



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
August 10, 2020

- 1
- 2 Present: Gene Crouch (Chair)
- 3 Carl Hakansson
- 4 Cathy Van Lancker
- 5 K.G. Narayana
- 6 Greg Wands
- 7 Gabriel Toledo (left at 8:30)
- 8
- 9 Maeghan Dos Anjos (Agent)
- 10
- 11 Absent: William Moulton (Vice Chair)
- 12

Meeting held by Zoom
Call to order: 7:00 P.M.

Mr. Crouch reviewed the protocol for the meeting.

7:05 Discussion, Emergency Certification, Town of Ashland- Department of Public Works, 42 Brackett Road, drainage concerns

Mr. Evan White (Project Engineer- Town of Ashland) was present for the discussion.

Mr. White said that DPW (the Department of Public Works) had recently discovered that the entire drainage system within the Brackett Road neighborhood comes to one catch basin at the end of Brackett Road, near the pump station. The catch basin was overloaded, which causes water to pour out of it, flooding the pump station. Mr. White explained that DPW had located a buried outfall. Mr. Crouch asked how it got buried. Mr. White said that he did not know how it got buried, and explained that DPW needs to reestablish the outfall by excavating it, and adding an extension to it so the stormwater discharges drain to the brook. Mr. White also explained that there appears to be an old swale there.

Mr. Crouch said that he recalls a sewer line project in that neighborhood, and that the line was deep. Mr. Crouch explained that the well points were up and down the road, and that the sewer project is the last project in the area that he can remember. Mr. Crouch said that he remembered the swale that Mr. White spoke about.

Mr. Narayana asked if there was any damage to the sewer lines. Mr. White said that there has not been any damage to the pipes, and explained that DPW does regular outfall screening.

Mr. Hakansson asked if the project at 12 Pond Street will increase the magnitude of the drainage concerns there. The Agent said that the Commission will review a Stormwater Management Permit from the Applicant at the next meeting.

43 Mr. Narayana made a motion, seconded by Mr. Toledo to ratify the Emergency Certification.
44 Motion passed 6-0-0. Roll Call Vote: (CH, KN, GT, GW, CVL, GC)

45
46 Mr. Dasoni asked Mr. Crouch if he may speak. Mr. Crouch permitted this. Mr. Dasoni asked
47 why this was not open to the public for comments. Mr. Crouch said that it is because it is not
48 a hearing, it was a discussion.

49
50 **7:16 Discussion, 95-929, William Rodenhiser, 81 West Union Street, Phase II**

51 Mr. Peter Barbieri (Representative- Lawyer) and Mr. William Rodenhiser (Applicant), were
52 present at the meeting.

53
54 Mr. Barbieri stated that after the Commission approved the OOC, permits were obtained from
55 the Planning Board. Mr. Barbieri explained that the retaining wall has not changed, but two
56 buildings from the previous approved plans have now been combined into one. Mr. Barbieri
57 stated that there is 11,000 square feet less of impervious surfaces. The underground system has
58 remained the same, but the drainage has changed.

59
60 Mr. Crouch noted that the original design had three stormwater treatment centers, and the
61 proposed design has four stormwater treatment centers. Mr. Crouch asked if he was right.
62 Mr. Barbieri confirmed that there are four now, and said that it was reviewed by the Town's
63 consultant. Mr. Hakansson asked what the use of the new building is. Mr. Barbieri said that
64 the first floors are for businesses and the second and third floors are for residential. Mr.
65 Hakansson asked what the area is to the right—are these parking areas or bays?

66
67 Mr. Barbieri said that the long building has not changed. Mr. Hakansson asked about the new
68 building to the left. Mr. Barbieri discussed this further.

69
70 Mr. Narayana said that he thinks that a new NOI should be filed. Mr. Toledo said that the new
71 building is closer to the wetland system.

72
73 Mr. Crouch summarized the changes:

- 74 • The limit of work has not changed, it is all right up to the 25' No Disturb Zone
- 75 • The stormwater system meets the state's standards according to Mr. Barbieri's
- 76 comments.
- 77 • The site layout has changed.

78
79 Mr. Crouch said that he does not understand the residential use. Mr. Narayana asked about
80 snow storage, and explained that more residential units leads to more parking, which creates a
81 snow storage concern. Mr. Crouch said that was a good point and asked about the parking
82 count. Mr. Hakansson said that he likes the layout of this better than what the Commission
83 previously approved.

84
85 Mr. Barbieri said that there are five residential units in the project. Mr. Crouch said that there
86 is a lot of pavement out here, and asked about bays. Mr. Barbieri said that there are rectangles
87 shown on the plans which are loading docks. Mr. Barbieri said that there are 77 parking
88 spaces, and the original had 76 spaces.

89

90 Mr. Narayana asked about the location of dumpsters on site. Mr. Barbieri explained where
91 this is shown on the plans.

92

93 Mr. Crouch said that the question before us is if the change warrants any of three possible
94 scenarios

- 95 1. A new NOI
- 96 2. An Amended OOC, or
- 97 3. A minor modification

98

99 Mr. Hakansson said that he thinks that it would be the second at least. Mr. Hakansson recalled
100 the major issues [from the NOI hearing] was dust control within the wetlands, and stated that
101 this may exacerbate this issue given that it is closer to the wetlands than what has been
102 approved by the Commission previously.

103

104 Mr. Barbieri stated that the Planning Board Decision requires a construction review person.
105 Mr. Rodenhiser stated that the requirements for the maintenance of the stormwater system, and
106 said that the OOC and the stormwater plan [permit] were recorded. Ms. Van Lancker said that
107 an amended OOC is necessary.

108

109 Mr. Hakansson stated that erosion controls are not the jurisdictional of the Planning Board.
110 Mr. Hakansson said that he does not understand the concern of the Applicant to amend the
111 OOC. Mr. Hakansson continued saying that this is not the plan set that we referenced, and the
112 site within our jurisdiction has changed substantially. Mr. Hakansson concluded his
113 comments by saying we need an Amended OOC.

114

115 Mr. Barbieri and Mr. Rodenhiser asked about the process for amending the permit. Mr.
116 Hakansson and the Agent explained the process.

117

118 Mr. Wands, made a motion, seconded by Mr. Narayana, that an Amended OOC is required.
119 Motion passed. 6-0-0. (Roll Call Vote: CH, KN, GT, GW, CVL, GC)

120

121 **7:58 NOI/ SMP, Lucas Wisner, 35 Summit Pointe Drive, Holliston (Ashland border),**
122 **after-the-fact yard expansion and tree removal, continued from 7/27/2020**

123 Mr. Lucas Wisner (Owner and Applicant), and Ms. Lauren Vendetti (owner) were present for
124 the hearing.

125

126 Ms. Vendetti said that we had met with Mr. Wands and Mr. Hakansson to discuss the berm.
127 Ms. Vendetti further explained that the berm will help with the stormwater, and we figured out
128 a location for the berm. Mr. Crouch [not present at the last hearing] said that he understands
129 that there are some issues with the erosion controls, and asked if they have been repaired. Mr.
130 Hakansson asked if they had brought it up with the landscaper. Ms. Vendetti said that they
131 discussed the height and width of the berm, as well as hydroseeding it.

132

133 Mr. Crouch asked if the seed has grown. Ms. Vendetti said yes. Mr. Hakansson said no, but
134 then again, no one else's grass has grown either [stage 2 drought was declared by the Drought
135 Management Task Force, Massachusetts Emergency Management Agency, and the Executive
136 Office of Energy and Environmental Affairs on June 26, 2020].

137 Mr. James Duich (15 Pennock Road) asked why they are talking about landscaping, and that
138 this is a planning board meeting. Ms. Van Lancker said that she thought we were being
139 hacked.

140
141 Mr. Crouch suggested putting down TRM Turf, a reinforcing mat. Mr. Crouch said that add
142 the grass seed and add this mat over it, although he has seen it used in reverse. Mr. Crouch
143 recommended placing this at the edge of the berm. The Agent asked if this is a requirement, or
144 a suggestion. Mr. Crouch said that this is strongly recommended. Mr. Crouch said that North
145 American Turf is one company that makes it.

146
147 Mr. Crouch opened the hearing to the public. Mr. Mark Dassoni (49 Hawthorne Road) asked
148 about the buffer zone.

149
150 Ms. Van Lancker made a motion, seconded by Mr. Narayana, to close the hearing. Motion
151 passed 6-0-0. (Roll call vote: CH, KN, GT, CVL, GW, GC).

152
153 **8:17 NOI, 58 Exchange LLC, 16 Union Street, site preparation (continued from**
154 **7/27/2020)**

155 The Applicant requested a continuance.

156
157 Mr. Narayana, made a motion, seconded by Mr. Toledo to continue the hearing to September
158 28, 2020. Motion passed 6-0-0. (Roll call vote: CH, KN, GT, GW, CVL, GC).

159
160 **8:18 NOI/SMP, Magunko Realty Trust, 9 Pennock Road, single family home**
161 **(continued from 7/27/2020)**

162 Ms. Joyce Hastings (Representative- Wetland Scientist/Surveyor) and Mr. Steve Hickey
163 (Applicant) were present for the hearing.

164
165 Ms. Hastings stated that after the site walk, we looked at the wetland line, and that she had
166 extended the wetland line. Ms. Hastings said that we had a NOI previously, and the OOC
167 expired. The wetland line was extended to where the driveway was proposed as shown on the
168 original plans.

169
170 Ms. Hastings explained that they do not have any alternatives, and that there is no other area on
171 site to place the driveway. Ms. Hastings said that they must maintain five feet from the lot
172 line. Ms. Hastings said that they looked at putting the replication area on the other side of the
173 pipeline. The Commission reviewed the plans. Ms. Hastings pointed out that the yellow line
174 shows the No Disturb Zone before the filling, and the new NDZ line after the replication area
175 is installed is shown in the pink line. Ms. Hastings said that they are proposing to fill in 480
176 square feet of BVW, and replicate 500 square feet.

177
178 Ms. Van Lancker asked about the water coming from the other properties and how that may
179 impact the development. Ms. Hastings said that they may have to place a pipe within that area,
180 and run it under the driveway. Mr. Hakansson said that he is disappointed: when this first
181 came in front of the Commission, the driveway was shown to go through the NDZ, but it is not
182 within the NDZ, it is within the wetland system. Mr. Hakansson said that you can create your

183 own hardship, and that to him, it has not been alleviated. Mr. Hakansson concluded by saying
184 that the Commission has another project before them similar to this.

185
186 Mr. Narayana said that they will need to be careful with the salt being placed on the driveway,
187 particularly by the stone trench. Mr. Crouch said that there is standard language in the OOC on
188 the use of salt on site.

189
190 Mr. Yaron Rachmany (11 Pennock Road) said that Mr. Hakansson had stated that he was
191 disappointed, and that he (Mr. Rachmany) is disappointed too. The area of replication that is
192 proposed, is already green there. Mr. Rachmany said that we have lots of wetlands there. Mr.
193 Rachmany concluded his comments by saying that the idea of that pipe is concerning as the
194 Hickey's are notorious for wetland disruption, and that we are questioning the wetland line and
195 ask the Commission to consider having the wetland line be reviewed by an independent peer
196 review.

197
198 Mr. James Duich (15 Pennock Road) said that he agreed with the comments of Mr. Rachmany,
199 and that the Hickey's are notorious for filling in wetland systems. Mr. Hakansson said that it
200 does not do any good for you to tell us to be quiet. Mr. Hakansson said that the Commission
201 does not appreciate that. Mr. Hakansson also said that wetland delineations are done by
202 wetland scientists, and that it is hard for people to understand this. Mr. Hakansson said that if
203 a developer is within the 25 foot No Disturb Zone, they need to apply for a wavier. Mr.
204 Hakansson said that the Commission reminded them, and then they said the wetlands changed
205 because of the pipeline. Mr. Hakansson said that the Commission saw the wetland line was
206 changed from the runoff within the neighboring properties. Mr. Hakansson said that it is not
207 the Commission's job to do the applicant's job, and that the Commission has standards to
208 uphold with every applicant.

209
210 Mr. Crouch summarized the work, stating that the project will fill in a wetland, and will need
211 to create a replication area. Mr. Crouch confirmed that the action is for a driveway to get to a
212 house within the upland area of the site. Mr. Crouch stated that the Commission did review the
213 wetland line at the site walk, and asked the Applicant to re-evaluate the wetland lines, and that
214 Ms. Hastings did that, and she sent a letter on August 5, 2020. Mr. Crouch said that the
215 Commission typically require no work within the 25 foot No Disturb Zone. Mr. Crouch
216 explained that they came up with a finding. Mr. Crouch said that there are invasive species in
217 the area of proposed work, and garlic mustard is there and it should be treated.

218
219 Mr. Hakansson asked about a 2:1 replication area. Mr. Crouch said that they are not required
220 to do that under the State's regulations. Mr. Wands asked about bridging the wetland. Ms.
221 Hastings stated that they have not looked into that. Mr. Crouch said that bridging the wetland
222 may be difficult in the gas easement. Ms. Van Lancker said that she thinks it needs to be
223 explored. Mr. Crouch said that the Applicant has two mitigation options, which is bridging
224 the wetland, or doing a 2:1 replication area.

225
226 Mr. Crouch said that there is an unbelievable amount of trash over the fence and suggested that
227 the fence should be higher.

228

229 Ms. Hastings said that there was a lot of feedback tonight, and she will see what she can do to
230 move the driveway out of the wetland and closer to the lot line.

231
232 The Agent suggested a second site visit to confirm the wetland flags, and to look at the
233 potential replications areas, and the revised plans. Mr. Hakansson said that he was thinking
234 this as well. Mr. Crouch agreed with the Agent's suggestion. The site walk is scheduled for
235 August 22, 2020, at 9:00 a.m.

236
237 Mr. Dassoni (49 Hawthorne Road) thanked the Commission for listening to him and everyone.

238
239 Ms. Van Lancker, made a motion, seconded by Mr. Narayana to continue the hearing to
240 August 24, 2020. Motion passed 6-0-0. (Roll call vote: CH, KN, GT, GW, CVL, GC).

241
242 Mr. Hakansson said to inform Mr. Moulton [absent for this meeting] of the site visit.

243
244 **9:12 Request for COC 95-923, 60 Pleasant Street Realty LLC., 60 Pleasant Street,**
245 **commercial redevelopment**

246 Mr. John Dudley (Applicant), and Mr. Joe Marquedant (Representative- Surveyor) were
247 present at the meeting.

248
249 The Agent said that work was done in compliance with approved plans.

250
251 Mr. Crouch and Mr. Hakansson spoke about the flooding concern that was sent to DEP. Mr.
252 Hakansson suggested that the berm at the parking lot (on the Forest Ave side of the lot) should
253 be extended to behind the dumpster. Mr. Hakansson said that this is not required, nor is it part
254 of the approved plans. Mr. Marquedant said that his concern is that this was a multi-layer
255 project: water runs east and runs to Trolley Brook. Mr. Marquedant said that they would be
256 altering that agreement. Mr. Crouch said that in looking at it, the berm should have been
257 extended.

258
259 Mr. Hakansson said that the Commission is not moving the goal post, and asked if he is willing
260 to work with the Commission. Mr. Dudley said that he does not have a problem with that and
261 it may make sense to use the alternative materials rather than an asphalt berm. Mr. Dudley said
262 that if it shows effort, he is on board with it. Mr. Crouch suggested that he document the flow.

263
264 Mr. Hakansson made a motion, seconded by Ms. Van Lancker to approve a COC for 60
265 Pleasant Street. Motion passed. 6-0-0 (Roll call vote: CH, KN, GT, CVL, GW, GC).

266
267 **9:24 Review 7/27/2020 Meeting Minutes.**

268 The Commission tabled the minutes to the next Conservation Commission meeting.

269
270 **9:25 Member Prerogative**

271 Mr. Narayana said that his appointment term is up, as well as is Mr. Toledo's. Mr. Narayana
272 said that he plans to stay on the Conservation Commission.

273
274 The Commission asked about sign documents. The Agent said that it will be ready for
275 Thursday at 9:00 a.m.

276

277 **9:26 Adjournment**

278 Mr. Narayana, made a motion, seconded by Mr. Wands to adjourn the meeting. Motion passed
279 6-0-0. (Roll call vote: CH, KN, CVL, GW, GC)

280

281 **Documents Reviewed by the Conservation Commission on 8/ 10 / 2020**

282

- Document entitled, *Conservation Commission Agenda* dated 8/ 10 /2020

283

- Map of Brackett Road drainage area

284

- Document entitled, *Phase II Site Plan 81 West Union Street*, and dated 9/9/2019

285

- Document entitled, *Phase II Site Plan 81 West Union Street*, and dated 6/18/2020

286

- Document entitled, *35 Summit Pointe Drive- Mitigation and Restoration Plan*, and dated 8/10/2020

287

288

- Document entitled, *Revised Site Plan/ Limit Project Status DEP File No. 95-944 Magunco Realty Trust, Steve Hickey, 9 Pennock Road (Lot 50R), Ashland MA.* and dated 8/5/2020

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290