



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
June 22, 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 (entered at 7:15)
8
9
10 Maeghan Dos Anjos (Agent)
11
12 Absent: Gabriel Toledo
13

14 **Meeting held by Zoom**
15 **Call to order: 7:01 P.M.**
16

17 **7:03 NOI/SMP, 95-941, Megunko-Cherry Realty Trust, 107-111 Cherry Street, parking**
18 **lot improvements (continued from 6/8/20)**

19 Ms. Regan Harrold (Representative) was present for the hearing.
20

21 Ms. Harrold reviewed the comments from the Commission that were discussed on May 18,
22 2020. Ms. Harrold explained that porous materials were looked at, but that it was not feasible
23 on the site given the large cost, the small lot, and the level of disturbance is greater than what is
24 currently proposed. The level of disturbance would cause concern for the drainage pattern and
25 for the wetlands on site. Ms. Harrold said that the other issue is maintenance as it needs to be
26 vacuumed out at least once a year.
27

28 Ms. Harrold said that an Operations and Maintenance Plan was developed to outline the
29 owner's responsibilities. Ms. Harrold stated that the current catch basin does not have a deep
30 sump or a hood, and that it will need to be cleaned four times each year. The Commission
31 asked about the standard timeframe to clean catch basins. The Agent stated that according to
32 MS4 permit, the Town needs to clean the catch basins when they are 50% filled. Ms. Harrold
33 said that the plans were revised to show wetland plans and reduce potential work within the No
34 Disturb Zone (NDZ). Ms. Harrold said that she also forwarded a memo that described the
35 Stormwater Management Standards, and that it includes snow storage information as well.
36

37 Mr. Narayana and Ms. Van Lancker asked about snow storage on the plans and if a condition
38 should be added for a sign that prohibits snow storage within protected areas. Ms. Harrold
39 asked the Commission if they would like to see a designated area on the plans. Ms. Van
40 Lancker stated that it makes sense to reduce the pavement. Mr. Crouch said that he would like
41 to see more of a reduction within the NDZ. Mr. Crouch stated that it is not a requirement to
42 show snow storage on the plans, but that he would like to see it shown on the plans. Mr.

43 Crouch agreed with Ms. Van Lancker’s comment to keep work out of the NDZ. Mr. Crouch
44 said he agrees with Ms. Harrold’s comment on the use of porous material on the site.

45
46 Mr. Crouch asked about the invert of the pipe. Ms. Harrold responded, and said that the sump
47 is about a foot deep. Mr. Crouch said that the basin shall be cleaned whenever it is filled with
48 six inches of sediment.

49
50 Mr. Narayana asked how do we [the Commission] inspect it, and how do we know that it is
51 being done. Mr. Crouch said that the Commission can ask for a copy of the records so that the
52 Commission can see what is happening.

53
54 Mr. Hakansson requested that signs be placed on site restricting snow storage. Mr. Crouch
55 asked where the current snow storage on site is. Ms. Harrold said that no snow storage is
56 proposed in the work area, and that it would be toward the west. Mr. Crouch said that it should
57 be marked on the plan and referenced in the narrative. The Commission discussed three
58 locations for the signs: one at diaphragm area, one at the southern edge of the site, and one at
59 the finger of the wetland.

60
61 Mr. Crouch asked if Mr. Wands had any comments. Mr. Wands said that the seed mix is a
62 suitable mix with good diversity.

63
64 Mr. Crouch asked for the plans to be revised to show the location of the snow storage signs.
65 Ms. Harrold asked for this to be a condition of the OOC.

66
67 Mr. Narayana, made a motion, seconded by Mr. Wands, to close the hearing. Motion passed 6-
68 0-0. (Roll Call Vote: CH, KN, CVL, GW, WM, and GC).

69
70 **Mr. Moulton and Mr. Crouch recused themselves from the RDA meeting**

71
72 **7:37 RDA, Department of Conservation and Recreation, Hopkinton State Park,**
73 **parking lot reclamation**

74 Mr. Jason Santos (Applicant- DCR) and Ms. Stefanie Farrington (Applicant- DCR) were
75 present for the meeting.

76
77 Ms. Farrington said that the resource areas on site consist of BVW and buffer zone. The work
78 will consist of pavement within the roadway that leads to “Parking Lot E” within the
79 Hopkinton State Park. Ms. Harrington stated that maps from MassGIS indicate a vernal pool
80 in the area, and she had done a site visit, but did not find any facultative species for vernal
81 pools.

82
83 Ms. Van Lancker asked about snow storage and if signs are needed to let people know that
84 there are wetlands there. The Agent asked if the site is plowed in the winter time. Mr. Santos
85 said that it is not open during the winter months.

86
87 Mr. Narayana asked DCR when they are ready to start the work. Mr. Santos said that they
88 want to start the work as soon as possible. Mr. Narayana asked if there are any fences on the
89 site to block wildlife. Mr. Santos said negative.

90 Ms. Farrington said that they will use erosion control on the site during the work, and will
91 remove it upon completion of the work.

92
93 Mr. Narayana, made a motion, seconded by Mr. Wands, to close the meeting, and issue a
94 Negative #3 DOA. Motion passed 4-0-0. (Roll call vote: CH, KN, CVL, and GW).

95
96 **Mr. Moulton and Mr. Crouch returned to the meeting**

97
98 **7:46 SMPs, Agapito Feliciano, 1, 2, 3, 4, 5, 6, and 7 Burnham Circle, single family**
99 **homes**

100 Mr. Agapito Feliciano (Applicant/Owner) and Mr. Vito Colonna (Connorstone Engineering,
101 representative) were present for the hearing. The Agent stated that revised plans were
102 received, and that whatever is determined tonight, the Commission should continue the
103 hearings on 5 and 7 Burnham Circle, because they have NOIs, and DEP has yet to issue a file
104 number to those lots.

105
106 Mr. Hakansson said that we [the Commission] had continued this to hear from the Planning
107 Board. Mr. Hakansson asked where they are with the Planning Board. Mr. Vito Colonna said
108 that there is a 50/50% chance that they will receive an approved modification from the
109 Planning Board. Mr. Colonna stated that if sewer is approved, then they will need to come
110 back in front of the Commission. Mr. Crouch said that if you get a sewer line, you will need a
111 separate NOI filing, and asked if it would change the lot lines. Mr. Colonna confirmed that lot
112 lines would be changed, and one more lot would be added. Mr. Crouch asked why file for this
113 if it would have a significant change. Mr. Colonna explained that the client wanted a back-up
114 plan so that they can start with these filings and the work.

115
116 The Agent asked about the earth fill and removal calculations as required by the SMPs. Mr.
117 Colonna said that the information was shown on sheet 2 of the plans.

118
119 Mr. Crouch asked if DPW has given any indication about the capacity for the sewer. Mr.
120 Colonna stated that there would be a private easement for 10 feet, but that DPW would like a
121 30 feet easement. Mr. Colonna stated that they need to run the capacity model for the sewer.

122
123 Mr. Crouch opened the public comments from the abutters.

124
125 Ms. Vivian Williams (34 Whittemore Drive) stated that she was concerned about tree removal.
126 Ms. Williams said that a septic system on the lots would likely clear more trees than the sewer
127 line. Mr. Crouch said that if the trees are out of the 100 foot Buffer Zone, than the trees are out
128 of the Commission's wetlands jurisdiction. Mr. Crouch stated that he was not sure of tree
129 clearing fall under the jurisdiction of the Stormwater Management Bylaw. The Agent stated
130 that there could be a condition of the permit that no tree clearing can be done until there is
131 confirmation on the sewer work. Mr. Crouch stated that the Commission can only act on what
132 is in front of them. Mr. Crouch said that the Commission cannot guess at what others may do
133 in the future.

134
135 Mr. Hakansson asked Mr. Colonna about the Planning Board hearing. Mr. Hakansson said that
136 there are so many moving pieces, and that if it is out of the jurisdiction of the Commission,

137 then the Commission cannot make a condition. Mr. Crouch said that it makes sense not to
138 clear trees until the Applicant is ready, and asked the Commission about their prerogative. Mr.
139 Narayana stated that he is okay with the condition.

140
141 Ms. Van Lancker, made a motion, seconded by Mr. Narayana to issue SMPs for 1-4, and 6
142 Burnham Circle. Motion passed 6-0-0. (Roll call vote: CH, KN, CVL, GW, WM, and GC).

143
144 Ms. Van Lancker, made a motion, seconded by Mr. Narayana to continue the hearing for 5, and
145 7 Burnham Circle to July 13, 2020. Motion passed 6-0-0. (Roll call vote: CH, KN, CVL, GW,
146 WM, and GC).

147

148 **8:10 NOIs, Agapito Feliciano, 5, and 7 Burnham Circle, single family homes**

149 Mr. Agapito Feliciano (Applicant/Owner) and Mr. Vito Colonna (Connorstone Engineering,
150 representative) were present for the hearing.

151

152 Ms. Van Lancker, made a motion, seconded by Mr. Wands, to continue the hearing to July 13,
153 2020. Motion passed 6-0-0. (Roll call vote: CH, KN, CVL, GW, WM, and GC).

154

155 **8:11 Member Prerogative**

156 Mr. Hakansson asked about the work for the detention basin at Summit Pointe. Mr. Colonna
157 said that they were waiting on the Town Engineer's comments. The Agent said that she spoke
158 to the engineer and he had stated that if the pipe [leading to the vernal pool] was installed after-
159 the-fact to comply with the OOC, then it should not be an issue, but if it were added afterwards
160 because the system was not functioning, then it would have an effect. Mr. Colonna said that
161 MaryAnn DePinto (wetland scientist) is working on a landscape plan. Mr. Hakansson
162 suggested that they do not plant arborvitae and asked for shrubs and a seed mix. The
163 Commission stated that the Agent shall be notified before work starts.

164

165 **8:18 Agents Announcements**

166 Ms. Lauren Vendetti and Mr. Lucas Wisner (Owners of 35 Summit Pointe Drive) were present.
167 The Agent stated that they were unable to finish the application submittal for the SMP, but
168 were able to finish some documents. The Agent said that they have been working with her to
169 get this information to her.

170

171 Mr. Wisner said that they are having trouble with items 7 (calculations) and 9 (stormwater
172 plan). The Agent showed the Commission the *Applicant Checklist* so that the Commission can
173 understand what Ms. Vendetti and Mr. Wisner were referring to. Ms. Vendetti said that to get
174 the calculations that are required under the SMP, it would cost thousands of dollars, and that
175 they are hoping that they could do the rest of the requirements for the seeding, the NOI, and the
176 plantings as discussed previously. Ms. Vendetti said that she was hoping that information
177 would suffice.

178

179 Mr. Crouch said that there is no reference to the regulations on the website and a link needs to
180 be added. Ms. Vendetti asked about the waiver. Mr. Crouch said that the idea behind the
181 regulations are to prohibit water from migrating to other properties. Ms. Vendetti said that the
182 issue that they are running into is financial. Mr. Crouch said that he understood that, but the
183 reason why we do this is so that it does not impact another property. Mr. Crouch stated that the

184 information helps the Commission to make an informed decision, and that they will need to get
185 that to them. Ms. Vendetti said that they are asking for an exemption on a qualified engineer
186 to stamp the plans.

187
188 Mr. Crouch said that the aspect of what you did needs to be explained to the Commission, and
189 what you are proposing needs to meet the requirements. Mr. Crouch explained that he is not
190 opposed to issuing a waiver, but they need to a justify reason for granting a waiver. Mr.
191 Hakansson suggested that they submit what they have and the Commission can look at the
192 waiver. Mr. Hakansson said that they have put in erosion control and have worked with us
193 from the start. Mr. Hakansson explained that at a reasonable level, these [calculations] are
194 required of a subdivision and it is overly burdensome for a single family homeowner. Mr.
195 Hakansson said that we need to judge the waiver based on the plan and if in the opinion of the
196 Commission, that the proposed work will mitigate the problem. Mr. Hakansson said to work
197 with them, but not to enforce it as strictly. Mr. Hakansson said that the Commission knows
198 that he is not big on waivers and that the Commission needs to apply the same standards. Mr.
199 Hakansson said that he thinks that the Commission let the developers off easy, but they are
200 being hard on the homeowners. Ms. Van Lancker said that she agrees with Mr. Hakansson.

201
202 Ms. Van Lancker asked the Agent to show the waiver requirements under the bylaw. The
203 Commission reviewed the regulations on the waiver. Mr. Crouch said that the waiver is there,
204 we need justification. Mr. Crouch also mentioned that the Commission needs to be consistent.

205

206 **8:50 Review 5/18/2020 Meeting Minutes.**

207 The Commission reviewed the Meeting Minutes.

208

209 Ms. Van Lancker made a motion, seconded by Mr. Moulton, to accept the May 18, 2020,
210 Meeting Minutes as amended. Motion passed 6-0-0. (Roll call vote: CH, KN, CVL, GW,
211 WM, GC).

212

213 **8:51 Review 6/8/2020 Meeting Minutes.**

214 The Commission reviewed the Meeting Minutes.

215

216 Mr. Narayana, made a motion, seconded by Ms. Van Lancker, to accept the June 8, 2020,
217 Meeting Minutes as amended. Motion passed 6-0-0. (Roll call vote: CH, KN, CVL, GW,
218 WM, GC).

219

220 **8:53 Member Prerogative**

221 Mr. Hakansson asked the Commission if what he said made sense [in regards to 35 Summit
222 Pointe Drive]. Mr. Hakansson said that he did not want to step on any toes. Mr. Narayana said
223 that the Commission need to justify a fair job. Mr. Crouch said that we need to be consistent
224 with how we apply things, and not look on the fact that it's a homeowner.

225 **9:05 Agent's Announcements**

226 The Agent stated that she received a phone call from a homeowner that wants to clear some
227 invasive plants within the outer limits of the 100' Buffer Zone. The Agent said that there are a
228 few dead trees that need to be removed. The Agent said that the homeowner would also like
229 to expand their yard back by about 10', and asked the Commission if an RDA or an NOI
230 should be filed. The Commission agreed that an RDA can be filed.

231

232 **9:15 Adjournment**

233 Mr. Moulton, made a motion, seconded by Ms. Van Lancker to adjourn the meeting. Motion
234 passed 6-0-0. (Roll call vote: KN, CH, CVL, GW, WM, and GC)

235

236 **Documents Reviewed by the Conservation Commission on 6/ 22 / 2020**

237

- Document entitled, *Conservation Commission Agenda* dated 6/ 22 /2020

238

- Plans entitled, *Parking Lot Improvements: 107-111 Cherry ST.* and dated 6/ 4 /2020

239

- Document entitled, *dcr, Massachusetts: Request for Determination of Applicability, Hopkinton State Park.*

240

241

- Plans entitled, *Hopkinton State Park, parking lot E*, Figures 1A through 1C.

242

- Plans, permit applications for Burnham Circle lots 1-7

243

- Document entitled, *Chapter 343: Stormwater Management, Chapter 6.2 Waiver of Regulations*

244

245

- Document entitled, *Meeting Minutes* and dated 5/18/2020

246

- Document entitled, *Meeting Minutes*, and dated 6/8/2020

247

- Photographs of 82 Highley Road