



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
April 27, 2020

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

11
12 **Meeting held by Zoom**
13 **Call to order: 7:04 P.M.**
14

15 **7:04 Introduction**

16 Mr. Crouch explained to attendees the etiquette of the Conservation Commission hearings.
17

18 **7:19 RDA, Rachael and Tyler Champagne, 274 Cordaville Road**

19 Mr. Tyler Champagne (Applicant/Owner) was present for the meeting.
20

21 The Agent explained that he had come in front of the Commission to discuss tree removal for
22 the purpose of installing solar panels. The Agent explained that tree removal will take place in
23 the 200 foot Riverfront Area, the BLSF, and 100 foot Buffer Zone. The Agent explained that
24 Mr. Champagne did not have access to a plot plan, so GIS was used for the application. The
25 Commission reviewed the graphic that was submitted with the application.
26

27 Mr. Champagne had explained that four trees are to be removed for the panels, but the arborist
28 had pointed out another tree that was a potential hazard. Mr. Crouch asked how the trees will
29 be removed. Mr. Champagne explained that the selected bidder has specialized equipment and
30 would avoid using heavy equipment. Mr. Crouch asked if the trees will be chipped. Mr.
31 Champagne explained that he asked the arborist to leave larger chunks for him (Mr.
32 Champagne) to use for firewood. Mr. Champagne further explained that he asked for the
33 chipping to take place away from the resource areas due to concerns with the Commission's
34 jurisdiction. Mr. Champagne also explained that the stumps will remain in place.
35

36 Mr. Narayana made a motion, seconded by Ms. Van Lancker to issue a Negative #3 DOA.
37 Motion passed. 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW, WM, GC).
38

39 **7:32 EO, Robert Torchia, 0 Summit Pointe, stormwater pipe installed in a vernal pool**

40 Mr. Robert Torchia (Habitech Development), and Mr. George Connors (Representative-
41 Engineer/ Lawyer) were present for the discussion.
42

43 Mr. Crouch read the EO that was issued, which required the pipe (leading from the basin at
44 Summit Pointe and draining to a vernal pool) to be capped. The pipe was capped, but water is
45 still spilling into the vernal pool. Algae formed on the surface of the water within the pool, but
46 the water that was coming into the pool was silty. Mr. Crouch stated that the Commission did
47 issue an OOC (95-650) in 2003 for a clay underdrain to be installed from the basin. Mr.
48 Crouch said that the pipe was not a violation, but the recently replacement of the pipe with a
49 plastic pipe was the violation. Mr. Crouch said that the approval did not allow discharge of
50 silty water.

51
52 Mr. Crouch further explained that at a site visit on Wednesday, April 22, 2020, the
53 Commission had asked for the pipe to be removed. [Note that that Mr. Crouch, Mr.
54 Hakansson, Mr. Toledo, Mr. Ryan Clapp (Holliston Agent), Becky Weisman (Holliston
55 Conservation Commission), Mr. Connors, Mr. Torchia, Ms. MaryAnn De Pinto (Wetland
56 Scientist Three Oaks Environmental), and the Agent were present at that site visit.]. Mr.
57 Crouch said that he found wood frog egg masses covered in silt. Mr. Connors stated that he
58 believes that the developer is okay to block or remove the pipe, and that his concern was how
59 to remove pipe without impacts from the basin. Mr. Connors explained the process and stated
60 that working on the outside of the pipe could cause the basin to fail. Mr. Crouch suggested....
61 Mr. Connors agreed. Mr. Crouch stated that it is up to Mr. Connors to decide how the situation
62 is to be fixed. The Commission discussed timeframes.

63
64 Mr. Moulton stated that he recalled a conversation from the past OOC (95-650). Mr. Moulton
65 explained that at that time, the Commission was concerned of starving the vernal pool of water.
66 Mr. Connors stated that he vaguely recalled that conversation. Mr. Connors spoke about the
67 work for the drainage pipe. Mr. Connors suggested two phases for the work. Mr. Crouch said
68 that the Commission will issue an EO and will ratify it. Mr. Connors stated that they would
69 prefer an agreement from the Commission. Mr. Connors said that he has worked with the
70 developer since they first took over the project. Mr. Connors said that they are good
71 contractors. Mr. Crouch said that the EO would give permission to do the work, without
72 having to file a NOI. Mr. Crouch further explained that it is the quickest and easiest way to
73 have the work done.

74
75 Mr. Connors said that he believes that the silt is windblown from the site. Mr. Crouch said that
76 the Commission believes it is silty water from the basin. Mr. Crouch said that we need to work
77 on the discharge to be removed. Mr. Connors said that he cannot say that he has seen silty
78 water before. Mr. Connors explained that the some trees on the site were blown down last
79 year. Mr. Crouch reiterated silty water. Mr. Connors said he still believes it is wind-blown
80 silt. Mr. Crouch said that he thinks that the basin is the source of the silt from the recent work.

81
82 Mr. Narayana revisited timeframes and the phases of the work. Mr. Narayana asked if he was
83 planning on working in the summer, and suggested that between now and then, there could be
84 different drainage patterns, and said that there is a risk of hydrostatic pressure building up
85 against the inlet pipe if it is blocked. Mr. Connors said that the distance between the bottom of
86 the berm to the pipe is quite substantial. Mr. Connors said that he did not see that it will be that
87 much. Mr. Connors said that it was the best thing to do and that it is almost May when
88 groundwater will be lower. Mr. Connors said that he has experience with dewatering and

89 suggested two phases, which consists of plugging the pipe on the outside, now, and then
90 plugging the pipe on the inside during the summer.
91

92 Mr. Narayana said that he was concerned with heavy rains. Ms. Van Lancker said that the
93 Commission can add a requirement to inspect after a storm. Mr. Crouch said that the concern
94 is timing. Mr. Narayana asked about other outlets. Mr. Connors said that there are other
95 outlets there. Mr. Wands asked about the function of the underdrain. Mr. Connors said that it
96 was to feed the vernal pool with water. Mr. Connors said that the location where the
97 developer will excavate is a foot or so below the current grade. Mr. Connors said that he does
98 not envision a lot of pressure building up. Mr. Connors said that it comes into the basin with a
99 1 ½' of cover. It goes almost to the other side of the basin. Mr. Connors said that he does not
100 see much hydro static pressure in the pools [basins] at all.
101

102 Mr. Hakansson asked why the four inch pipe to the vernal pool was replaced. Mr. Connors
103 said that his guess was that it was broken somehow. Mr. Connors said that pavement along the
104 roadway began in September 2006. Mr. Connors said that the basins were converted from
105 temporary sediment basins to permanent basins and the pipe probably got damaged then. Mr.
106 Hakansson said that to Mr. Narayana's point, the Commission had been involved with Warren
107 Woods (the property effected by the drainage) since 2009, and that the Commission had never
108 seen that much water on the site. Mr. Hakansson said that the pipe probably had been damaged
109 for a while, and he said that he thinks that it would be okay to start work in May. Mr.
110 Hakansson said that his suggestion is on the merit of what he has seen, and that he is not an
111 engineer. Mr. Connors said that when the pipe was replaced it worked better than before.
112

113 Mr. Toledo asked if there would be enough water for the vernal pool next year. Mr. Crouch
114 said that he does not have an answer for Mr. Toledo's question without looking at the plans.
115 Mr. Wands said that he thinks that it is fed by groundwater at the southern tip of the pool. Mr.
116 Wands said that the water coming out of the vernal pool was more than the water coming into
117 the pool from the pipe; water coming in does not match the water coming out of the pool. Mr.
118 Hakansson said that he thinks that Mr. Wands is right, and explained that Summit Pointe used
119 to be a pear orchard.
120

121 Mr. Crouch said that the Commission will get the EO out to George. Mr. Connors asked about
122 the fine. The Agent explained that when she issued the EO and the fine, she did not know
123 about the previous OOC (95-650). She said that when Mr. Connors told her the DEP File
124 Number she looked at the permit tracking sheet. The Agent said that it was filed with an
125 address of 10 Highland Street. [Highland Street is in Holliston and then it is Chestnut Street in
126 Ashland].
127

128 Mr. Hakansson said that there was no COC for the OOC, and that it was never requested given
129 his knowledge. New work was done last year. Mr. Hakansson asked if this triggers an RDA
130 or NOI. Mr. Connors mentioned the cement wall. Mr. Toledo asked why it was allowed. Mr.
131 Hakansson said that the Commission should be consistent, and that the only option is that it
132 should have been done by a RDA, because it had been 17 years since the OOC was issued.
133 Mr. Hakansson explained that the situation could be have been avoided if the Commission
134 received a filing ahead of time. Mr. Hakansson said that he appreciated that the Applicant has
135 been agreeable to work with the Commission. Mr. Crouch said that he agreed with that, and

136 that he is very concerned that the vernal pool was filled with silt. Mr. Torchia said he would be
137 happy to clean that up. Mr. Hakansson asked the Commission on their thoughts of the OOC.
138 The OOC is no longer valid and the EO overrides that process.

139
140 Mr. Narayana asked about the fee for the NOI filing. Mr. Connors said that it was not so much
141 the fee but the timing that they were concerned with. Mr. Narayana said that the EO is a tool
142 to get that done. Mr. Connors said that if the client is willing than he is okay with that.

143
144 Mr. Crouch said that it is clear to him that the silt is coming from the water, and not the wind.
145 Mr. Crouch explained that it is his opinion that the work that was done without a permit, and it
146 is worthy of a fine. Mr. Crouch said that the Commission appreciates that the Applicant
147 blocked the pipe. Mr. Narayana said that he is okay with the fine. Mr. Moulton said that the
148 Commission should keep the issued fine, and that the Commission could have required an NOI
149 within the EO. Mr. Moulton said that requiring an after-the-fact NOI is typically a requirement
150 within an EO, which would be more expensive. Mr. Hakansson said that is his point. Mr.
151 Hakansson said that decision that the Commission makes sets a precedent. Mr. Hakansson
152 expressed that it must go through notification and process. Mr. Hakansson said that the
153 Commission needs remediation.

154
155 Ms. Van Lancker asked who replaced the pipe. Mr. Torchia said that they did that, and they
156 cleared the basins. The Commission asked if the basin was supposed to have vegetation in
157 them. Mr. Connors explained that it was vegetated with cattails as the project was finalizing.
158 The basins were converted from sediment basins to stormwater basins. Mr. Crouch said that
159 the large size of the basins struck him as odd. Mr. Connors explained that the Town Engineer
160 for Holliston required that, to keep runoff on the site.

161
162 Mr. Narayana made a motion to ratify the EO, but Mr. Connors called a point of order to have
163 it amended. Mr. Connors and Mr. Crouch spoke to the need of a plan or a construction
164 schedule. Mr. Crouch said that Mr. Connors could do a list of steps. Mr. Hakansson suggested
165 to Mr. Crouch to open the discussion to the public. Mr. Crouch read the language of the EO.
166 Mr. Connors asked if it can say plan or specs. Mr. Wands said that Mr. Crouch spoke to
167 restoration, and asked for plantings within the No Disturb Zone. Mr. Toledo said that there is
168 not much plantings between the basin and the pool. Mr. Wands said he has historical
169 photographs that shows vegetation there. Mr. Crouch said that the Commission will have to
170 come up with something. Mr. Narayana suggested adding language to the EO such as
171 “appropriate restoration plans”. Mr. Crouch said that he was not sure if the Commission had
172 the NDZ then. Mr. Connors said that that it shows on the plans. Mr. Crouch asked how the
173 Commission feels about allowing Mr. Connors to come up with a restoration plan. Mr.
174 Hakansson asked about opening to the public.

175
176 Mr. Matthew Colleti (31 Summit Pointe, Holliston) said that his property contains the basin,
177 and that he would agree that the neighbors do not have much to contribute to this discussion,
178 but he is worried about long term effects. Mr. Colleti explained that it leaves six owners in
179 limbo, as none of them know the future of those basins. Mr. Colletti addressed his notes from
180 the discussion as follows:

- 181 • The pipe is on the north side of the basin, and is at the lowest point
- 182 • The pipe keeps getting a significant amount of flow

- 183 • The basin is deep today
184 • If the cap comes off of the pipe, he would be concerned of erosion to Warren Woods
185

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

195
196 Mr. Narayana made a motion, seconded by Mr. Wands to issue an Amended EO. Motion
197 passed. 7-0-0 (Roll call vote: CH, KN, GT, CVL, GW, WM, GC).

198
199 Mr. Wands said that the discussion was focused on the basins, but that there are cracks within
200 the wall that need to be addressed. Mr. Crouch said that, that was a level spreader, and that is
201 what it does. Mr. Wands explained that because of the crack, water is flowing down into
202 Warren Woods. The Commission said that the water is supposed to cascade from the basin and
203 the level spreader. Mr. Hakansson said that it needs to be leveled. Mr. Crouch said that it is
204 supposed to be dispersed. Mr. Crouch said that Mr. Wands is right given the topography of the
205 land.

206
207 Ms. Van Lancker asked who is responsible to repair the cracked wall. Mr. Connors said that
208 he sent out an email earlier saying that Mr. Torchia was willing to fix the wall. Mr. Ryan
209 Clapp (Holliston Conservation Agent) said that DPW broke the wall to alleviate flooding
210 during a storm event when they had two weeks of rain. Mr. Connors said that he thinks that
211 Mr. Clapp is correct. Ms. Van Lancker said that the Commission appreciates the fact that Mr.
212 Torchia is willing to work with the Commission on this matter.

213
214 Mr. Clapp said thank you. Ms. Olivia Barksdale (Land Steward- Mass Audubon Society) said
215 thank you from Mass Audubon Society.

216
217 **8:45 Review 4/13/2020 Meeting Minutes.**

218 The Commission reviewed the Meeting Minutes.

219
220 Mr. Narayana made a motion, seconded by Ms. Van Lancker, to accept the April 13, 2020,
221 Meeting Minutes as amended. Motion passed 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW,
222 WM, GC).

223
224 **9:00 Other Business**

225 The Agent said that the next meeting is on Monday, May 4, 2020, and that the Commission can
226 look at the Standard Templates, and the SMP Checklist at that meeting. The Agent said that
227 there are no hearings on that meeting, and she suggested doing a Land Stewardship meeting on
228 that date. The Commission was okay with that. The Agent said that Mr. Toledo and herself
229 will do an inspection at one of the CR properties at Ivy Lane on Thursday afternoon.

230
231 The Commission stated that some tree clearing occurred at Summit Pointe on an individual lot.
232 The Agent said that she can send out a letter. Mr. Wands spoke about the breaks in the wall,
233 and the Commission realized that they were speaking about different areas during the meeting.
234 Ms. Van Lancker asked the Agent to speak to Mr. Torchia. Mr. Wands said that he has some
235 photos. The Agent asked Mr. Wands to send those photos to her. Mr. Wands will do so, and
236 said that there are at least two breaks on Lot 8.

237
238 **9:03 Agent's Announcements**

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

243
244 The Agent said that she will be on vacation from Memorial Day to June 5.

245
246 Mr. Crouch said that he will send the EO to the Agent.

247
248 **9:38 Adjournment**

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

251
252 **Documents Reviewed by the Conservation Commission on 4/ 27 / 2020**

- 253 • Document entitled, *Conservation Commission Agenda* dated 4/ 27 /2020
- 254 • Document entitled *Meeting Minutes Ashland Conservation Commission* dated
255 4/13/2020
- 256 • Document entitled, *WPA Form 1: Request for Determination of Applicability* for 274
257 Cordaville Road
- 258 • Document entitled, *274 Cordaville Road*, dated 4 / 27/ 2020
- 259 • Plan entitled, *Summit Pointe Wall Elevations*