



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
July 13, 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  
8 Gabriel Toledo  
9  
10 Maeghan Dos Anjos (Agent)

11  
12 **Meeting held by Zoom**  
13 **Call to order: 7:00 P.M.**

14 **7:00p.m. Mr. Crouch explained the protocols of zoom meetings**

15  
16 **7:10 Request for COC 95-927, Andrew Puntini, 270 Cordaville Road**

17 Mr. Andrew Puntini (Owner and Applicant) was present for the discussion. The Agent said  
18 that she had received the as-built plans and had done a site visit. The Agent said she  
19 confirmed with the plans and that the work was done in compliance with the OOC. The Agent  
20 recommended a complete COC.

21  
22 Ms. Van Lancker, made a motion, seconded by Mr. Narayana, to issue a Complete COC for  
23 270 Cordaville Road. Motion passed. 7-0-0. Roll Call Vote: (CH, KN, GT, CVL, GW, WM,  
24 GC)

25  
26 **7:13 NOIs/SMPs, Agapitio Feliciano, 5 and 7 Burnham Circle, single family homes**  
27 **(continued from 6/22/2020)**

28 Mr. Vito Colonna (Engineer- Representative) and Mr. Agapito Feliciano (Applicant) were  
29 present for the hearing.

30  
31 Mr. Crouch said that this was continued because the applicant and the Commission were  
32 waiting to hear about the update with the Planning Board. Mr. Colonna said that he was not at  
33 the [Planning Board] meeting last week, and was not sure what happened last week. Mr.  
34 Colonna said that we needed DEP file numbers as well. The Agent said that she spoke with  
35 Peter Matchack (Town Planner) last week and he had said that they were waiting on revised  
36 plans to be submitted. The Agent said that file numbers were issued [95-943 for 5 Burnham  
37 Circle, and 95-942 for 7 Burnham Circle].

38  
39 Mr. Colonna spoke about the sewer line, and explained that this would go to an HOA, rather  
40 than to DPW. Mr. Crouch said that he did not know that this was possible and asked the  
41 Agent if this was common. The Agent said that it was dependent on whatever deal is worked

42 out between the developer and the Town. Mr. Crouch said that a new NOI and SMP would be  
43 required for the sewer line, and a new SMP would be needed for the extra lot. The existing  
44 permits would need to be amended to go from septic to sewer. Mr. Crouch said that he would  
45 rather get whole new NOIs for the lots.

46  
47 The Agent asked about the foundation drain and noticed that it just daylight at the slope of the  
48 hill and asked for rip rap to be installed at the base of the outlet and along the sides of the  
49 exposed slope. Mr. Colonna said that it makes sense for a foundation drain to have a rip rap  
50 base. Mr. Crouch asked if the foundation dry wells and roof drywells are always separate. Mr.  
51 Colonna said no, but he likes to keep them separated.

52  
53 Ms. Vivian Williams (34 Whittemore Drive) said that she is a member of the HOA for  
54 stormwater. Ms. Williams said that there is an issue with the sewer easement, which is  
55 currently proposed to be 10 feet wide, but that it needs to be wider. Ms. Williams said that  
56 some of the trees would be protected as a potential bartering tool, and the Planning Board was  
57 going to establish a "No cut zone" along lots 7,8, 9, and by the open space meadow owned  
58 by the Town, but most of the trees have been cut. Mr. Colonna said that they must have cut the  
59 trees when they did the road work. Mr. Crouch thanked Ms. Williams for her comments and  
60 he said that it was proposed as a negotiated item, and the trees were cut, and this must have  
61 been the revised plans that the Agent spoke of earlier.

62  
63 Mr. Hakansson asked whose idea it was to run the sewer line, the developer's or the Town's.  
64 Mr. Colonna said that it came up a long time ago. The original developer had the idea, the  
65 second one created the easement, and the current one is working on implementation. Mr.  
66 Hakansson said that he thinks that it is a bad idea but if we have to amend it, we will.

67  
68 Ms. Van Lancker asked about bounds. The Agent stated that they were previously installed  
69 under 95-883 [an OOC issued for the roadway, and drainage work].

70  
71 Mr. Narayana, made a motion, seconded by Ms. Van Lancker to close the hearings. Motion  
72 passed 7-0-0. Roll Call Vote (CH, KN, GT, CVL, GW, WM, GC).

73  
74 **7:49 95-944, NOI/SMP, Magunko Realty Trust, 9 Pennock Road, single family home**  
75 Joyce Hastings (GLM Engineering- Representative) and Steve Hickey (Applicant) were  
76 present for the hearing.

77  
78 Ms. Hastings stated that there was an OOC filed in 1997 for a single family home. The lot is  
79 2.87 Acres. Ms. Hastings explained that under the previous OOC, a retaining wall was built on  
80 the site.

81  
82 Ms. Hastings stated that they are proposing a driveway and a portion of it will be within the 25  
83 foot No Disturb Zone. Ms. Hastings said that the wetland line came closer than under the  
84 previous NOI. Ms. Hastings explained that in order to mitigate this, a two foot by two foot  
85 stone trench along the driveway is proposed, as well as bounds to demarcate the 25 foot No  
86 Disturb Zone. Ms. Hastings said that a gas easement currently runs through the property,  
87 which seemed to have changed the wetland delineation. Ms. Hastings said that they updated  
88 the footprint of the house from the previous OOC (95-400).

89

90 Mr. Crouch said that Ms. Hastings indicated that the wetlands are closer, and asked if she  
91 thinks that is the result of the pipeline. Ms. Hastings said that she thinks so, and that the  
92 company goes through the easement and maintains it.

93

94 Mr. Hakansson asked why a waiver wasn't submitted with the initial filing. Ms. Hastings said  
95 that she did not know you needed a waiver. Mr. Hakansson said that she has worked with the  
96 Ashland Conservation Commission before and should know about the waiver. Mr. Hakansson  
97 said that Ms. Hastings statement did not answer his question.

98

99 Mr. Crouch said that he wants to see the site. Mr. Crouch said that he works with the utility  
100 companies and easements and that they do change land forms, and they do change the  
101 wetlands. Mr. Crouch asked what the runoff feature is, as shown on the plans. Ms. Hastings  
102 said that we noticed it in the field and mapped it on the plans so as not to disturb it during the  
103 proposed work.

104

105 Mr. Moulton said that they should close out the previous OOC by filing a Request for COC  
106 before this hearing is closed.

107

108 Mr. Wands asked about the site walk, and if it makes sense to discuss the waiver now, or do  
109 the site walk. Mr. Hakansson said that it makes sense to perform the site visit first, and the  
110 Commission discussed times for Saturday, July 18, 2020. Mr. Dale MacKinnon of Guerriere  
111 & Halnon said that he is the representative for the next hearing (16 Union Street) and that  
112 10:00 a.m. would not work for us as Mr. Kirby (Wetland Scientist with LEC Environmental) is  
113 only available in the morning that day. The Commission established the site walk for after the  
114 16 Union Street site walk. The Commission said that the site walk for 9 Pennock would likely  
115 commence around 10:30 a.m. on July 18.

116

117 Mr. Moulton asked how much disturbance would take place in the NDZ. Ms. Hastings said  
118 that it would be about 1,410 sq. ft.

119

120 Mr. Narayana asked if they can do the replication somewhere else. The Agent asked Mr.  
121 Narayana if he had meant mitigate, and not replicate. Mr. Narayana confirmed this. Mr.  
122 Crouch clarified Mr. Narayana's point stating that he wants restoration of the NDZ somewhere  
123 else. Mr. Narayana confirmed this. Mr. Moulton suggested that maybe they can mitigate  
124 1,000 square feet somewhere else. Ms. Hastings discussed maybe from the front slope of the  
125 front yard. Ms. Hastings said that they will need to look into that to see if it is even possible.

126

127 Mr. Hakansson asked Ms. Hastings what happens to the wetland system where you ended the  
128 delineation [at flag number 20-18]. Ms. Hastings said that the wetland system comes up and  
129 then curves around.

130

131 Mr. Narayana, made a motion, seconded by Ms. Van Lancker, to continue the hearing to July  
132 27. Motion passed 7-0-0. (Roll Call Vote: CH, KN, GT, CVL, GW, WM, GC).

133

**Mr. Moulton recused himself from the 16 Union Street hearing**

134 **8:13 NOI, 58 Exchange LLC, 16 Union Street, site preparation**  
135 Dale MacKinnon (Representative- Guerriere and Halnon) was present for the hearing.  
136  
137 Mr. Mackinnon stated that the NOI filing was to fill in 4,950 square feet of Bordering  
138 Vegetative Wetlands, and to allow for future construction. Mr. MacKinnon explained the  
139 topography of the site, and provided a brief history of the site. Mr. Hakansson stated a  
140 concern from work within the 25 foot No Disturb Zone.  
141  
142 The Commission discussed doing a site inspection and confirmed it for Saturday, July 18, 2020  
143 at 9:00 a.m.  
144  
145 Mr. Hakansson asked Mr. MacKinnon if he understood what Mr. Hakansson had said  
146 previously regarding work within the 25' No Disturb Zone. Mr. MacKinnon explained that  
147 Mr. Bob Poxon [Engineer with Guerrier and Halnon] was out but that Mr. MacKinnon can  
148 look into it for the site visit.  
149  
150 Mr. Crouch asked if there are any catch basins on the site. Mr. MacKinnon said that there are  
151 none. Ms. Van Lancker asked about tree clearing. Mr. MacKinnon said that he cannot answer  
152 that, but he can tell her at the site walk.  
153  
154 Mr. Narayana made a motion, seconded by Mr. Wands to continue the hearing to July 27,  
155 2020. Motion passed 6-0-0 (Roll call vote: CH, KN, GT, CVL, GW, GC).

156  
157 **Mr. Moulton Returned to the meeting.**  
158

159 **8:34 Review Draft OOC 95-941, Megunko- Cherry Realty Trust, 107-111 Cherry**  
160 **Street.**  
161 Ms. Regan Harrold (Representative- BSC Group) was present to review the draft OOC. The  
162 Commission reviewed and edited the conditions based on the Commission's and Ms. Harrold's  
163 comments.  
164  
165 Ms. Van Lancker, made a motion, seconded by Mr. Narayana to issue the OOC as amended.  
166 Motion passed 7-0-0. (Roll Call Vote: CH, KN, GT, CVL, GW, WM, GC)  
167  
168 **8:49 Agent's Announcements**  
169 The Agent spoke about an illicit discharge violation that occurred at 80 Union Street. Ms.  
170 Ammie Harden (Owner of Cherry Blossom Restaurant), and Mr. Charlie Maclean (lawyer)  
171 were present and discussed this.  
172  
173 Ms. Harden explained that the hood caught on fire and was extinguished by an employee. Ms.  
174 Harden explained that a cleaning company was hired to clean the kitchen. Ms. Harden also  
175 said that the Board of Health came to the restaurant on June 29, 2020, and found the grease in  
176 the catch basin. Ms. Harden said that she called a cleaning company for the catch basin, and  
177 that the catch basin, the pipe and the river side were cleaned. Mr. Harden also stated that she  
178 called the DEP to tell them that the catch basin was cleaned, and DEP had informed her to hire  
179 an LSP to certify this. Ms. Harden was informed that she had 60 days to hire one, and she

180 stated that she is still trying to find one. Ms. Harden said that she contacted one, but it was a  
181 cost of \$10,000.

182  
183 Ms. Harden told the Commission that they never dumped the grease, but that the cleaning  
184 company that cleaned the hood after the fire did. Ms. Harden said that when they fry food, the  
185 waste goes into a grease trap inside. The grease trap next to the dumpster is cleaned every two  
186 months.

187  
188 Mr. Crouch told Ms. Harden that she is responsible, and that they should know that you can't  
189 dump things into catch basins. Ms. Harden said that she told them that, and a warning would  
190 be given if it happened again. Mr. Charlie Maclean said that we've discussed this with the  
191 employees. Mr. Narayana asked if employees monitor the cleaning crew. The Agent also  
192 clarified that the hood was in reference to a hood above an oven, and not a hood in a catch  
193 basin. The Agent told the Commission that the Release Tracking Number (RTN) is 3-36356  
194 and the point of contact is Allison Williams with DEP.

195  
196 Mr. Crouch said that the Commission wants a copy of the report from the LSP. The  
197 Commission reviewed a draft EO. The Commission discussed the next steps. The Agent  
198 suggested that the Commission can turn to DPW for the Illicit Discharge Bylaw, and said that  
199 if the action of dumping the grease into a catch basin falls under the definition of dredge, fill,  
200 alter or remove anything, than further steps can be discussed. The Agent also recommended  
201 on waiting on the results of the LSP's findings.

202  
203 Mr. Maclean requested that the EO be sent to him in Framingham. Mr. Crouch said not to do  
204 this again. Ms. Harden said never.

205

206 **9:13 Review 6/22/2020 Meeting Minutes.**

207 The Commission reviewed the Meeting Minutes.

208

209 Ms. Van Lancker made a motion, seconded by Mr. Moulton, to accept the June 22, 2020,  
210 Meeting Minutes as amended. Motion passed 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW,  
211 WM, GC).

212

213 **9:20 Review Draft SMPs for Agaptio Feliciano, 1-4, and 6 Burnham Circle**

214 The Commission reviewed the draft SMPs for Burnham Circle. The Commission asked about  
215 the revised O&M plans.

216

217 Ms. Van Lancker, made a motion, seconded by Mr. Narayana to issue the SMPs as amended.  
218 Motion passed 7-0-0. (Roll call vote: CH, KN, GT, CVL, GW, WM, and GC.)

219

220 **9:47 Review Draft EO for Ammie Harden, 80 Union Street**

221 The Commission reviewed the draft EO for Ammie Harden, 80 Union Street.

222

223 Ms. Van Lancker, made a motion, seconded by Mr. Narayana, to ratify the EO for 80 Union  
224 Street. Motion passed 7-0-0.(Roll call vote: CH, KN, GT, CVL, GW, WM, and GC.)

225

226 **10:00 Adjournment**

227 Mr. Narayana, made a motion, seconded by Ms. Van Lancker to adjourn the meeting. Motion  
228 passed 7-0-0. (Roll call vote: KN, CH, GT, CVL, GW, WM, and GC.)  
229

230 **Documents Reviewed by the Conservation Commission on 7/ 13 / 2020**

- 231 • Document entitled, *Conservation Commission Agenda* dated 7/ 13 /2020
- 232 • NOI and SMP filed by Agapito Feliciano for 5 and 7 Burnham Circle
- 233 • Plans entitled, *Propose House Location Plan, Lot 50R- 9 Pennock Road* , and dated  
234 7/9/2020
- 235 • Plans entitled, *Resource Areas*, for 16 Union Street, and dated 6/16/2020
- 236 • Draft OOC for Megunko-Cherry Realty Trust for 107-111 Cherry Street
- 237 • Draft EO for Ammie Harden, for 80 Union Street
- 238 • Draft Permits for Agapito Felciano for 1-4 and 6 Burnham Circle