MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
June 24, 2019

Present: William Moulton (Vice Chair)
          Carl Hakansson
          Jeff Lingham
          K.G. Narayana
          Cathy Van Lancker
          Greg Wands
          Maeghan Dos Anjos (Agent)

Absent:  Gene Crouch (Chair)

Call to order: 7:04 P.M.

7:04  Request for COC, 95-882, Dan Aho, 9 Thomas Street, single family home
Ms. Karon Skinner Catrone (Representative) was present for the meeting. The Agent stated that replication area has fully survived and is grown in. The Agent mentioned a mistake made on the OOC recording and said that two copies of the Certificate of Compliance were printed to clear out both titles.

Mr. Lingham made a motion, seconded by Mr. Narayana to issue a COC for 95-882. Motion passed 6-0-0.

7:07  Review of the May 20, 2019, Meeting Minutes
The Commission reviewed the Meeting Minutes from May 20, 2019.

Mr. Narayana made a motion, seconded by Ms. Van Lancker, to accept the May 20, 2019, Meeting Minutes as amended. Motion passed 6-0-0.

7:08  Review of the June 10, 2019, Meeting Minutes
The Commission reviewed the Meeting Minutes from June 10, 2019.

Mr. Lingham made a motion, seconded by Ms. Van Lancker, to accept the June 10, 2019, Meeting Minutes as amended. Motion passed 5-0-1. Mr. Narayana abstained.

7:10  Request for NOC, 2014-06, Sara Deibler, 40 Whittemore Drive, single family home
The Agent stated that a Request for NOC was received for 40 Whittemore Drive. The Agent stated that work was done in compliance, but that a drainage pipe from 38 Whittemore Drive was not shown in the as-built plans. Agent stated that it can be addressed when 38 submits paperwork.
Ms. Van Lancker made a motion, seconded by Mr. Narayana to issue a NOC. Motion passed 6-0-0.

**7:13 Discussion, tree removal next to Animal Shelter**

The Agent stated that DPW and Police would like to remove a few trees that are hazardous or dead. The Agent stated that a tree broke and landed on top of a volunteer’s car. Some trees are across from the Riverwalk Parking Lot, next to the bank of the Sudbury River, and others are next to the shelter.

The Commission stated that they do not have a concern with the tree removal.

**7:15 NOI, Francis Venuto, 93 Nickerson Road, storage facilities, continued from 6/10/2019**

The Applicant requested a continuance to July 8, 2019, as a DEP File Number was not issued.

Mr. Narayana made a motion, seconded by Ms. Van Lancker to continue the hearing to July 8, 2019. Motion passed 6-0-0.

**Mr. Moulton recused himself**

Mr. Lingham opened the NOI Eversource hearing

**7:17 NOI, Eversource, Hopkinton to Ashland Transfer Line, gas line replacement from Hardwick Road to Cedar Street (continued from 5/20/2019)**

Mr. Matthew Waldrip (Applicant- Eversource), Mr. Sean Berthiaume (Applicant- Eversource), Ms. Melissa Hancock (Applicant- Eversource), and Mr. Rick Paquette (Representative- TRC), were present for the hearing. Also present was Matthew Varrell with Lucas Environmental (peer review consultant). Several abutters were present.

Mr. Lingham asked about how best to start the hearing, and who should start (Eversource or Mr. Varrell). The Agent suggested that Eversource provide a brief overview of the project. Mr. Hakansson agreed and provided an explanation to the audience as to the jurisdiction of the Conservation Commission, and the current status of this (Eversource) hearing.

Mr. Paquette stated that a site visit was held between Mr. Varell and himself, he said that some wetland flags were adjusted or removed, and the plans have been revised to reflect the in-field changes.

Mr. Varrell stated that the review of wetland lines is in good shape. He had prepared a letter and for the interest of time, would go over key items outlined in his letter. Mr. Varrell reviewed the changes to wetland flags on sheets 13, 17, 23, 26-28, 37, and 38. Mr. Varrell stated that the wetland flags east of station 189 + 00 need to be cleaned up. It was originally flagged as wetland, and documentation was submitted to the Conservation Commission, stating that it was not a wetland.

Mr. Varrell concluded the wetland review by stating that it can be put to bed once the plans are revised to show all flags.
Mr. Hakansson asked Mr. Varrell about changes to the delineation and if impact numbers need to be adjusted. Mr. Varrell confirmed that the numbers will need to be revised.

Mr. Varrell began reviewing key points of his comments outside of the wetland delineation review. He went over Section 3.0 of his letter, and specifically reviewed numbers 1, 4, 5, 6, 8, 9-11, 19-21, of that same letter.

Mr. Hakansson clarified that a wildlife habitat evaluation was done by Eversource and part of the scope of Lucas Environmental is to review it and perform a wildlife habitat evaluation of their own.

Mr. Lingham explained the process to the abutters, stating that Eversource will speak first, and the Commission will then open the hearing for public comment. Mr. Lingham also explained the route selection process and how that is decided by the Department of Public Utilities. Mr. Lingham asked about a potential realignment of the pipe where it currently crosses Cold Spring Brook within the Ashland State Park. Mr. Lingham asked Mr. Varrell if the pipe can be realigned so that it crosses at the toe of slope of the earthen dam at the Ashland State Park, rather than cross at Cold Spring Brook. Mr. Varrell stated that he cannot answer that, and deferred to the Applicant.

Mr. Hakansson stated that Cold Spring Brook, which flows from the reservoir at the Ashland State Park and traverses under Main Street, feeds a large wetland system known as Willow Swamp. Mr. Hakansson mentioned that it is a concern, and that the pipeline will still go through the wetland. Mr. Lingham asked Eversource to evaluate the option that Mr. Lingham proposed.

Mr. Lingham stated that he would like to see the undelineated wetlands that Mr. Varrell discussed.

Mr. Narayana asked about number 1. of Section 3. on the letter, which speaks about the taking document. Mr. Varrell’s letter speaks to resolving the concern of the taking language where it speaks to one pipe or pipeline in the easement. Mr. Varrell’s letter recommended that the matter be resolved before further review as it may have a “significant impact on the design of the project”. Mr. Varrell verbally reiterated that recommendation.

Mr. Lingham asked the Commission about the weighing of qualitative and quantitative wetlands within the scoring of routes, as suggested by Mr. Varrell’s letter. [Note that scoring criteria was part of Eversource’s petition to the Energy Facilities Siting Board (EFSB), and that petition was submitted as part of the NOI filing by Eversource and TRC.]

Mr. Hakansson thought it was best to get Eversoure’s answers to Mr. Varrell’s comments. Mr. Varrell stated that he is finishing up the wildlife habitat evaluation.

Mr. Waldrip stated that the scoring is done as part of the EFSB process, which is part of their discussions now.
Mr. Hakansson stated that the Wetlands Bylaw does not have language for exempting the project as “Limited” due to the EFSB review. Mr. Waldrip concurred with Mr. Hakansson and stated that Eversource would need to override with the EFSB or Superior Court.

Mr. Hakansson began deliberating on the taking document. He stated that the legal document talks about one pipe line, not pipelines. Mr. Hakansson said that the counter argument is the intent of those that wrote the document in 1951. Mr. Hakansson stated that at a previous meeting, when he handed Mr. Waldrip and Sean Berthiaume the taking document, Mr. Waldrip’s facial expression looked confused as if he had not seen the document before.

Mr. Varrell stated that if the pipe does need to be removed, it would be a large issue.

Mr. Waldrip stated that they took the taking document back to Eversource’s legal department. Mr. Waldrip explained that once a pipe is decommissioned, it is no longer a pipeline, it is just a pipe.

Mr. Hakansson stated that information on the taking document is not adjudicated.

Mr. Hakansson asked about the exposed pipe on Brimstone stating that it has been exposed for fifteen years. Mr. Hakansson stated that Eversource’s response was that it was not a big deal, and that he is surprised that Eversource does not find the exposed pipe to be a matter worth of attention.

Mr. Waldrip stated that it is because Eversource does not see it as a safety issue, and that a site inspection was performed with the Fire Chief, who said that it holds no imminent threat. Mr. Waldrip further explained that the Department of Public Utilities then required posts to be installed at either end. Mr. Waldrip stated posts were installed. Mr. Waldrip explained construction sequencing for that section of the exposed pipe (it would be cut at either end, and that cut piece would be removed).

Mr. Hakansson asked about refueling. Mr. Waldrip stated that refueling cannot take place within the buffer zone or in wetlands per Eversource’s standards. Mr. Varrell stated that a large area within the floodplain would be restrictive in terms of refueling. Mr. Varrell also commented on stockpiling wetland soils, and that they cannot be contained on top of the swamp mats.

Mr. Hakansson stated that it is the largest project filing since he has been on the Commission.

Mr. Waldrip stated that the EFSB will consider what was said regarding wetlands and the Legal Department will also be involved. He iterated that the decision is up to the EFSB. He thanked Mr. Varrell for his comment on stockpiling muck soils.

Mr. Lingham opened the hearing for public discussion.

Mr. Mark Dassoni (Hawthorne Road) mentioned the people in the audience wearing “No Eversource Pipeline” stickers.
Mr. Joe Magnani Jr. (member of the Board of Selectmen) talked about keeping the wetlands pristine during work and asked about accidents, and if HazMat trucks would be present. Mr. Magnani further asked if bonds should be required.

Mr. Waldrip stated that spill kits are kept on site, and that the Conservation Commission would be notified in case of a spill.

Mr. Lingham described the process of an Enforcement Order.

Mr. Waldrip stated that the last thing that Eversource would want is an EO, and that they would first call the Conservation Commission, and make any corrective actions.

Mr. Wilson (Eliot Street) stated that the taking document has a reference to a transmission line, and that it talks about the definition of a transmission line. Mr. Wilson cautioned the Commission to pay close attention to Eversource’s legal team.

Ms. Cathy Rooney (Fountain Street) stated that the pipe is almost 70 years old, and today’s standards would not allow a new pipeline in the wetlands. Ms. Rooney also stated that she can’t imagine that Eversource can perform the work that is shown on the site plans. Ms. Rooney also mentioned invasive plants, and that machines need to be washed checked and cleaned before entering the site and when leaving a site. Ms. Rooney also indicated that she does not feel that Eversource is doing their due diligence because she keeps hearing sentences like “When we found out…”.

Mr. Waldrip stated that he misspoke, and that Eversource had known about the exposed pipe on Brimstone for a long time. Mr. Waldrip also stated that they pick up the swamp mats, and drop them down using machines to shake out things like invasive plants and seeds. He also stated that equipment is washed down with water.

Mr. Hakansson stated that Eversource suggested that much of this process will be determined by the EFSB, and what happens here is irrelevant. Mr. Waldrip apologized for the misunderstanding as that is not what he intended. Mr. Waldrip explained that this process (in front the EFSB and Conservation Commission) is required by state law.

Mr. Lingham asked if the EFSB will hold their decision until the Conservation Commission makes their decision.

Mr. Waldrip stated that it depends, but that the EFSB ultimately decides once they are satisfied with the information that has been presented. Mr. Waldrip stated that if the EFSB does not go with the Preferred Route (existing easement route), then Eversource will need to file a new NOI to the Conservation Commission.

Mr. Lingham asked about the process with EFSB, and Mr. Waldrip stated that Eversource are in discovery. Mr. Hakansson stated that the minutes are available and that EFSB will send those to the Town.
Mr. Matthew Marshquist (Wesson Road) (chair of the Sustainability Committee), thanked the Commission, and stated that he wrote a letter of opposition to the EFSB. Mr. Marshquist stated that one important item is that the Sustainability Committee is trying achieve Net Zero for the Town of Ashland and that it will be hard to do so with this proposed project.

Mr. Hakansson stated that the narrative for wetlands do not include a climate resiliency scope and that it would be hard for the Commission to defend.

Mr. Dassoni spoke again urging people in the audience to speak.

Mr. Waldrip asked if there are any further comments from the Commission. Ms. Van Lancker stated that the wildlife habitat evaluation is yet to be done and a continuance can give Eversource time to comment on the evaluation.

Ms. Van Lancker, made a motion, seconded by Mr. Narayana to continue the hearing to August 12, 2019. Motion passed 5-0-0.

Mr. Waldrip asked about the current contract between the Town of Ashland and Lucas Environmental. The Agent stated that the contract needs to be amended to include an additional review of the project once documents are finalized.

Mr. Moulton returned to the meeting.

9:13 DOA, Chris Kotsiopoulos, 50 Megunko Road, after-the-fact-permit, retaining wall, salt bin, oil/gas separator

The Agent stated that she went out to the site at 50 Megunko Road, and that plantings were placed on the berm as required by the DOA, but the concrete apron was not added to the front of the salt storage shed. The Agent also stated that he has loam stockpiled behind the buildings, but in front of the berm, and that it was not permitted.

Mr. Joe Magnani Jr. stated that the owner did not pull any permits with the Town.

9:20 Executive Session pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider strategies in the matter of DEP Decision regarding 0 Tri Street the public discussion of which will have a detrimental impact on the litigation position of the Board.

Mr. Narayana made a motion, seconded by Mr. Lingham, to enter into Executive Session pursuant to M.G.L. c. 30A, sec 21 (a) (3) to consider strategies in the Matter of DEP Decision regarding 0 Tri Street the public discussion of which will have a detrimental impact on the litigation position of the Board, and to enter back into open session upon the conclusion of Executive Session.

Roll Call Vote (Mr. Moulton, Mr. Narayana, Mr. Lingham, Ms. Van Lancker, Mr. Wands, Mr. Hakansson). Motion passed 6-0-0.

9:56 The Commission returned from Executive Session
9:57 Sign Documents
COC 95-882, Dan Aho, 9 Thomas Street, single family home and associated work
NOC 2014-06, Sara Deibler, 40 Whittemore Drive, single family home, and associated work

10:00 Adjournment
Mr. Lingham made a motion, seconded by Mr. Wands to adjourn the meeting.
Motion passed 6-0-0.

Documents Reviewed by the Conservation Commission on 6/24/2019

- Conservation Commission Agenda 6-24-2019
- Document entitled, Meeting Minutes 5/20/2019
- Document entitled, Meeting Minutes 6/10/2019
- Letter from Karon Skinner Catrone, dated May 28, 2019, with a subject line of RE: Wetland Replication Area- 9 Thomas Street, Ashland, MA. 01721
- NOC for 40 Whittemore Drive, Sara Deibler
- Set of plans by Eversource with a revised date of 6/14/2019, and entitled as, Eversource Energy, Hopkinton- Ashland Transfer Line Replacement Project, Towns of Hopkinton & Ashland, Middlesex County, Massachusetts
- Letter from Lucas Environmental, dated June 17, 2019, with a subject line of Project Review – Notice of Intent & Stormwater Management Permit Eversource Energy - Hopkinton to Ashland Transfer Line Replacement MassDEP File #095-0926 Cedar Street to the Hopkinton Town Line Ashland, Massachusetts