



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
July 26, 2021

1
2 Present: Gene Crouch (Chair)
3 Cathy Van Lancker
4 Carl Hakansson
5 Greg Wands
6
7 Maeghan Dos Anjos (Agent)
8
9 Absent: Gabriel Toledo
10 William Moulton
11

12 **Meeting held by Zoom**

13 **Call to order: 7:03 P.M.**

14
15
16 **7:03 Citizens Participation, Pamela Mims, Prospect Street, Concerns**

17 Ms. Pamela Mims (Prospect Street) was present for the meeting. Ms. Mims said that she was
18 before the Commission to discuss a piece of land that sits on Prospect Street, and that a former
19 member of the Commission owns it. Ms. Mims said Mr. K.G. Narayana was the former
20 member, and that he had made some pointed remarks. Ms. Mims said that the designated lot
21 was coded as 132 and that it was not buildable. Ms. Mims said that Mr. Narayana has made
22 statements to neighbors about how he can move wetlands.
23

24 Mr. Chris Lombardo said that he is on Raymond Way and that the parcel that is owned by Mr.
25 Narayana is in Mr. Lombardo's back yard. Mr. Lombardo said that the parcel is basically a
26 pond and said that Ms. Mims was concerned on an ethics standpoint. Ms. Mims provided a
27 background of herself, and explained that a member of her family served on the Board of
28 Health.
29

30 Mr. Crouch said that there is nothing in front of the Commission at this time. Mr. Crouch
31 explained that Mr. Narayana was on the Commission and that this will have no bearing on the
32 Commission's decision making, and that the Commission will handle it as they have done in
33 the past. Mr. Hakansson said that he appreciated Ms. Mims comments.
34

35 Mr. K.G. Narayana said that he holds his ethical standards highly. Mr. Narayana said that he
36 can explore his options and that he will hold himself to the best of the standards.
37

38 **7:20 Violation, Town of Ashland, Public Safety Building, 12 East Union Street,**
39 **sediment breach**

40 Ms. Jennifer Ball (Assistant Town Manager), Mr. Bill Nangle (Vertex Engineering), and Mr.
41 Bob Manning (Project Manager- CTA Construction), were present for the discussion.
42

43 Mr. Manning gave a background of the violation and the restoration plans that were submitted
44 last week. Mr. Nangle said that there were no other issues from other storms. Mr. Crouch
45 spoke about the tracking pad, and that the fine sediment got stuck in there. Mr. Crouch said
46 that he spoke to the Town Manager about that. Mr. Nangle said that they were informed by the
47 Town Manager, and that he spoke with the site contractor.

48
49 The Commission reviewed, and edited the draft EO. Ms. Van Lancker asked about fines. Mr.
50 Crouch said that fines are not necessary for this time, but may be needed if a future violation
51 occurs.

52
53 Ms. Van Lancker made a motion, seconded by Mr. Hakansson to issue the EO as amended.
54 Motion passed 4-0-0. (Roll call vote: CH, CVL, GW, GC).

55
56 **7:30 NOI, David Morgan, 6 Pond View Lane, addition, and driveway extension**
57 **(continued from 6/28/2021)**

58 Mr. David Morgan (Applicant) was not present for the hearing.

59
60 The Agent provided an update to the Commission, and explained that she had asked for a
61 wetland delineation to be performed. The Agent stated that she had not performed a pre-
62 hearing site visit because she was out of the office with sick time. Mr. Crouch asked how
63 many wetland flags were installed. The Agent stated that there are 4-5 wetland flags. The
64 Agent said that she is waiting for the revised plans.

65
66 Ms. Van Lancker made a motion seconded by Mr. Wands to continue the hearing to August 9,
67 2021. Motion passed 4-0-0. (Roll call vote: CH, CVL, GW, GC).

68
69 **7:37 NOI, Ryan Mulcunry, 56 Hardwick Road, after-the-fact NOI for vegetative**
70 **clearing (continued from 6/14/2021)**

71 Mr. Ryan Mulcunry (Applicant/Owner) was not present for the hearing.

72
73 The Agent stated that Mr. Mulcunry requested that this be continued.

74
75 Ms. Van Lancker made a motion, seconded by Mr. Wands to continue the hearing to August 9,
76 2021. Motion passed 4-0-0. (Roll call vote: CH, CVL, GW, GC).

77
78 **7:37, NOI/SMP, 95-958, Town of Ashland, Mindess School, 90 Concord Street, new**
79 **school (continued from 6/28/2021)**

80 Mr. Jared Gentilucci (Representative- Nitsch Engineering), Mr. Mike Quinlan (Representative-
81 Compass Project Management), Mr. Bill Beatrice (Representative- Flansburgh), and Ms.
82 Brittney Veeck (Representative-Nitsch Engineering), and Mr. Paul Kendall were present for
83 the hearing.

84
85 Mr. Gene Crouch provided a brief update from the last hearing and stated that they were going
86 to do some investigations into the existing underground drainage system. Mr. Gentilucci
87 shared his screen and displayed the plans depicting the location of the existing underground
88 drainage system. Mr. Gentilucci said that they did a series of test pits on site the along the
89 pipeline. Mr. Gentilucci said that they were able to locate the pipe underneath the baseball

90 fields, and up to the beginning of the pipe, which is located 14' into a wooded area behind the
91 northern baseball field. Mr. Gentilucci said that they found a 12" perforated pipe, and some 6-8
92 clay laterals of 4" diameter. Mr. Gentilucci said that it is acting as a sub drain for the baseball
93 fields. Mr. Gentilucci also displayed photos from the test pits, and said that they observed some
94 flow within the test pit. Mr. Gentilucci said it is draining the seepage from the north side of the
95 field.

96
97 Mr. Gentilucci said that the pipe would be disturbed as part of the project, and that a drainage
98 swale would run on the eastern edge of the site. Mr. Gentilucci said that they are proposing to
99 reroute the water through the swale and bring it back to the same discharge point at the outfall
100 from the intermittent stream. Mr. Gentilucci said that they will demolish the pipe, and they
101 will direct the water from the inlet and reroute it to the swale. Mr. Gentilucci said that the pipe
102 leading to the outlet was silted up. Mr. Gentilucci said that they will revise calculations and
103 the plans to shift the drainage structures.

104
105 Mr. Crouch asked if the plans currently show the swale. Mr. Gentilucci said that they do. Mr.
106 Gentilucci displayed the current plan set. Mr. Crouch asked how the swale will be structured.
107 Mr. Gentilucci said that it would be a surface swale, and run it along the eastern edge. Mr.
108 Crouch said that he concerned about the high groundwater on site and that the location of the
109 groundwater is further away than where the swale is proposed. Mr. Crouch said that he does
110 not think that they will catch all of the water in the swale.

111
112 Mr. Crouch said that he spoke with the former facilities director, and that the director indicated
113 that there was a French drain that went in through the area near the cemetery and along the tree
114 line. Mr. Crouch said that given the existing drainage systems on the site, he thinks that
115 groundwater will be a significant problem during construction. Mr. Quinlan said that they
116 uncovered a four inch PVC pipe, and it does appear that whatever it was connected to it is no
117 longer connected to it, or that the pipe was damaged. Mr. Crouch said that he thinks that it
118 indicates that the site has a serious groundwater issue that you need to take into consideration
119 when building the foundations. Mr. Quinlan said that that they have an underground drainage
120 system that should be able to handle the groundwater.

121
122 Mr. Gentilucci said that the proposed underground drainage system ties to the storm drainage
123 system which ties into the bio retention area. Mr. Crouch asked if the drainage line goes under
124 the cemetery. Mr. Gentilucci said that it does, but the revised plans will relocate the drainage
125 line so it will be out of the cemetery. Mr. Crouch asked about the logs from the test pits, and
126 asked for a plan with the test pits. Mr. Gentilucci said that it is in the stormwater report and
127 displayed these. Mr. Crouch said that his biggest concern is the drainage system and ensuring
128 that it is designed properly and meets the standards properly.

129
130 Mr. Gentilucci said that they have received comments from the peer review and that they
131 working on responses to the comments. Mr. Gentilucci said that they will send responses to
132 the peer review and the Commission. Ms. Van Lancker asked for a copy of the peer review.
133 The Agent said that she can send it in the morning.

134
135 Mr. Hakansson said that he met Mr. Quinlan on site today, and said that it would be worth
136 setting up a site visit with the rest of the Commission.

137 Mr. Crouch asked if they found the inlet of the pipe. Mr. Gentilucci said that they hit stones at
138 the north end of the pipe, and that it appeared to be an old dry well structure and displayed a
139 photo. Mr. Gentilucci said that that north end of the pipe is in an area that is overgrown, and
140 that they could not locate the pipe. Mr. Gentilucci said that there was flow in the pipe and it
141 appeared to be from the adjacent uphill areas. Mr. Quinlan said that the pipe is in very good
142 condition.

143

144 Mr. Crouch said that a site visit with the consultants is a great idea. Mr. Quinlan said that he
145 cannot be present, but someone from his team can be there. The Commission scheduled a site
146 walk for Saturday, August 7, at 9:00 a.m. Mr. Beatrice said that he can be present.

147

148 Mr. Crouch opened the hearing to the public.

149

150 Mr. Stephen Morgan said that he would like for the Commission to look at the overall system.
151 Mr. Morgan said that he sent some documents to the Commission to show that there was a
152 stream there before. Mr. Morgan said that he would appreciate it if stuff is kept as far away
153 from his property as possible. Mr. Crouch said that the proposed drainage swale will keep
154 water away from his property. Mr. Morgan said that it depends on which way you are facing.

155

156 Mr. Morgan said that he has an attorney reviewing the material now, and that he is concerned
157 with the temporary access road. Mr. Morgan said that they will be pulling down those trees
158 and that there is an existing construction easement there and that there is a 30' no touch next to
159 Fiske Road.

160

161 Mr. Mark Dassoni (46 Hawthorne Road) asked about the testing of the pipes. Mr. Crouch said
162 that there is no pressure in the pipe, and it flows down to the other end. Mr. Crouch said that
163 the pipe would be removed because other drainage will be installed to take its place. Mr.
164 Dassoni asked if the pipe is pitched. Mr. Quinlan said that it is pitched to drain the water.

165

166 Mr. Crouch said that the Commission wants to review the peer review from GCG. Mr.
167 Gentilucci said that they will submit their response to the peer review by the end of the week.

168

169 Ms. Van Lancker made a motion seconded by Mr. Wands to continue the hearing to August 9,
170 2021. Motion passed 4-0-0. (Roll call vote: CH, CVL, GW, GC).

171

172 **8:27 RDA, Town of Ashland, 133 West Union Street, invasive species removal**
173 **(continued from 6/28/2021)**

174 A request was submitted to continue the meeting.

175

176 Ms. Van Lancker made a motion seconded by Mr. Wands to continue the hearing to August 9,
177 2021. Motion passed 4-0-0. (Roll call vote: CH, CVL, GW, GC).

178

179 **8:33 NOI, Chantal Kokaram, 80 Cross Street, pool, patio, retaining wall, and pool**
180 **house**

181 Mr. David Marquedant (Representative), and Ms. Chantal, and Mr. Kokaram
182 (Applicant/Owner) were present for the hearing.

183

184 The Agent displayed the plans. Mr. Marquedant explained that the wetland is located on the
185 north and east side of the property and that it was delineated by Northeast Ecological. Mr.
186 Marquedant said that the property pitches down from south east to north east. Mr. Marquedant
187 said that a pool of 600 square feet is proposed with a pool house in back of it. Mr. Marquedant
188 said that there will be a patio around the pool with a planting bed located on the north side of it.
189 Mr. Marquedant said that the patio will be constructed with masonry stones. Mr. Marquedant
190 explained that a retaining wall with a height of two feet is also proposed. Mr. Marquedant said
191 that access will be from the driveway.

192
193 The Agent explained that bounds were previously installed under the previous OOC (95-698)
194 which was issued for the construction of the home. The Agent stated that the wetland line has
195 since changed from the original plans, to the current plans, which shifted the location of the 25'
196 No Disturb Zone in a few areas. The Agent further explained that three of the bounds that
197 were previously installed, are no longer on the 25' No Disturb Zone, but within it. The Agent
198 said that she was not sure how the Commission wants to handle these bounds under the
199 currently filing.

200
201 Mr. Hakansson asked how much of an encroachment is there within the 25' No Disturb Zone
202 under the new delineation. Mr. Marquedant said it encroaches by four and a half feet.

203
204 Mr. Crouch asked if the Agent reviewed the wetland line, and if there was anything evident
205 that caused the delineation to change. The Agent said that she did review the line, and that she
206 couldn't see why the line had changed. Mr. Crouch asked if GLM did the previous delineation.
207 The Agent confirmed that GLM did the previous delineation. Mr. Marquedant said that there
208 is a detention basin to the southeast of the lot, and that there is a discharge pipe from the basin.
209 Mr. Marquedant suggested that maybe some flow from that pipe changed the wetland line.

210
211 Mr. Hakansson asked when the previous delineation was done. The Agent said that the NOI
212 was filed on November 4 2005. Mr. Hakansson said that since the first delineation was done in
213 2005, the fact that the delineation has changed is not out of the question.

214
215 Mr. Hakansson explained that two different people did the delineation and the combination of
216 the time frame and the people that did the delineation impacted the wetland line. Mr.
217 Hakansson asked if the shed can be moved out of the 25' No Disturb Zone. Mr. Crouch said
218 that the stuff behind it needs to be moved out the No Disturb Zone as well. Mr. Marquedant
219 asked if he can move the structure out of the 25' No Disturb Zone, and do minor grading in
220 back of the structure. The Commission requested that the plans be revised to move the pool
221 house out of the 25' No Disturb Zone.

222
223 The Agent said that there is a drainage feature for the existing retaining wall, but that it is high
224 off the ground and that it is creating erosion at the base of the retaining wall. The Agent said
225 that she spoke with Mr. Marquedant and asked him to add a detail at the base of the retaining
226 wall. Mr. Marquedant explained that he can bring the pipe down to an elbow and add that to
227 the plan as a detail.

228
229 Ms. Van Lancker made a motion seconded by Mr. Wands to continue the hearing to August 9,
230 2021. Motion passed 4-0-0. (Roll call vote: CH, CVL, GW, GC).

231 **8:55 Violation, Ken Brodzinski, 178 Prospect Street, tree removal (continued from**
232 **7/12/2021)**

233 Mr. Ken Brodzinski (Owner) was present for the discussion.

234
235 The Commission discussed their observations from the site inspection and spoke about the
236 need for a restoration plan. The Commission said that the plan needs to show existing
237 conditions, what was done, and the proposed mitigation/restoration. Mr. Crouch explained the
238 process and said that the plan will be needed by August 16, 2021, for review at the 8/23/2021
239 Conservation Commission.

240
241 Ms. Van Lancker made a motion, seconded by Mr. Wands to issue an EO for the violation at
242 178 Prospect Street. Motion passed 4-0-0 (Roll Call Vote: CH, CVL, GW, GC).

243
244 **9:05 Violation, Legacy Farms, (Hopkinton), Hopkinton Reservoir/ Howe Street,**
245 **sediment breach**

246 Mr. Peter Bemis (Engineer), and Mr. Vin Gately (Applicant) were present for the discussion.
247 Mr. Doug Small (DPW Director- Town of Ashland) was also present.

248
249 Mr. Hakansson said that the Commission walked the site and provided a description of what he
250 observed. Mr. Hakansson spoke about potential mitigation work, and Mr. Bemis explained his
251 preference for mitigation rather than fines. Mr. Bemis said that work has been done in Howe
252 Street and Wilson Street (Hopkinton), and no one has any record of it. Mr. Hakansson
253 suggested a conversation between Doug's staff and his counterparts in Hopkinton is necessary.
254 Mr. Small said that he appreciates that.

255
256 Mr. Bemis said that he can create a design plan and that he will reach out to Mr. Small. Mr.
257 Bemis said that a conversation with Hopkinton DPW and DCR has started. Mr. Crouch asked
258 about the timing on this. Mr. Bemis said that he thinks that he can get this done fairly quickly.
259 Mr. Hakansson said that he would like to be the mediator to keep the conversation moving.

260
261 Mr. Bemis provided an overview of the project itself, and explained the protective measures
262 that he has initiated. Mr. Bemis displayed photos of these measures. Mr. Bemis requested that
263 the Commission lift the EO to allow the Applicant to continue work on existing structures.
264 Ms. Van Lancker said that she feels that a good faith effort has been made and that she is okay
265 with a partial lift of the EO. Mr. Hakansson said that he agrees with Ms. Van Lancker. Mr.
266 Hakansson said that his only apprehension is the fact that he voted against the original EO. The
267 Agent suggested that the Commission review the EO, and provided a current status of the
268 applicant's compliance with the EO.

269
270 The Commission discussed reparations (mitigation) over fines. Mr. Crouch and Mr.
271 Hakansson were in agreement. Mr. Gately said that he likes where things are going but it is
272 worried because it was like "writing an open check." Mr. Crouch recommend that Mr. Gately
273 speak with Mr. Bemis. Mr. Gately said that he is fine doing the mitigation, but he needs to
274 know the cost.

275
276 Mr. Hakansson said that Mr. Small needs to speak with his counterpart in Hopkinton, and then
277 the Commission can vote on reparations. Mr. Gately explained the overall project and their

278 status on the project. Mr. Gately said that there are three phases. Mr. Gately explained the
279 need to lift the cease and order and that he cannot paint the houses until he gets the gutters
280 installed.

281
282 Ms. Van Lancker made a motion, seconded by Mr. Wands to partially release the cease and
283 desist order, and to allow work only on those buildings that have started, and no new work will
284 be allowed. Motion passed. 6-0-0. (Roll call vote: CH, GT, CVL, GW, WM, GC).

285
286 Mr. Crouch asked if he is meeting with the Hopkinton Conservation Commission tomorrow.
287 Mr. Bemis said that they are.

288
289 Mr. Small asked if a definition is needed for what construction is. Mr. Crouch said that it was
290 described as part of the motion. Ms. Van Lancker summarized her motion.

291
292 Mr. Hakansson asked the Agent to email the Hopkinton Agent [Kimberly Ciaramicoli] and to
293 send the Hopkinton's Conservation Commission meeting information to the Ashland
294 Conservation Commission. The Agent agreed.

295
296 **9:58 Review Meeting Minutes 6/14/2021**
297 The Commission reviewed the draft Meeting Minutes.

298
299 Ms. Van Lancker, made a motion, seconded by Mr. Wands to approve the minutes as amended.
300 Motion passed. 4-0-0. (Roll call vote: CH, GW, CVL, GC).

301
302 **10:00 Review Meeting Minutes 6/28/2021**
303 The Commission reviewed the draft Meeting Minutes.

304
305 Ms. Van Lancker, made a motion, seconded by Mr. Hakansson to approve the minutes as
306 amended. Motion passed. 4-0-0. (Roll call vote: CH, GW, CVL, GC).

307
308 **10:08 Request for COC, 95-684, Richard Terrill, Chestnut Street, Queen Isabell and**
309 **Avenue of the Americas, Village of the Americas**
310 No one was present for the discussion.

311
312 The Commission discussed the results of their site inspection. The Commission stated that
313 they identified several wetland plants and observed signs of hydrology. The Commission
314 stated that they were in conflict with Mr. Garner's report.

315
316 Mr. Hakansson explained that it represented everything that he hates about wetland replication
317 systems. Mr. Hakansson asked the Agent to look at the soils using the auger. The Agent
318 confirmed that she would.

319
320 **10:11 Request for COC, 95-900, Hillside Ashland, LLC. 13 High Street Extension, single**
321 **family home (continued from 7/12/21).**
322 The Agent stated that she verified that the bound contained a wetland marker.

323

324 Ms. Van Lancker made a motion, seconded by Mr. Wands to issue a COC. Motion passed 4-0-
325 0. (Roll call vote: CH, CVL, GW, GC).

326

327 **10:12 Review Draft OOC 95-957, Bruno Garcia, 11 Metcalf Ave, after-the-permit for**
328 **tree removal, and porch install and new driveway, walkway and patio**

329 The Commission reviewed the draft OOC for 11 Metcalf Ave.

330

331 Ms. Van Lancker made a motion, seconded by Mr. Wands to issue the OOC as amended.

332 Motion passed 4-0-0. (Roll call vote: CH, CVL, GW, GC).

333

334 **10:15 Member Prerogative**

335 Mr. Hakansson said that he received photos from Mr. Brent Spinazzolla from Forest Ave. Mr.
336 Hakansson said that the photos were for ponding in the back of Spinazzolla's property and that
337 he (Mr. Hakansson) thinks it is coming from the work at 11 Metcalf Ave. The Agent asked for
338 the photos and said that she will look into this.

339

340 **10:26 Agent's Announcements**

341 The Agent spoke about the treatment at Waushakum Pond and stated that the OOC may need
342 be amended to allow algaecide. The Agent stated that if that was necessary, a narrative will be
343 submitted to the Commission in the fall.

344

345 The Agent asked about fences in the floodplain. Mr. Crouch said that there is a minor activity
346 and has an exemption. The Agent said it would be in floodplain. Mr. Crouch said that they do
347 not need an RDA, provided that they can keep it six inches above the ground to meet the
348 exemption.

349

350 **10:28 Member Prerogative**

351 Mr. Hakansson said that it was a tough year at Warren Woods and that he appreciated all the
352 work that Mr. Wands has done at the property, including fixing some mechanical equipment.

353

354 **10:29 Meeting Adjournment**

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

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

357

358 **Documents Reviewed by the Conservation Commission on 7/ 26 / 2021**

359

- Document entitled, *Agenda* dated 7/ 26 /2021
- Map for 0 Prospect Street
- Plan entitled, *Grading Plan 2* for Mindess School
- Plan entitled, *Site Plan*, Sheet 2 for 80 Cross Street, dated 6/5/2021
- Photographs presented by Peter Bemis for Legacy Farms
- Document entitled, *Attachment A* to Legacy Farms EO
- Plans entitled, *Proposed Site Plan*, dated 9/25/2020

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365