mr. Champagne also explained that the stumps will remain in place.

Mr. Narayana made a motion, seconded by Ms. Van Lancker to issue a Negative #3 DOA. Motion passed. 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW, WM, GC).

7:32 EO, Robert Torchia, 0 Summit Pointe, stormwater pipe installed in a vernal pool  
Mr. Robert Torchia (Habitech Development), and Mr. George Connors (Representative-Engineer/ Lawyer) were present for the discussion.
Mr. Crouch read the EO that was issued, which required the pipe (leading from the basin at Summit Pointe and draining to a vernal pool) to be capped. The pipe was capped, but water is still spilling into the vernal pool. Algae formed on the surface of the water within the pool, but the water that was coming into the pool was silty. Mr. Crouch stated that the Commission did issue an OOC (95-650) in 2003 for a clay underdrain to be installed from the basin. Mr. Crouch said that the pipe was not a violation, but the recently replacement of the pipe with a plastic pipe was the violation. Mr. Crouch said that the approval did not allow discharge of silty water.

Mr. Crouch further explained that at a site visit on Wednesday, April 22, 2020, the Commission had asked for the pipe to be removed. [Note that that Mr. Crouch, Mr. Hakansson, Mr. Toledo, Mr. Ryan Clapp (Holliston Agent), Becky Weisman (Holliston Conservation Commission), Mr. Connors, Mr. Torchia, Ms. MaryAnn De Pinto (Wetland Scientist Three Oaks Environmental), and the Agent were present at that site visit.] Mr. Crouch said that he found wood frog egg masses covered in silt. Mr. Connors stated that he believes that the developer is okay to block or remove the pipe, and that his concern was how to remove pipe without impacts from the basin. Mr. Connors explained the process and stated that working on the outside of the pipe could cause the basin to fail. Mr. Crouch suggested... Mr. Connors agreed. Mr. Crouch stated that it is up to Mr. Connors to decide how the situation is to be fixed. The Commission discussed timeframes.

Mr. Moulton stated that he recalled a conversation from the past OOC (95-650). Mr. Moulton explained that at that time, the Commission was concerned of starving the vernal pool of water. Mr. Connors stated that he vaguely recalled that conversation. Mr. Connors spoke about the work for the drainage pipe. Mr. Connors suggested two phases for the work. Mr. Crouch said that the Commission will issue an EO and will ratify it. Mr. Connors stated that they would prefer an agreement from the Commission. Mr. Connors said that he has worked with the developer since they first took over the project. Mr. Connors said that they are good contractors. Mr. Crouch said that the EO would give permission to do the work, without having to file a NOI. Mr. Crouch further explained that it is the quickest and easiest way to have the work done.

Mr. Connors said that he believes that the silt is windblown from the site. Mr. Crouch said that the Commission believes it is silty water from the basin. Mr. Crouch said that we need to work on the discharge to be removed. Mr. Connors said that he cannot say that he has seen silty water before. Mr. Connors explained that the some trees on the site were blown down last year. Mr. Crouch reiterated silty water. Mr. Connors said he still believes it is wind-blown silt. Mr. Crouch said that he thinks that the basin is the source of the silt from the recent work.

Mr. Narayana revisited timeframes and the phases of the work. Mr. Narayana asked if he was planning on working in the summer, and suggested that between now and then, there could be different drainage patterns, and said that there is a risk of hydrostatic pressure building up against the inlet pipe if it is blocked. Mr. Connors said that the distance between the bottom of the berm to the pipe is quite substantial. Mr. Connors said that he did not see that it will be that much. Mr. Connors said that it was the best thing to do and that it is almost May when groundwater will be lower. Mr. Connors said that he has experience with dewatering and
suggested two phases, which consists of plugging the pipe on the outside, now, and then
plugging the pipe on the inside during the summer.

Mr. Narayana said that he was concerned with heavy rains. Ms. Van Lancker said that the
Commission can add a requirement to inspect after a storm. Mr. Crouch said that the concern
is timing. Mr. Narayana asked about other outlets. Mr. Connors said that there are other
outlets there. Mr. Wands asked about the function of the underdrain. Mr. Connors said that it
was to feed the vernal pool with water. Mr. Connors said that the location where the
developer will excavate is a foot or so below the current grade. Mr. Connors said that he does
not envision a lot of pressure building up. Mr. Connors said that it comes into the basin with a
1 ½’ of cover. It goes almost to the other side of the basin. Mr. Connors said that he does not
see much hydro static pressure in the pools [basins] at all.

Mr. Hakansson asked why the four inch pipe to the vernal pool was replaced. Mr. Connors
said that his guess was that it was broken somehow. Mr. Connors said that pavement along the
roadway began in September 2006. Mr. Connors said that the basins were converted from
temporary sediment basins to permanent basins and the pipe probably got damaged then. Mr.
Hakansson said that to Mr. Narayana’s point, the Commission had been involved with Warren
Woods (the property effected by the drainage) since 2009, and that the Commission had never
seen that much water on the site. Mr. Hakansson said that the pipe probably had been damaged
for a while, and he said that he thinks that it would be okay to start work in May. Mr.
Hakansson said that his suggestion is on the merit of what he has seen, and that he is not an
engineer. Mr. Connors said that when the pipe was replaced it worked better than before.

Mr. Toledo asked if there would be enough water for the vernal pool next year. Mr. Crouch
said that he does not have an answer for Mr. Toledo’s question without looking at the plans.
Mr. Wands said that he thinks that it is fed by groundwater at the southern tip of the pool. Mr.
Wands said that the water coming out of the vernal pool was more than the water coming into
the pool from the pipe; water coming in does not match the water coming out of the pool. Mr.
Hakansson said that he thinks that Mr. Wands is right, and explained that Summit Pointe used
to be a pear orchard.

Mr. Crouch said that the Commission will get the EO out to George. Mr. Connors asked about
the fine. The Agent explained that when she issued the EO and the fine, she did not know
about the previous OOC (95-650). She said that when Mr. Connors told her the DEP File
Number she looked at the permit tracking sheet. The Agent said that it was filed with an
address of 10 Highland Street. [Highland Street is in Holliston and then it is Chestnut Street in
Ashland].

Mr. Hakansson said that there was no COC for the OOC, and that it was never requested given
his knowledge. New work was done last year. Mr. Hakansson asked if this triggers an RDA
or NOI. Mr. Connors mentioned the cement wall. Mr. Toledo asked why it was allowed. Mr.
Hakansson said that the Commission should be consistent, and that the only option is that it
should have been done by a RDA, because it had been 17 years since the OOC was issued.
Mr. Hakansson explained that the situation could be have been avoided if the Commission
received a filing ahead of time. Mr. Hakansson said that he appreciated that the Applicant has
been agreeable to work with the Commission. Mr. Crouch said that he agreed with that, and
that he is very concerned that the vernal pool was filled with silt. Mr. Torchia said he would be happy to clean that up. Mr. Hakansson asked the Commission on their thoughts of the OOC. The OOC is no longer valid and the EO overrides that process.

Mr. Narayana asked about the fee for the NOI filing. Mr. Connors said that it was not so much the fee but the timing that they were concerned with. Mr. Narayana said that the EO is a tool to get that done. Mr. Connors said that if the client is willing than he is okay with that.

Mr. Crouch said that it is clear to him that the silt is coming from the water, and not the wind. Mr. Crouch explained that it is his opinion that the work that was done without a permit, and it is worthy of a fine. Mr. Crouch said that the Commission appreciates that the Applicant blocked the pipe. Mr. Narayana said that he is okay with the fine. Mr. Moulton said that the Commission should keep the issued fine, and that the Commission could have required an NOI within the EO. Mr. Moulton said that requiring an after-the-fact NOI is typically a requirement within an EO, which would be more expensive. Mr. Hakansson said that is his point. Mr. Hakansson expressed that it must go through notification and process. Mr. Hakansson said that the Commission needs remediation.

Ms. Van Lancker asked who replaced the pipe. Mr. Torchia said that they did that, and they cleared the basins. The Commission asked if the basin was supposed to have vegetation in them. Mr. Connors explained that it was vegetated with cattails as the project was finalizing. The basins were converted from sediment basins to stormwater basins. Mr. Crouch said that the large size of the basins struck him as odd. Mr. Connors explained that the Town Engineer for Holliston required that, to keep runoff on the site.

Mr. Narayana made a motion to ratify the EO, but Mr. Connors called a point of order to have it amended. Mr. Connors and Mr. Crouch spoke to the need of a plan or a construction schedule. Mr. Crouch said that Mr. Connors could do a list of steps. Mr. Hakansson suggested to Mr. Crouch to open the discussion to the public. Mr. Crouch read the language of the EO. Mr. Connors asked if it can say plan or specs. Mr. Wands said that Mr. Crouch spoke to restoration, and asked for plantings within the No Disturb Zone. Mr. Toledo said that there is not much plantings between the basin and the pool. Mr. Wands said he has historical photographs that shows vegetation there. Mr. Crouch said that the Commission will have to come up with something. Mr. Narayana suggested adding language to the EO such as “appropriate restoration plans”. Mr. Crouch said that he was not sure if the Commission had the NDZ then. Mr. Connors said that it shows on the plans. Mr. Crouch asked how the Commission feels about allowing Mr. Connors to come up with a restoration plan. Mr. Hakansson asked about opening to the public.

Mr. Matthew Colleti (31 Summit Pointe, Holliston) said that his property contains the basin, and that he would agree that the neighbors do not have much to contribute to this discussion, but he is worried about long term effects. Mr. Colleti explained that it leaves six owners in limbo, as none of them know the future of those basins. Mr. Colleti addressed his notes from the discussion as follows:

- The pipe is on the north side of the basin, and is at the lowest point
- The pipe keeps getting a significant amount of flow
- The basin is deep today
- If the cap comes off of the pipe, he would be concerned of erosion to Warren Woods

Mr. Colleti further explained that he would be hard pressed to see that basin dry, but it does attract wildlife. Mr. Colleti further explained that if a homeowners association is formed for the neighborhood, he would be concerned of the structural integrity of that basin. Mr. Hakansson recommended that he needs to reach to Holliston. Mr. Hakansson spoke about the concern of the use of fertilizer. Mr. Colletti asked if he was concerned about runoff over plantings. Mr. Narayana said that Mr. Colletti makes a good point, and that the Commission should know who takes care of the basins. Mr. Crouch asked who holds the easement. Mr. Crouch said that whoever that is, the Commission will contact them if the Commission ever has to.

Mr. Narayana made a motion, seconded by Mr. Wands to issue an Amended EO. Motion passed. 7-0-0 (Roll call vote: CH, KN, GT, CVL, GW, WM, GC).

Mr. Wands said that the discussion was focused on the basins, but that there are cracks within the wall that need to be addressed. Mr. Crouch said that, that was a level spreader, and that is what it does. Mr. Wands explained that because of the crack, water is flowing down into Warren Woods. The Commission said that the water is supposed to cascade from the basin and the level spreader. Mr. Hakansson said that it needs to be leveled. Mr. Crouch said that it is supposed to be dispersed. Mr. Crouch said that Mr. Wands is right given the topography of the land.

Ms. Van Lancker asked who is responsible to repair the cracked wall. Mr. Connors said that he sent out an email earlier saying that Mr. Torchia was willing to fix the wall. Mr. Ryan Clapp (Holliston Conservation Agent) said that DPW broke the wall to alleviate flooding during a storm event when they had two weeks of rain. Mr. Connors said that he thinks that Mr. Clapp is correct. Ms. Van Lancker said that the Commission appreciates the fact that Mr. Torchia is willing to work with the Commission on this matter.

Mr. Clapp said thank you. Ms. Olivia Barksdale (Land Steward- Mass Audubon Society) said thank you from Mass Audubon Society.

8:45 Review 4/13/2020 Meeting Minutes.
The Commission reviewed the Meeting Minutes.

Mr. Narayana made a motion, seconded by Ms. Van Lancker, to accept the April 13, 2020, Meeting Minutes as amended. Motion passed 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW, WM, GC).

9:00 Other Business
The Agent said that the next meeting is on Monday, May 4, 2020, and that the Commission can look at the Standard Templates, and the SMP Checklist at that meeting. The Agent said that there are no hearings on that meeting, and she suggested doing a Land Stewardship meeting on that date. The Commission was okay with that. The Agent said that Mr. Toledo and herself will do an inspection at one of the CR properties at Ivy Lane on Thursday afternoon.
The Commission stated that some tree clearing occurred at Summit Pointe on an individual lot. The Agent said that she can send out a letter. Mr. Wands spoke about the breaks in the wall, and the Commission realized that they were speaking about different areas during the meeting. Ms. Van Lancker asked the Agent to speak to Mr. Torchia. Mr. Wands said that he has some photos. The Agent asked Mr. Wands to send those photos to her. Mr. Wands will do so, and said that there are at least two breaks on Lot 8.

9:03 Agent’s Announcements

The Agent said that she received a violation notice from someone walking the Riverwalk Trail. The Agent sent out a letter to the owner of 111-115 Pleasant Street, and did an inspection. The owner was replacing grass and top soil, but did not cut or remove anything from the site, or change the grades. The Agent said it turned out not to be a violation.

The Agent said that she will be on vacation from Memorial Day to June 5.

Mr. Crouch said that he will send the EO to the Agent.

9:38 Adjournment

Ms. Van Lancker made a motion to adjourn the meeting, seconded by Mr. Wands to adjourn the meeting. Motion passed 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW, WM, GC)

Documents Reviewed by the Conservation Commission on 4/27/2020

- Document entitled, Conservation Commission Agenda dated 4/27/2020
- Document entitled Meeting Minutes Ashland Conservation Commission dated 4/13/2020
- Document entitled, WPA Form 1: Request for Determination of Applicability for 274 Cordaville Road
- Document entitled, 274 Cordaville Road, dated 4/27/2020
- Plan entitled, Summit Pointe Wall Elevations