



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
May 7, 2018

1  
2 Present: Gene Crouch (Chair)  
3 William Moulton (Vice Chair)  
4 Carl Hakansson  
5 K.G. Narayana (entered at 7:13 p.m.)  
6 Cathy Van Lancker  
7 Greg Wands  
8  
9 Maeghan Dos Anjos (Agent)

10  
11 Absent: Jeff Lingham  
12  
13

14 **Call to order: 7:08 P.M.**

15  
16 **7:08 Review of the April 30, 2018, Meeting Minutes**

17 Mr. Hakansson made a motion, seconded by Ms. Van Lancker to accept the April 30, 2018,  
18 Meeting Minutes as amended. Motion passed 5-0-0.  
19

20 **7:13 Emergency Certification for culvert replacement along Oak Street**

21 The Agent stated that a culvert within Oak Street collapsed and needed to be replaced. The  
22 Agent stated that she issued an Emergency Certification with the condition of monitoring the  
23 bank.  
24

25 Mr. Moulton made a motion, seconded by Ms. Van Lancker, to ratify the Emergency  
26 Certification. Motion passed 5-0-0.  
27

28 **7:16 NOI, Martel HVAC, 54-58 Union Street, after-the-fact permit for parking lot  
29 enhancement**

30 Mr. Tim Martel (Owner), and Mr. Vito Colonna (Representative- Connorstone Inc.) were  
31 present for the hearing. Mr. Colonna stated that the parking lot was repaved, and that an  
32 Enforcement Order required that this NOI be submitted. Mr. Colonna stated that work took  
33 place within the Riverfront Area of the Sudbury River, and within portions of the floodplain.  
34

35 Mr. Colonna also spoke about some of the comments for the pre-hearing site visit from the  
36 Agent. Mr. Colonna state that the Mean Annual High Water Line and the bank are the same.  
37 He also stated that he looked at the receipts and invoices for the paving work, and that the  
38 material was pulled out and then repaved. Mr. Colonna stated that considering this, he  
39 believed that there were no concerns for removal of storage areas within the flood plain. Mr.  
40 Martel stated that the two catch basins in the property will be cleaned out. The Agent  
41 mentioned a trash dumpster at the corner of the lot which invites trash into the River. The  
42 Agent asked for the trash to be regularly cleaned, or for the dumpster to be relocated.

43 Mr. Crouch asked why the lot was repaved. Mr. Martel stated that it was because the  
44 pavement was in disrepair.  
45

46 Mr. Crouch stated that there was a permit (95-746) issued on that property and part of the  
47 paving or the parking lot was within a mitigation area. Mr. Martel stated that he did not want  
48 to spend money to remove pavement, and that he would rather plant trees or do something else.  
49 Mr. Colonna asked about infiltration and storage as mitigation rather than removing pavement.  
50 The Commission stated that wildlife habitat measures should be taken into consideration.  
51

52 The Commission stated that the Commission is a volunteer committee, and is doing what it is  
53 sworn to do. Mr. Hakansson asked why he sent staff instead of himself during the meetings  
54 when the enforcement order was issued. The Commission asked the Agent to confirm the  
55 mitigation area with the older file first. The Commission also stated that he agreed with Mr.  
56 Vito Colonna and would like him to look into a different way to enhance the site. The  
57 Commission stated that the site has been in place for quite some time (pre Wetlands Protection  
58 Act). Mr. Hakansson also stated that a contractor should have known to file a permit when he  
59 or she saw the Sudbury River.  
60

61 Mr. Moulton stated that he is willing to entertain looking at other mitigation methods to offset  
62 the work.  
63

64 Mr. Moulton made a motion, seconded by Mr. Narayana, to continue the hearing to June 11,  
65 2018. Motion passed 6-0-0.  
66

67 Mr. Crouch stated that the Conservation Agent will look into the previous filing. Mr. Crouch  
68 explained that he understands that the owner received a permit from DPW to do the paving, but  
69 it has no bearing on his decision.  
70

71 **7:55 Discussion, LEC Environmental Consultants, Inc. 15 & 16 Union Street,**  
72 **permitting guidance**

73 Richard Kirby (Representative- Wetland Scientist at LEC Environmental) and Bob Poxon  
74 (Project Manager- G&H) were present for the meeting. Mr. Kirby stated that FRE Building  
75 is looking to redevelop the site and that he is looking for direction from the Commission as to  
76 the permitting requirements and jurisdictional areas on site.  
77

78 Mr. Kirby stated that there was a previous filing in 1995 by Hera Development for grading  
79 work. He stated that the plans showed two wetland systems. Mr. Kirby referenced one of the  
80 statements in the documents that the wetland scientist submitted at the time stating that the site  
81 had been historically altered.  
82

83 Mr. Kirby also mentioned a 1998 drainage plan which shows some grading, a drainage ditch,  
84 manholes, and a monitoring well. Mr. Kirby stated that the site had been excavated and it's  
85 been 20 years since work has last been done. He also mentioned a COC that was issued in  
86 2001. Mr. Kirby asked if the Commission would view a third area as a wetland now that it has  
87 grown in with some wetland vegetation.  
88

89 Mr. Kirby suggested a site walk. The Commission agreed and scheduled the site walk for  
90 Sunday, May 20, at 10:30 a.m.

91  
92 **8:17 Request for Extension, 95-859, Swift Construction, Lot 2 Oregon Road, single**  
93 **family home**

94 Mr. Robert Porter (Applicant) was present for the discussion. The Agent stated that Mr. Porter  
95 contacted the office when he did not hear back from a request for an extension permit that he  
96 submitted in January. The Agent stated that she could not find a copy of the request in the  
97 office, and had recommended that he submit a copy of the letter for the discussion tonight. The  
98 Agent also stated that the Order of Conditions is now expired.

99  
100 The Commission asked why construction never began. Mr. Porter explained why the work did  
101 not happen. The Commission did not have concerns for this request for an extension permit.

102  
103 Ms. Van Lancker made motion, seconded by Mr. Narayana, to issue an extension for two  
104 years. Motion passed 6-0-0.

105  
106 **8:31 Executive Session pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider litigation**  
107 **strategies in the matter of D. Zani First 2009 Realty Trust v. Town of Ashland et.**  
108 **al. Civil Action No. 1681 CV 01770 the public discussion of which will have a detrimental**  
109 **impact on the litigation position of the Board.**

110 Ms. Van Lancker made a motion seconded by Mr. Narayana, to enter into Executive Session  
111 pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider litigation strategies in the matter of D.  
112 Zani First 2009 Realty Trust v. Town of Ashland et. al. Civil Action No. 1681 CV 01770 the  
113 public discussion of which will have a detrimental impact on the litigation position of the  
114 Board, and to enter back into open session upon the conclusion of Executive Session. Roll  
115 Call Vote (Carl Hakansson, Gregory Wands, K.G. Narayana, Cathy Van Lancker, William  
116 Moulton, Gene Crouch). Motion passed 6-0-0.

117  
118 **8:43 The Commission returned from Executive Session**

119  
120 **8:43 Discussion, Legacy Farms, discharge from detention basin**

121 Mr. Crouch stated that flow came out of the detention basin from the Legacy Farms Site in  
122 Hopkinton, and that the area up gradient of the basin is not stabilized. Mr. Crouch stated that  
123 water getting into the basin is silty. He further explained that there is a flow path through the  
124 woods in back of the basin that leads to the back yard of Ashland abutters and into the nearby  
125 wetland.

126  
127 Mr. Moulton stated that there is no silt in the existing wetland, but flow was obvious given the  
128 path in the woods.

129  
130 Mr. Crouch recused himself stating that his company had done work for Pulte Homes  
131 (developer for Legacy Farms) in the past.

132  
133 The Commission stated that there are three pipes from the basin and that the new concentrated  
134 flow needs to be dispersed with a level spreader.

135

136 The Agent stated that the Commission owns property behind Legacy Farms and that a site visit  
137 was arranged with the developer for next week.  
138

139 **9:00 Farmer’s Market: Table for Con Comm sign-up**

140 Mr. Crouch stated that he received an e-mail from Ms. Yolanda Greaves asking for committees  
141 and boards to sign-up for up for a table at the Farmer’s Market dates through the spring and  
142 summer months.  
143

144 The Commission signed up for August 18, 2018. The Chair will correspond with Ms. Greaves.  
145

146 **9:12 Conservation Land Inventory—Open Space Tracking Sheet**

147 The Agent stated that the volunteers from FSU and herself worked on a tracking sheet that  
148 outlines all of the properties dedicated for open space and recreational purposes. The Agent  
149 asked about a property that was referred to as the Altavesta School in a previous Capital Plan.  
150 The Agent asked the Commission to take the list home and review it.  
151

152 **9:17 Member Prerogative**

153 Mr. Hakansson summarized the Annual Town Meeting as it relates to the Valentine Estate  
154 property. Mr. Crouch stated that he may not be able to attend the upcoming meeting regarding  
155 Article 17 (drainage and road acceptance of Hillcrest Estates).  
156

157 **Documents Reviewed by the Conservation Commission on 4/30/2018**

- 158 • Conservation Commission Agenda 05-07-2018
- 159 • Conservation Commission Meeting Minutes 04-30-2018
- 160 • Emergency Certification for culvert replacement at Oak Street
- 161 • NOI application for Martel HVAC, 54-58 Union Street
- 162 • Plans entitled, “*Existing Conditions of 58 Union Street*” dated January 12, 2018
- 163 • Letter entitled, “*Informal Discussion Request, ‘Clocktown Plaza’ 1 East Union Street*  
164 *and 12 & 16 Union Street Ashland, Massachusetts*” dated April 18, 2018.
- 165 • Letter entitled, “*Extension of Notice of Intent 1 Vine Street (Oregon Road)*”, dated  
166 January 18, 2018
- 167 • Document, “*Open Space Community Sheet*”  
168

169 **9:24 Adjournment**

170 Mr. Narayana made a motion, seconded by Ms. Van Lancker to adjourn the meeting.  
171 Motion passed 6-0-0.