



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
June 24, 2019

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

10
11 Absent: Gene Crouch (Chair)

12
13
14 **Call to order: 7:04 P.M.**

15
16 **7:04 Request for COC, 95-882, Dan Aho, 9 Thomas Street, single family home**

17 Ms. Karon Skinner Catrone (Representative) was present for the meeting. The Agent stated
18 that replication area has fully survived and is grown in. The Agent mentioned a mistake made
19 on the OOC recording and said that two copies of the Certificate of Compliance were printed
20 to clear out both titles.

21
22 Mr. Lingham made a motion, seconded by Mr. Narayana to issue a COC for 95-882. Motion
23 passed 6-0-0.

24
25 **7:07 Review of the May 20, 2019, Meeting Minutes**

26 The Commission reviewed the Meeting Minutes from May 20, 2019.

27
28 Mr. Narayana made a motion, seconded by Ms. Van Lancker, to accept the May 20, 2019,
29 Meeting Minutes as amended. Motion passed 6-0-0.

30
31 **7:08 Review of the June 10, 2019, Meeting Minutes**

32 The Commission reviewed the Meeting Minutes from June 10, 2019.

33
34 Mr. Lingham made a motion, seconded by Ms. Van Lancker, to accept the June 10, 2019,
35 Meeting Minutes as amended. Motion passed 5-0-1. Mr. Narayana abstained.

36
37 **7:10 Request for NOC, 2014-06, Sara Deibler, 40 Whittemore Drive, single family home**

38 The Agent stated that a Request for NOC was received for 40 Whittemore Drive. The Agent
39 stated that work was done in compliance, but that a drainage pipe from 38 Whittemore Drive
40 was not shown in the as-built plans. Agent stated that it can be addressed when 38 submits
41 paperwork.

42

43 Ms. Van Lancker made a motion, seconded by Mr. Narayana to issue a NOC. Motion passed
44 6-0-0

45
46 **7:13 Discussion, tree removal next to Animal Shelter**

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

51
52 The Commission stated that they do not have a concern with the tree removal.

53
54 **7:15 NOI, Francis Venuto, 93 Nickerson Road, storage facilities, continued from**
55 **6/10/2019**

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

57
58 M. Narayana made a motion, seconded by Ms. Van Lancker to continue the hearing to July 8,
59 2019. Motion passed 6-0-0.

60
61 **Mr. Moulton recused himself**
62 **Mr. Lingham opened the NOI Eversource hearing**

63
64 **7:17 NOI, Eversource, Hopkinton to Ashland Transfer Line, gas line replacement from**
65 **Hardwick Road to Cedar Street (continued from 5/ 20 /2019)**

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

70
71 Mr. Lingham asked about how best to start the hearing, and who should start (Eversource or
72 Mr. Varrell). The Agent suggested that Eversource provide a brief overview of the project.
73 Mr. Hakansson agreed and provided an explanation to the audience as to the jurisdiction of the
74 Conservation Commission, and the current status of this (Eversource) hearing.

75
76 Mr. Paquette stated that a site visit was held between Mr. Varella and himself, he said that some
77 wetland flags were adjusted or removed, and the plans have been revised to reflect the in-field
78 changes.

79
80 Mr. Varrell stated that the review of wetland lines is in good shape. He had prepared a letter
81 and for the interest of time, would go over key items outlined in his letter. Mr. Varrell
82 reviewed the changes to wetland flags on sheets 13, 17, 23, 26-28, 37, and 38. Mr. Varrell
83 stated that the wetland flags east of station 189 + 00 need to be cleaned up. It was originally
84 flagged as wetland, and documentation was submitted to the Conservation Commission, stating
85 that it was not a wetland.

86
87 Mr. Varrell concluded the wetland review by stating that it can be put to bed once the plans are
88 revised to show all flags.

89

90 Mr. Hakansson asked Mr. Varrell about changes to the delineation and if impact numbers need
91 to be adjusted. Mr. Varrell confirmed that the numbers will need to be revised.
92

93 Mr. Varrell began reviewing key points of his comments outside of the wetland delineation
94 review. He went over Section 3.0 of his letter, and specifically reviewed numbers 1, 4, 5, 6, 8,
95 9-11, 19-21, of that same letter.
96

97 Mr. Hakansson clarified that a wildlife habitat evaluation was done by Eversource and part of
98 the scope of Lucas Environmental is to review it and perform a wildlife habitat evaluation of
99 their own.
100

101 Mr. Lingham explained the process to the abutters, stating that Eversource will speak first, and
102 the Commission will then open the hearing for public comment. Mr. Lingham also explained
103 the route selection process and how that is decided by the Department of Public Utilities. Mr.
104 Lingham asked about a potential realignment of the pipe where it currently crosses Cold Spring
105 Brook within the Ashland State Park. Mr. Lingham asked Mr. Varrell if the pipe can be
106 realigned so that it crosses at the toe of slope of the earthen dam at the Ashland State Park,
107 rather than cross at Cold Spring Brook. Mr. Varrell stated that he cannot answer that, and
108 deferred to the Applicant.
109

110 Mr. Hakansson stated that Cold Spring Brook, which flows from the reservoir at the Ashland
111 State Park and traverses under Main Street, feeds a large wetland system known as Willow
112 Swamp. Mr. Hakansson mentioned that it is a concern, and that the pipeline will still go
113 through the wetland. Mr. Lingham asked Eversource to evaluate the option that Mr. Lingham
114 proposed.
115

116 Mr. Lingham stated that he would like to see the undelineated wetlands that Mr. Varrell
117 discussed.
118

119 Mr. Narayana asked about number 1. of Section 3. on the letter, which speaks about the taking
120 document. Mr. Varrell's letter speaks to resolving the concern of the taking language where it
121 speaks to one pipe or pipeline in the easement. Mr. Varrell's letter recommended that the
122 matter be resolved before further review as it may have a "significant impact on the design of
123 the project". Mr. Varrell verbally reiterated that recommendation.
124

125 Mr. Lingham asked the Commission about the weighing of qualitative and quantitative
126 wetlands within the scoring of routes, as suggested by Mr. Varrell's letter. [Note that scoring
127 criteria was part of Eversource's petition to the Energy Facilities Siting Board (EFSB), and that
128 petition was submitted as part of the NOI filing by Eversource and TRC.]
129

130 Mr. Hakansson thought it was best to get Eversource's answers to Mr. Varrell's comments. Mr.
131 Varrell stated that he is finishing up the wildlife habitat evaluation.
132

133 Mr. Waldrip stated that the scoring is done as part of the EFSB process, which is part of their
134 discussions now.
135

136 Mr. Hakansson stated that the Wetlands Bylaw does not have language for exempting the
137 project as “Limited” due to the EFSB review. Mr. Waldrip concurred with Mr. Hakansson
138 and stated that Eversource would need to override with the EFSB or Superior Court.

139
140 Mr. Hakansson began deliberating on the taking document. He stated that the legal document
141 talks about one pipe line, not pipelines. Mr. Hakansson said that the counter argument is the
142 intent of those that wrote the document in 1951. Mr. Hakansson stated that at a previous
143 meeting, when he handed Mr. Waldrip and Sean Berthiaume the taking document, Mr.
144 Waldrip’s facial expression looked confused as if he had not seen the document before.

145
146 Mr. Varrell stated that if the pipe does need to be removed, it would be a large issue.

147
148 Mr. Waldrip stated that they took the taking document back to Eversource’s legal department.
149 Mr. Waldrip explained that once a pipe is decommissioned, it is no longer a pipeline, it is just a
150 pipe.

151
152 Mr. Hakansson stated that information on the taking document is not adjudicated.

153
154 Mr. Hakansson asked about the exposed pipe on Brimstone stating that it has been exposed for
155 fifteen years. Mr. Hakansson stated that Eversource’s response was that it was not a big deal,
156 and that he is surprised that Eversource does not find the exposed pipe to be a matter worth of
157 attention.

158
159 Mr. Waldrip stated that it is because Eversource does not see it as a safety issue, and that a site
160 inspection was performed with the Fire Chief, who said that it holds no imminent threat. Mr.
161 Waldrip further explained that the Department of Public Utilities then required posts to be
162 installed at either end. Mr. Waldrip stated posts were installed. Mr. Waldrip explained
163 construction sequencing for that section of the exposed pipe (it would be cut at either end, and
164 that cut piece would be removed).

165
166 Mr. Hakansson asked about refueling. Mr. Waldrip stated that refueling cannot take place
167 within the buffer zone or in wetlands per Eversource’s standards. Mr. Varrell stated that a
168 large area within the floodplain would be restrictive in terms of refueling. Mr. Varrell also
169 commented on stockpiling wetland soils, and that they cannot be contained on top of the
170 swamp mats.

171
172 Mr. Hakansson stated that it is the largest project filing since he has been on the Commission.

173
174 Mr. Waldrip stated that the EFSB will consider what was said regarding wetlands and the
175 Legal Department will also be involved. He iterated that the decision is up to the EFSB. He
176 thanked Mr. Varrell for his comment on stockpiling muck soils.

177
178 Mr. Lingham opened the hearing for public discussion.

179
180 Mr. Mark Dassoni (Hawthorne Road) mentioned the people in the audience wearing “No
181 Eversource Pipeline” stickers.

182

183 Mr. Joe Magnani Jr. (member of the Board of Selectmen) talked about keeping the wetlands
184 pristine during work and asked about accidents, and if HazMat trucks would be present. Mr.
185 Magnani further asked if bonds should be required .
186

187 Mr. Waldrip stated that spill kits are kept on site, and that the Conservation Commission would
188 be notified in case of a spill.
189

190 Mr. Lingham described the process of an Enforcement Order.
191

192 Mr. Waldrip stated that the last thing that Eversource would want is an EO, and that they
193 would first call the Conservation Commission, and make any corrective actions.
194

195 Mr. Wilson (Eliot Street) stated that the taking document has a reference to a transmission line,
196 and that it talks about the definition of a transmission line. Mr. Wilson cautioned the
197 Commission to pay close attention to Eversource's legal team.
198

199 Ms. Cathy Rooney (Fountain Street) stated that the pipe is almost 70 years old, and today's
200 standards would not allow a new pipeline in the wetlands. Ms. Rooney also stated that she
201 can't imagine that Eversource can perform the work that is shown on the site plans. Ms.
202 Rooney also mentioned invasive plants, and that machines need to be washed checked and
203 cleaned before entering the site and when leaving a site. Ms. Rooney also indicated that she
204 does not feel that Eversource is doing their due diligence because she keeps hearing sentences
205 like "When we found out...".
206

207 Mr. Waldrip stated that he misspoke, and that Eversource had known about the exposed pipe
208 on Brimstone for a long time. Mr. Waldrip also stated that they pick up the swamp mats, and
209 drop them down using machines to shake out things like invasive plants and seeds. He also
210 stated that equipment is washed down with water.
211

212 Mr. Hakansson stated that Eversource suggested that much of this process will be determined
213 by the EFSB, and what happens here is irrelevant. Mr. Waldrip apologized for the
214 misunderstanding as that is not what he intended. Mr. Waldrip explained that this process (in
215 front the EFSB and Conservation Commission) is required by state law.
216

217 Mr. Lingham asked if the EFSB will hold their decision until the Conservation Commission
218 makes their decision.
219

220 Mr. Waldrip stated that it depends, but that the EFSB ultimately decides once they are satisfied
221 with the information that has been presented. Mr. Waldrip stated that if the EFSB does not go
222 with the Preferred Route (existing easement route), then Eversource will need to file a new
223 NOI to the Conservation Commission.
224

225 Mr. Lingham asked about the process with EFSB, and Mr. Waldrip stated that Eversource are
226 in discovery. Mr. Hakansson stated that the minutes are available and that EFSB will send
227 those to the Town.
228

229 Mr. Matthew Marshquist (Wesson Road) (chair of the Sustainability Committee), thanked the
230 Commission, and stated that he wrote a letter of opposition to the EFSB. Mr. Marshquist
231 stated that one important item is that the Sustainability Committee is trying achieve Net Zero
232 for the Town of Ashland and that it will be hard to do so with this proposed project.
233

234 Mr. Hakansson stated that the narrative for wetlands do not include a climate resiliency scope
235 and that it would be hard for the Commission to defend.
236

237 Mr. Dassoni spoke again urging people in the audience to speak.
238

239 Mr. Waldrip asked if there are any further comments from the Commission. Ms. Van Lancker
240 stated that the wildlife habitat evaluation is yet to be done and a continuance can give
241 Eversource time to comment on the evaluation.
242

243 Ms. Van Lancker, made a motion, seconded by Mr. Narayana to continue the hearing to
244 August 12, 2019. Motion passed 5-0-0.
245

246 Mr. Waldrip asked about the current contract between the Town of Ashland and Lucas
247 Environmental. The Agent stated that the contract needs to be amended to include an
248 additional review of the project once documents are finalized.
249

250 **Mr. Moulton returned to the meeting.**
251

252 **9:13 DOA, Chris Kotsiopoulos, 50 Megunko Road, after-the-fact-permit, retaining**
253 **wall, salt bin, oil/gas separator**

254 The Agent stated that she went out to the site at 50 Megunko Road, and that plantings were
255 placed on the berm as required by the DOA, but the concrete apron was not added to the front
256 of the salt storage shed. The Agent also stated that he has loam stockpiled behind the
257 buildings, but in front of the berm, and that it was not permitted.
258

259 Mr. Joe Magnani Jr. stated that the owner did not pull any permits with the Town.
260

261 **9:20 Executive Session pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider strategies in**
262 **the matter of DEP Decision regarding 0 Tri Street the public discussion of which**
263 **will have a detrimental impact on the litigation position of the Board.**
264

265 Mr. Narayana made a motion, seconded by Mr. Lingham, to enter into Executive Session
266 pursuant to M.G.L. c. 30A, sec 21 (a) (3) to consider strategies in the Matter of DEP Decision
267 regarding 0 Tri Street the public discussion of which will have a detrimental impact on the
268 litigation position of the Board, and to enter back into open session upon the conclusion of
269 Executive Session.
270

271 Roll Call Vote (Mr. Moulton, Mr. Narayana, Mr. Lingham, Ms. Van Lancker, Mr. Wands, Mr.
272 Hakansson). Motion passed 6-0-0.
273

274 **9:56 The Commission returned from Executive Session**
275

276 **9:57 Sign Documents**
277 COC 95-882, Dan Aho, 9 Thomas Street, single family home and associated work
278 NOC 2014-06, Sara Deibler, 40 Whittemore Drive, single family home, and associated work
279

280 **10:00 Adjournment**

281 Mr. Lingham made a motion, seconded by Mr. Wands to adjourn the meeting.
282 Motion passed 6-0-0.
283

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

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