



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
May 24, 2021

1
2 Present: Gene Crouch (Chair)
3 William Moulton (Vice Chair)
4 Cathy Van Lancker
5 Carl Hakansson (left at 9:28 p.m.)
6 K.G. Narayana
7 Greg Wands
8 Gabriel Toledo
9
10 Maeghan Dos Anjos (Agent)

11
12 **Meeting held by Zoom**

13
14 **Call to order: 7:38 P.M.**

15
16 **7:38 Mr. Crouch reviewed the protocol for the meeting**

17
18 **7:42 RDA, Todd Lewis, 11 Grover Road, above ground pool, and rebuild deck on**
19 **existing footings**

20 Mr. Todd Lewis (Applicant/Owner) was present for the meeting.

21
22 Mr. Lewis presented his project, and stated that the existing footings will be used to rebuild the
23 deck to reach the proposed above-ground pool. Mr. Lewis stated that the property slopes
24 down and he will need to scrape down to a foot for the footings. Mr. Lewis explained that the
25 fill will then be used to create a flat surface toward the rear of the pool.

26
27 Mr. Crouch asked when his house was built. Mr. Lewis said that it was built in 1985 or 1986.
28 Mr. Crouch said that the existing fence was installed off the limits of his property.

29
30 Mr. Lewis also spoke to the proposed shed and that it will meet setback requirements [from the
31 25' No Disturb Zone].

32
33 Mr. Moulton asked if the existing area is all grass. Mr. Lewis confirmed that it was.

34
35 Mr. Lewis stated that the pool will be 16' x 32'. Mr. Crouch said that Mr. Lewis will need to
36 grade out the fill toward the rear section of the proposed pool, or that he will need a retaining
37 wall. Mr. Lewis opted to grade out the fill.

38
39 Mr. Narayana asked about the setbacks for the well from the pool and if any chemicals will be
40 used in the pool. Mr. Lewis said that he will be using a salt filter.

41

42 The Agent stated that he has a septic system in the front yard and that the Board of Health told
43 the Agent to inform Mr. Lewis that he cannot drive over the septic system. Mr. Lewis
44 acknowledged this.

45
46 The Commission reviewed the plans with the erosion control barrier (ECB) and discussed
47 various types that he could use.

48
49 The Commission asked who will be doing the work. Mr. Lewis stated that a contractor will do
50 the deck, and a friend will do the grading.

51
52 Ms. Van Lancker made a motion, seconded by Mr. Wands to issue a Negative DOA #3.
53 Motion passed 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW, WM, GC).

54
55 **8:04 NOI, Ryan Mulcunry, 56 Hardwick Road, after-the-fact NOI for vegetative**
56 **clearing**

57 Mr. Ryan Mulcunry (Applicant/Owner) was present for the hearing.

58
59 Mr. Mulcunry explained that he was cutting and removing invasive plants and “pricker bushes”
60 in an attempt to clear it out. Mr. Mulcunry said that he was not going to plant grass, but was
61 hoping to plant some native species in the area that he cleared. Mr. Crouch said that he can see
62 a lot of bittersweet there. Mr. Mulcunry clarified that he was clearing the area for his dog.

63
64 Mr. Crouch asked if he would like to clear further. Mr. Mulcunry said that he wants to take
65 control over the bittersweet, and that it is a lot of manual labor. Mr. Mulcunry said that he will
66 not be able to do this in three years, and when he does, he will come back before the
67 Commission. Mr. Crouch said that he does not have a problem with the Applicant removing
68 bittersweet.

69
70 Mr. Hakansson said that he and the Agent had a discussion about removing invasive plants
71 from the wetlands and what the advantage or disadvantage is of that, and how to apply the laws
72 on these projects. Mr. Hakansson said that he would like to revisit this discussion toward the
73 end of the meeting.

74
75 Mr. Crouch said that the Commission likes to see invasive plants reduced. Mr. Hakansson said
76 that the Applicant wants to maintain the area. Mr. Wands asked about the proposed plantings.
77 Mr. Mulcunry said that they want to plant trees in the spring.

78
79 Mr. Crouch advised Mr. Mulcunry to cut and treat the stems of the bittersweet. Mr. Crouch
80 also recommend adding food dye to the herbicide so he will know which stems he has treated
81 and which ones he has not.

82
83 The Agent said a file number has not been issued by the DEP and recommended that the
84 Applicant get native planting recommendations from a botanist. Mr. Crouch said that the
85 Applicant may want to plant shrubs to create more interest.

86
87 Mr. Narayana, made a motion, second by Mr. Toledo to continue the hearing to June 14, 2021.
88 Motion passed 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW, WM, GC).

89

90 **8:29 Violation, Peter Bemis, Legacy Farms, Hopkinton, sediment migration into the**
91 **Hopkinton Reservoir (continued from 5/10/2021)**

92 Mr. Peter Bemis (engineer) was present for the discussion.

93

94 Mr. Crouch provided a summary of the violation, and the Commission's site visit, which was
95 held on Saturday, May 15, 2021. The Agent said that she is still awaiting to hear back from the
96 Department of Public Works about the impacts to the wells and the reservoir. The Agent said
97 she would like to invite Jeff Fournier [Woodard and Currant/ Plant Operator for DPW] to the
98 next meeting, to display any graphics or charts.

99

100 Mr. Crouch said that they are getting more color in the water. Mr. Hakansson said that may be,
101 but there is no direct evidence that this negatively impacted the operation of the water
102 treatment facility. Mr. Crouch said that this event didn't cause that, but since the development
103 has gone up, they noticed a change in the color of the water. Mr. Hakansson said that is not
104 surprising, but that is not what is before the Commission. Mr. Crouch said he asked the
105 question to Mr. Fournier at the site visit and he said that this event didn't have a negative
106 impact. The Commission said that he needs to measure a cause and effect to the treatment
107 facility somehow.

108

109 Mr. Crouch explained that the color is usually from tannic acid which leaches out of leaves and
110 things, and that they have to treat that. Mr. Crouch said that the color change did not appear to
111 be Total Suspended Solids. Mr. Toledo said that it cannot hurt to see what he has to say. Mr.
112 Crouch agreed.

113

114 The Commission discussed the issuance of an Enforcement Order (EO). Mr. Couch said that
115 the Commission should decide the next step. Mr. Hakansson said that his opinion is that this
116 was an unanticipated situation that was identified immediately and seemingly remedied. The
117 Agent said that an EO should be issued to document the situation. Mr. Moulton asked if the
118 Hopkinton Conservation Commission issued an EO. Mr. Bemis said that the Hopkinton
119 Conservation Commission did issue an EO and fines. The Agent recommended an EO be
120 issued to document what happened. Mr. Moulton agreed.

121

122 Ms. Van Lancker made a motion, seconded by Mr. Narayana to issue an EO. Motion passed.
123 6-1-0 (Roll Call Vote in favor: KN, GT, CVL, GW, WM, GC. Against: Mr. Hakansson).

124

125 **8:50 Request for COC, 95-684, Richard Terrill, Chestnut Street, Queen Isabella, and**
126 **Avenue of the Americas, Village of the Americas**

127 Ms. Angela Conforti (Attorney- Representative) was present for the discussion.

128

129 The Agent provided an overview of the file and the site walk. The Agent said that the site
130 walk was held today (5/24/2021), and she had asked for the following items:

131

- 132 • Revised As-built plans with a smaller scale. The plans that were sent were illegible.
- 133 • The rain garden, and the replication area needs to be added to the as-built plans.
- 134 • The Agent stated that there was only one replication area monitoring report in the file,
135 and there was sentence about a concern for the soil in the replication area. The Agent
said that she asked for a second report, but that the OOC is expired. The Agent stated

136 that she was not sure of the Commission's ability to ask for that report. The Agent said
137 that at the same time, the Commission would like to ensure that the replication area is
138 functioning normally.

- 139 • Two statements need to be recorded on the deed.
- 140 • The detention basin needs maintenance. The Agent said that during the site walk, the
141 engineer Bob Poxon [Guerriere and Halnon, Inc.] had recommended that the slopes of
142 the basin be maintained (remove trees and mow the area).

143
144 Mr. Crouch said that there was an issue with the outfall, and the outlet was increased. The
145 Agent said she can look into the files. Ms. Conforti said that she will look into her files as
146 well. Mr. Crouch asked about the revised as-built plans and monitoring report that was
147 submitted. The Commission reviewed the monitoring report. Mr. Crouch said that he would
148 like to see a second monitoring report. Mr. Crouch said that they need to submit the revised
149 as-built plans, and that he would like to see confirmation of the resizing of the outlet.

150
151 Mr. Crouch asked the Agent to send the approved plans and as-built plans to him. Mr.
152 Hakansson mentioned confirmation on the work on the basin. Mr. Crouch asked if the OOC
153 was issued for the whole development. The Agent said it was unclear from looking in the file.
154 It looked like it was for a particular phase. Ms. Conforti said that she was confused by that too
155 and she was looking at the original order and it references lots on a plan set that she does not
156 have. Ms. Conforti stated that the Amended OOC references building numbers. The Agent
157 said that she could find the amended OOC file and plans, but not the original NOI and OOC.

158
159 Mr. Hakansson asked if the Commission ever issued a COC. Ms. Van Lancker, Mr. Moulton
160 and Mr. Crouch said that they do not think so. Mr. Moulton asked for an additional report on
161 the wetland replication area, revised as-built plans, and anything on the detention basin. Mr.
162 Crouch asked the Agent to look through the files.

163
164 **9:11 Member Prerogative**

165 Mr. Hakansson spoke about nonprofits being charged a stormwater utility fee, and that this
166 does not create an incentive for conservation groups if they will be punished.

167
168 Mr. Hakansson also mentioned that homeowners currently need to file a NOI to remedy
169 invasive plants on their properties, and that the response from the homeowners is that they do
170 not want to file. Mr. Hakansson said that there needs to be a middle ground and that the
171 Commission should work on a policy.

172
173 **9:29 Review Meeting Minutes 4/26/2021**

174 The Commission reviewed the draft Meeting Minutes.

175
176 Ms. Van Lancker, made a motion, seconded by Mr. Wands to approve the minutes as amended.
177 Motion passed. 5-0-1. (Roll call vote: GT, GW, CVL, WM, GC). Mr. Narayana abstained.

178
179 **8:09 Review Meeting Minutes 5/10/2021**

180 The Commission reviewed the draft Meeting Minutes.

181

182 Mr. Narayana, made a motion, seconded by Mr. Toledo to approve the minutes as amended.
183 Motion passed. 6-0-0. (Roll call vote: KN, GT, GW, CVL, WM, GC).

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185 **9:55 Member Prerogative**

186 Ms. Van Lancker said that CPC has voted to allocate \$125,000 to fix the barn at the Valentine
187 Property.

188

189 **9:58 Agent's Announcements**

190 The Agent discussed a minor plan change proposed at the Public Safety Building. The Agent
191 said that test pits were performed in the proposed infiltration system. The results revealed that
192 the bottom of the infiltration system needs to be slightly raised to meet the two feet of
193 separation from groundwater to the bottom of the infiltration system.

194

195 Mr. Narayana made a motion, seconded by Mr. Toledo to accept the minor plan change.
196 Motion passed 5-0-1. (Roll call vote: KN, GT, GW, CVL, GC). Mr. Moulton abstained.

197

198 The Agent mentioned that while attending the DEP Appeal walk at 9 Pennock Road, they
199 noted that a tree was being cut down at 17 Hardwick Road. The Agent said that she has not
200 heard from 11 Metcalf Avenue. Mr. Crouch asked for the Agent to drive by and see if he still
201 working on his house.

202

203 The Agent gave an overview of the DEP site walk at 9 Pennock Road.

204

205 **10:05 Meeting Adjournment**

206 A motion was made by Mr. Narayana, and seconded Ms. Van Lancker to adjourn the meeting.
207 Motion passed 6-0-0. (Roll call vote: KN, GT, GW, CVL, WM, GC).

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209 **Documents Reviewed by the Conservation Commission on 5/ 24 / 2021**

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- Document entitled, *Agenda* dated 5/24 /2021
- Document entitled, *Meeting Minutes*, dated 4/ 26 /2021
- Document entitled, *Meeting Minutes*, dated 5/ 10 /2021
- Plans entitled, *Certified Plot Plan of Land*, dated 5/ 6 /2021 (for 11 Grover Road)
- Plans entitled, *56 Hardwick Road*, and dated 9/ 14 /2020
- Document entitled, *Status Report- Wetland Replication Area, Village of the Americas, Chestnut Street, Ashland, MA. DEP #95-648* [Note: File Number is 95-684], dated 10/4/2011

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