



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
June 28, 2021

- 1
- 2 Present: Gene Crouch (Chair) (entered at 7:15 p.m.)
- 3 William Moulton (Vice Chair)
- 4 Cathy Van Lancker
- 5 Carl Hakansson
- 6 Greg Wands
- 7 Gabriel Toledo
- 8
- 9 Absent: Maeghan Dos Anjos (Agent)

10

11 **Meeting held by Zoom**

12

13 **Call to order: 7:00 P.M.**

14

15 **7:00 Ms. Van Lancker reviewed the protocol for the meeting**

16

17 **7:04 SMP Waiver Request, Town of Ashland, Waiver Request for Booster Pump**
18 **Station**

19 Mr. Evan White (Town of Ashland, Project Engineer), Mr. Gregory Eldridge (Representative-
20 Haley and Ward Engineers), and Mr. Doug Small (Town of Ashland, DPW Director) were
21 present for the discussion.

22

23 Mr. Eldridge said that the booster pump station is required to increase water pressure at
24 Independence Lane. Mr. Eldridge said that a paved driveway will be installed to allow the
25 Town operators to park off the road. Mr. Eldridge explained why he was requesting the waiver
26 by comparing the requirements of the Stormwater Management Regulations to the proposed
27 project.

28

29 Mr. Eldridge said that the total parcel is 27,000 square feet, and that they are disturbing about
30 1,500 square feet or roughly 5.5% on the total lot. Mr. Eldridge said that the project will have
31 700 square feet of impervious surfaces. Mr. Eldridge stated that they will not perform any
32 work within the wetlands. Mr. Eldridge explained that the Town's DPW will do the site
33 clearing. Mr. Eldridge stated that the water main will need to cross from the other side of the
34 road, and that underground gas, and underground power will also be installed. Mr. Eldridge
35 said that a silt fence will be installed at the back of the property, and a silt sack will be installed
36 in the catch basin.

37

38 Mr. Hakansson asked how they would enter the site. Mr. Eldridge said that they would access
39 it through Independence Lane via Oak Street. Mr. Hakansson asked if the Town owns the
40 property. Mr. Eldridge said that the taking was approved through Town Meeting vote.

41

42 Mr. Moulton and Mr. Eldridge spoke about the slope of the site. Mr. Crouch asked about the
43 overall layout and area disturbances. Mr. White stated that the only trigger for the regulations
44 was because a Site Plan Review was issued.

45
46 Mr. Crouch asked if it would solve the pressure problems at Independence Lane. Mr. Eldridge
47 said that it will. Mr. Crouch asked if there was a problem with drainage break out on the slope.
48 Mr. White explained that they had problems across the street, and that DPW had installed a
49 stone trench. Mr. Eldridge said that they will install subsurface utilities and they will
50 determine the water levels then. Mr. Crouch asked how the dewatering will be handled. Mr.
51 Eldridge explained that a basin-like structure would be built with filter fabric, and stone. Mr.
52 Small said that he is not aware of any groundwater issues there, or icing concerns on
53 Independence Lane.

54
55 Ms. Van Lancker made a motion, seconded by Mr. Toledo to issue a waiver. Motion passed 5-
56 0-1. (Roll call vote: CH, GT, CVL, WM, GC.) Mr. Wands abstained (screen was frozen).

57
58 **7:26 NOI, Ryan Mulcunry, 56 Hardwick Road, after-the-fact NOI for vegetative**
59 **clearing (continued from 5/24/2021, continuing to 7/12/2021)**

60 Mr. Todd Lewis (Applicant/Owner) was not present for the hearing.

61
62 Mr. Moulton stated that a request came in from the applicant to continue the hearing.

63
64 Ms. Van Lancker made a motion, seconded by Mr. Toledo to continue the hearing to July 12,
65 2021. Motion passed 5-0-1. (Roll call vote: CH, GT, CVL, GW WM, GC). Mr. Moulton
66 abstained.

67
68 **7:28 NOI, Aggregate Industries, 71 Spring Street, remove sedimentation from berm,**
69 **and restore wetlands**

70 No one was present for the hearing.

71
72 Ms. Van Lancker made a motion seconded by Mr. Toledo to continue the hearing to July 12,
73 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

74
75 **7:29 NOI, 58 Exchange Ashland, LLC. 16 Union Street, Lot 2, four-unit residential**
76 **building (continued from 3/22/2021, and continuing to 9/13/2021)**

77 The applicant requested a continuance.

78
79 Ms. Van Lancker made a motion seconded by Mr. Toledo to continue the hearing to September
80 13, 2021. Motion passed 5-0-1. (Roll call vote: CH, GT, CVL, GW, GC.) Mr. Moulton
81 abstained.

82
83 **7:31 NOI, David Morgan, 6 Pond View Lane, addition, and driveway extension**

84 Mr. David Morgan (Applicant/Contractor DRM Design Build) was present for the hearing.

85
86 Mr. David Morgan stated that he would like to build a small addition for an in-law apartment,
87 and a one-car garage. The addition will roughly be 750 square feet. Mr. David Morgan stated
88 that the work is within the 100' Buffer Zone. Mr. David Morgan explained that the buffer zone

89 runs through the middle of the house. Mr. David Morgan said that there is an existing deck
90 that takes up some of the footprint of the proposed addition. Mr. Morgan explained that silt
91 fence will be installed, and that he thinks that they can stay out of the 25' No Disturb Zone.
92

93 Mr. Hakansson asked where Pond View Lane. Mr. Hakansson said that the name of the pond
94 is Dearth Pond. Mr. Moulton asked about the grade. Mr. David Morgan said that it is about
95 3%. Mr. Moulton asked if it is all lawn. Mr. David Morgan stated that it is all lawn. Mr.
96 Toledo asked if they will remove trees on the property. Mr. David Morgan stated that he
97 thinks that they will need to remove at least one tree due to the root system.
98

99 Mr. Mark Dassoni (49 Hawthorne Road) asked for clarification on the location of the project in
100 relation to the site. Mr. Dassoni asked about soil testing. Mr. Moulton said that this falls under
101 the building code, and that the Commission looks at depth of groundwater for infiltration
102 purposes.
103

104 Mr. Steve Morgan (136 Concord Street) asked if the Commission has guidance for the buffer
105 zone. Mr. Moulton explained that it is not a resource area, and that they are out of the 25' No
106 Disturb Zone. Mr. Moulton further explained that the site is previously disturbed. Mr. Steve
107 Morgan said that he agrees with Mr. Moulton's assessment. Mr. Hakansson clarified the 25'
108 NDZ and the 100' BZ.
109

110 Ms. Van Lancker made a motion, seconded by Mr. Toledo, to continue the hearing to July 12,
111 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).
112

113 **7:52 NOI, Bruno Garcia, 11 Metcalf Ave, after-the-permit for tree removal, and porch**
114 **install and new driveway, walkway and patio**

115 Mr. Bruno Garcia (Applicant/Owner), and Ms. Susan McArthur (Representative) were present
116 for the hearing.
117

118 Ms. McArthur stated that the property currently contains a house and a bulkhead in the back.
119 Ms. McArthur said that erosion controls were installed. Ms. McArthur said that there is a
120 BVW located off the property, but the 25' NDZ and the 100' Buffer Zone are located on the
121 property. Ms. McArthur explained that three trees were removed and that this NOI is an after-
122 the-fact for that tree removal. Ms. McArthur said that the NOI also includes a proposed patio,
123 walkway, and a back porch. Ms. McArthur said that the driveway will be resurfaced, and the
124 lawn will be refurbished. Ms. McArthur said that he is proposing arborvitae as a privacy
125 screen.
126

127 Ms. Van Lancker asked about the lawn area in the 25' NDZ and if it is already disturbed. Ms.
128 McArthur confirmed that it is already disturbed, but needs to be restored. Mr. Moulton asked
129 about the type of pavers to be installed. Mr. Garcia said that it is regular pavers and that they
130 are not pervious. Mr. Garcia said that five inches of stone will be installed.
131

132 Mr. Crouch asked Mr. Garcia if he is able to prove that his property was previously disturbed.
133 Mr. Garcia said that he has photos, but did not have them available tonight. Mr. Wands asked
134 about the portion of the lawn within the 25' NDZ and if the plantings will be native. Mr.
135 Crouch said that most grasses are not native and that if it is going to be turf grass it will not be

136 native. Mr. Moulton asked for the impervious versus pervious calculations. Ms. McArthur
137 said that she can provide that to the Commission.

138
139 Mr. Moulton opened the hearing to the public.

140
141 Ms. Adelina Delamora (106 Pleasant Street) and Mr. Mike Mazurek (108 Pleasant Street)
142 raised their hand through the Zoom prompt. Ms. Delamora said that they removed a lot of
143 trees and took away the privacy from her house, and that they took a lot of the land. Mr.
144 Mazurek said that he had photographs and that their yard extended 15' back from the deck and
145 that they filled in wetlands. Mr. Moulton explained that some of it is protected. Mr. Mazurek
146 was also concerned about the restoration work that took place due to the Nyanza Superfund
147 Site.

148
149 Mr. Garcia said that he would like to invite the Commission to his property. Mr. Moulton said
150 that he thinks that they should conduct a site visit. The Commission scheduled a site visit for
151 Saturday, July 10, 2021 at 9:00 a.m. Mr. Mazurek invited the Commission on his property as
152 well.

153
154 Ms. Van Lancker made a motion, seconded by Mr. Toledo to continue the hearing to July 12,
155 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

156
157 **8:30 NOI/SMP, Town of Ashland, Mindess School, 90 Concord Street, new school**

158 Mr. Bill Beatrice (Representative-Flansburgh Architects), Ms. Brittney Veeck (Representative-
159 Nitsch Engineering), Jared Gentilucci (Representative- Nitsch Engineering), Eddy Marshall
160 (Representative- Stimpson), Ryan Lynch (Representative- Shawmut), and Paul Kendall (Chair
161 of the School Committee) were present for the hearing.

162
163 Ms. Veeck presented the project and provided an overall schematic that displayed the existing
164 conditions, and the proposed conditions. Ms. Veeck also described the resource areas on site.

165
166 Ms. Veeck said that the existing site does sheet flow off of the property and does not get pre-
167 treated. Ms. Veeck explained that they are proposing five subsurface infiltration systems of
168 various design. Ms. Veeck said that all new outfalls will have a level spreader to prevent
169 erosion. A bio-retention basin is also proposed. Ms. Veeck said that they are proposing a
170 swale near the existing exit lane from the school, and will reduce the impervious surfaces
171 within that lane.

172
173 Ms. Veeck said that work within the 200' Riverfront Area consists of redevelopment of the
174 driveway which will decrease the overall impervious area there. Ms. Veeck said that grades
175 will not change within the Bordering Land Subject to Flooding. Ms. Veeck also described the
176 alterations within the 100' Buffer Zones. Ms. Veeck said that there will be an impervious
177 surface within the 25' NDZ, and that they will submit a waiver to the Commission.

178
179 Ms. Veeck explained and displayed the logistics plans. Ms. Veeck explained access, staging,
180 and stockpile work, as well as the location of the erosion controls. Mr. Beatrice explained the
181 purpose of the temporary access road is to allow traffic flow to and from the school to continue

182 as is while maintaining a separate access road for construction traffic. Ms. Veeck said that
183 they will need to have steep slope protection on site.

184
185 Mr. Toledo asked why the school needs to be changed to this level. Mr. Toledo further
186 clarified his question. Mr. Beatrice said that the new school was located behind the existing
187 school, because the existing school must remain in operation while work is conducted, and
188 while the schools are open. Mr. Beatrice also stated that the pond and the wetlands in front of
189 the school also made it difficult to site the new building in front of the existing building. Mr.
190 Toledo asked why the school couldn't be renovated. Mr. Kendall explained the feasibility
191 study that was done regarding the possibility of renovating the building to bring it up to current
192 code.

193
194 Mr. Moulton asked if this was filed to the Planning Board. Ms. Veeck said that it was. Mr.
195 Moulton stated that there would likely be a peer review from the Planning Board, and that he
196 would like to see the report from the peer review. Ms. Van Lancker also said that she would
197 like to see the peer review report for stormwater concerns.

198
199 Mr. Hakansson stated that he did not participate in the ORAD hearings for this site, but he was
200 concerned about the status of a stream on the site. Mr. Moulton stated that they had looked at it
201 and that it was determined that the stream was intermittent. Mr. Hakansson stated that there
202 needs to be consistency with how these streams are determined.

203
204 Mr. Crouch asked if they have done test pitting for each of the infiltration systems to ensure
205 that proper separation of groundwater has been achieved. Ms. Veeck said that they did two test
206 pits in each of the systems. Mr. Crouch asked about the circles on the figure. Ms. Veeck said
207 that it is geothermal well field and it is a closed system so there will be no impacts to
208 groundwater. Mr. Crouch asked what the infiltration systems were designed for and how much
209 they will retain. Ms. Veeck stated that they are designed to meet the infiltration rates within
210 the Stormwater Management Handbook.

211
212 Mr. Crouch stated a concern of maintaining proper stormwater management so the immediate
213 abutters are not negatively impacted. Mr. Hakansson asked for clarification. Ms. Veeck stated
214 that what they know is that there is a pipe on the property, and that they do not have a full
215 understanding of what goes to that pipe. Ms. Veeck stated that they looked at the surface water
216 flow. Mr. Crouch asked if it is possible that it is an underdrain that is picking up groundwater.
217 Ms. Veeck said that this is possible. Mr. Crouch explained that his concern is the effects on the
218 intermittent stream and overall groundwater movement. Mr. Gentilucci stated that they did a
219 number of test pits in there and that they did not find any existing drainage system under the
220 baseball field. Mr. Gentilucci stated that they think that it is part of an older drainage system
221 and that no longer exists. Mr. Gentilucci also stated that they looked through older plans and
222 saw no record of that stream. Mr. Gentilucci also explained that they did not want to do test
223 pits close to the NDZ.

224
225 Mr. Wands said that there may be a spring that was covered over when the field was built. Mr.
226 Moulton said that they really need to figure out where that is coming from.

227

228 Mr. Marshall displayed the plans to show grading changes along the infiltration basin near the
229 intermittent stream. Mr. Crouch said that the math of 2' of separation is not making sense to
230 him given the elevation of the intermittent stream, and the details on the plans. Mr. Crouch said
231 that the stream is at 198' but the bottom of the infiltration basin is at 199'.

232
233 Mr. Moulton opened the hearing the public.

234
235 Mr. Mark Dassoni (49 Hawthorne Ln) asked when they started the design process. Mr.
236 Beatrice said that he may be asking about the test borings. Mr. Beatrice said that there were a
237 few phases, and the biggest phases was late last year. Mr. Moulton said that the test pits are
238 shown on the plan.

239
240 Mr. Steve Morgan (136 Concord Street) stated that his property is not shown on the plan. Mr.
241 Morgan said that he saw backhoes there last summer. Mr. Morgan said that the stream is
242 perennial and it should be corrected in the filing. Mr. Morgan spoke about the culvert and that
243 someone needs to put a fiber optic cable there to determine what it is. Mr. Morgan said that
244 they had discussed that outfall and the stream back in April during the ANRAD process, and
245 the consultant still does not have an answer for what the feature is draining. Mr. Morgan
246 expressed his concern of the Article 97 issue and that no one has produced a record saying that
247 the issue was resolved.

248
249 Mr. Steve Morgan said that he particularly does not like words like "encroachment", and any
250 plan should be based by the actual lines of the property, and not by adding things to the plans.
251 Mr. Morgan commented on the fence line. Mr. Crouch stated that a fence line is not a legal
252 property boundary determination. Mr. Morgan said that after 20 years, he thinks that it is. Ms.
253 Van Lancker said that these are Planning Board matters, and not of the Conservation
254 Commission. Mr. Morgan said that they are Conservation issues because of the 25' NDZ and
255 the RFA. Ms. Van Lancker said that the jurisdiction was previously determined, and that the
256 Conservation Commission's jurisdiction deals with wetlands and stormwater. Mr. Morgan said
257 that he understands that there is a stream there, and that we need to make sure that it is shown
258 where it is. Mr. Morgan said that he thinks that the plans currently understate what is there.

259
260 Mr. Morgan said that he also has something to say about the access road and it is ripping out a
261 bunch of trees. Mr. Crouch said that it is outside the Commission's jurisdiction and that they
262 have nothing to say about that. Mr. Morgan said that it is Article 97 land. Mr. Crouch and Ms.
263 Van Lancker said that it is not the jurisdiction of the Conservation Commission. Mr. Morgan
264 said that he considers the access road stormwater. Mr. Lynch described the access road, and
265 the construction of that road. Mr. Lynch explained erosion controls. Mr. Toledo asked what
266 is the plan for the access road when the work is completed. Mr. Lynch said that it will be
267 removed and restored.

268
269 Mr. Hakansson said that he realizes that this is not Conservation Commission's jurisdiction,
270 but that he noticed that there isn't any parking shown at the athletic fields. Mr. Kendall said
271 that there will be parallel spots, and it will be gated during the day so people cannot access it.
272 Mr. Morgan said that if there is parking, please show the parking on the plans.

273

274 Ms. Van Lancker made a motion, seconded by Mr. Toledo to continue the hearing to July 26,
275 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

276

277 **9:27 RDA, Town of Ashland, 133 West Union Street, invasive species management**

278 Mr. Hakansson said that this will be continued. Mr. Hakansson said that this was initiated
279 from that movement at Town Meeting to appropriate money for this work. Mr. Hakansson
280 suggest that the Assistant Town Manager, Jennifer Ball should touch base with the Agent.

281

282 Ms. Van Lancker made a motion seconded by Mr. Hakansson to continue the hearing to July
283 12, 2021. Motion passed 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

284

285 **9:29 Violation, Ken Brodzinski, 178 Prospect Street, tree removal**

286 Ms. Van Lancker stated that this will be continued to the next meeting (July 12, 2021).

287

288 **9:29 Review Minutes Meeting Minutes 6/14/2021**

289 Ms. Van Lancker stated that this should be tabled to the next meeting (July 12, 2021).

290

291 **9:30 Request for COC, 95-946, Town of Ashland, Oregon Road, Rear, replacement of**
292 **two boardwalks at Town Forest/Cowassock Woods**

293 Mr. Robert St. Germain (member of the Town Forest Committee) was present for the
294 discussion.

295

296 Ms. Van Lancker said that the Agent sent an email to the Commission recommending a COC.

297 Ms. Van Lancker read the email from the Agent.

298

299 Ms. Van Lancker made a motion, seconded by Mr. Toledo to issue a COC. Motion passed 6-0-
300 0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

301

302 **9:32 Meeting Adjournment**

303 A motion was made by Ms. Van Lancker, and seconded Mr. Toledo, to adjourn the meeting.

304 Motion passed 6-0-0. (Roll call vote: CH, GT, GW, CVL, WM, GC).

305

306 **Documents Reviewed by the Conservation Commission on 6/ 28 / 2021**

307

- Document entitled, *Agenda* dated 6/14 /2021

308

- Document entitled, *Stormwater Management Permit Waiver Request Independence Lane Booster Station*, and dated 6/8/2021

309

- Plan entitled, *6 Pond View, Limit of Work*, and dated 6/15/2021

310

- Plan entitled, *Site Plan 11 Metcalf Avenue*, and dated 6/14/2021

311

- Presentation by Nitsch Engineering for 90 Concord Street (Mindess School)

312