MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
August 26, 2019

Present:
Gene Crouch (Chair) Entered at 7:10 p.m.  Left at 7:27
William Moulton (Vice Chair) left at 7:27
Carl Hakansson
Cathy Van Lancker
K.G. Narayana
Greg Wands
Maeghan Dos Anjos (Agent)

Call to order: 7:02 P.M.

7:02  RDA, Jack Borges, 73 Shore Road, above ground pool (continued from 8/12/2019)
The Agent stated that the Applicant submitted a letter requesting to withdraw the RDA. Mr. Moulton asked for a motion.
Ms. Van Lancker made a motion seconded by Mr. Narayana to accept the withdrawal of the RDA. Motion passed 5-0-0.

7:03  Review of the August 12, 2019, Meeting Minutes
The Commission reviewed the Meeting Minutes from August 12, 2019.
Ms. Van Lancker made a motion, seconded by, Mr. Wands to accept the August 12, 2019, Meeting Minutes as amended. Motion passed 6-0.

7:06  NOI, Virginia Gentile, 10 Wenzell Road, addition and deck, continued from 8/12/2019
Mr. Tom Rebula (Representative- Wetland Scientist with Goddard Consulting), Virginia Gentile (Applicant/Owner), and Ted Gowdy (Contractor- The Gowdy Group) were present for the hearing.
Mr. Rebula went over the revisions that the Commission asked for at the previous hearing. Changes in the plans included adding the mitigation plan on Sheet 1 of the plans, adding a chart of cut and fill sections, adding bounds along the mitigation area, and clarification on the mitigation area.
The Agent stated that the Stormwater Management Permit was filed.
Mr. Crouch suggested that the Commission take this one step at a time, and reiterated the revisions. Mr. Crouch stated that the waiver asks to perform work within the No Disturb Zone and mitigating it with restoration of the existing area, and additional mitigation area to be
installed. Mr. Crouch asked a few questions on the mitigation area, and asked the Commission if they felt that the mitigation is enough to grant the waiver.

Mr. Hakansson stated that we spoke to the mitigation area at the last meeting, and that the Applicant will leave it in a better place than where it current is.

Mr. Narayana made a motion, seconded by Mr. Wands to grant the waiver for work within the No Disturb Zone, given the mitigation that is proposed. Motion passed 6-0-0.

The Commission stated that the mitigation area needs to be properly monitored by the Agent while work takes place.

Mr. Crouch stated that the OOC should note the impact to BLSF and the compensatory storage to offset it. Mr. Crouch asked for the total footprint of impact. Mr. Rebula stated that it is 73 square feet of fill. Mr. Crouch asked about the threshold for the SMP. Mr. Rebula said that the compensatory storage will end up with an additional volume of five cubic feet.

Mr. Wands asked what seed mix will be used. Mr. Rebula said that it will be a wetland seed mix. Mr. Wands asked about the timing of the project. Ms. Rebula said that they are targeting to begin work this fall.

Mr. Hakansson said that the area is part of the watershed for Waushakum and that the OOC should include specific information on banning the use of specific fertilizers, and explaining why we prohibit such fertilizers.

Mr. Narayana made a motion, seconded by Ms. Van Lancker to close the hearing on the NOI and the SMP. Motion passed. 6-0-0.

**Mr. Gene Crouch, and Mr. Moulton recused themselves.**

**7:28** NOI, Eversource, Hopkinton to Ashland Transfer Line, gas line replacement from Hardwick Road to Cedar Street (continued from 6/24/2019)

Ms. Van Lancker opened the hearing, and explained the jurisdiction of the Commission to the audience.

Matthew Varrell (Lucas Environmental- Conservation Commission Peer Review Consultant), Matthew Waldrip (Applicant- Eversource), Sean Berthiaume (Applicant- Eversource), Melissa Hancock (Applicant- Eversource), Rick Paquette (Eversource’s consultant), and Mr. Ken Stanley (Tri-Mont Engineering for Eversource) were present for the hearing.

Mr. Paquette explained the history of the hearings on the project. The Commission, Mr. Varrell, and the Agent had given comments, which Mr. Paquette said they have addressed and provided a brief summary. Mr. Paquette explained that there were comments on three sections consisting of the comments from the agent, the comments from Mr. Varrell, and Mr. Varrell’s Wildlife Habitat Evaluation. Mr. Paquette said that the peer review has addressed wetland flagging, and impact numbers (regarding impacts to various resource areas) have been changed to reflect the revisions in the wetland flagging, an invasive species survey was conducted, and
information was added regarding to off-site vernal pools. Comments were also submitted regarding stream crossings. Mr. Paquette also provided comments on the interests of the Wetlands Protection Act.

Mr. Hakansson stated that there has been a development that Eversource may want to be aware of. Mr. Hakansson invited Mr. Michael Herbert (Town Manager) to speak about the development. Mr. Herbert stated that the Town has filed for a Declaratory Judgement on what was meant in the Order of Taking document where it refers to “only one pipe” being within the ground. Mr. Herbert explained that Eversource’s permit is contingent on that statement and that the Town felt it was essential to get clarification on the language within the Order of Taking.

Ms. Van Lancker asked Eversource if they had been informed, and if they would like to proceed with the hearing tonight, or continue the hearing to another time. Mr. Waldrip said that they have not been informed, and that this was the first time that they were hearing it. Mr. Waldrip also said that the Company’s preference is to stay on the course. The hearing proceeded.

Mr. Narayana stated that information is posted at the Library and online. Mr. Hakansson said that he had a lot of questions. Mr. Hakansson stated that the Declaratory Judgement is the current key issue. Mr. Hakansson asked if the Single Environmental Impact Report needs to be amended in any way given the comments and changes to the plans. Mr. Waldrip stated that they do not need a Notice of Project Change as they do not meet the thresholds. Mr. Waldrip described the thresholds. Mr. Hakansson asked about the Fire Department’s review of the exposed pipe at Brimstone Way. Mr. Waldrip stated that Eversource had met with the Fire Department. Mr. Hakansson said that we had reviewed the project as a Limited Project, and that Eversource is requesting a waiver for work to take place in the 25 foot No Disturb Zone. Mr. Hakansson asked why the Commission would issue a waiver. Mr. Waldrip asked why the Commission would not issue the waiver. Mr. Hakansson used the example of the 10 Wenzell Road hearing as it included mitigation and restoration for work to be performed within the No Disturb Zone.

Mr. Hakansson also stated that the Commission received no information on the Noticed Alternative route, and that we have been requesting why the preferred route is the better option. Mr. Waldrip said that Eversource is trying to keep focused on wetlands and the jurisdiction of the Conservation Commission. Mr. Waldrip explained that the State looks at other factors outside of wetlands such as traffic, environmental impacts, sensitive key receptors and more. Mr. Hakansson said that there are other alternatives. Mr. Waldrip said that Eversource cannot contradict the EFSB process, and that we cannot consider scoring as that would be done through the Intervener Status and its process.

Mr. Hakansson asked why refueling is impossible to predict where the refueling would be relocated. Mr. Paquette explained why that was the case, and that a note can be added to the plans to restrict refueling in wetlands and sensitive resource areas.

Mr. Hakansson asked for photographs of previous projects similar to this one, and asked for photographs for containing hydric soils. Mr. Paquette stated that they had spoken about using
a wooden trough. Mr. Hakansson asked if the people involved in the project have done this kind of work before. Mr. Berthiaume stated that they do not have a contractor on board yet, but that the companies that Eversource bids out to do have this kind of experience.

Mr. Hakansson asked about the Wildlife Habitat Evaluation submitted by Lucas Environmental and stated that he understands that Wildlife Habitat is an interest of the Wetlands Protection Act, and that you can’t have Wildlife Habitat without the wildlife. Mr. Hakansson expressed that he was particularly considered with Impact Areas 4, 5, and 6.

Mr. Wands asked about the letters from the Department of Conservation and Recreation, and that the letter from March 23, 2019 asked for an inventory of the invasive plants and native plants. The Agent asked for the copy of the raw data from the inventory, and the reports. Mr. Wands asked Eversource if DCR is still involved with this process and if they are in the loop. Mr. Paquette said that they did get a special permit and provided contact information to Nathaniel Tipton with DCR.

Mr. Hakansson said if the SEIR requires a permanent exchange of land, and if there were a legislative process for the trade. Mr. Paquette explained the process.

8:19 Mr. Hakansson stepped out. A five minute break was taken.

8:24 Returned to the hearing.

The Agent stated that she reached out to Nathaniel Tipton from DCR and he responded with an e-mail saying that he would review his letters and get back in touch with her.

Mr. Berthiaume said that the Article 97 trade does not need to take place before construction.

Mr. Wands indicated that as stockpiling occurs, the stockpiles will contain seeds and asked that aside from planting a New England Seed Mix, how will Eversource mitigate that? Mr. Paquette stated that invasive plant issues are always challenging. If the seed bank is present, it’s impossible to remove it. The Agent suggested a condition be added to monitored the disturbed areas, and remove any invasive plants within the jurisdiction of the Conservation Commission. Mr. Narayana asked Eversource if they intend to wash the swamp mats. Mr. Waldrip stated that the trucks and mats will be washed on site, to wash off any seeds. The Agent suggested another condition for a wetland monitor for reviewing the wetland systems and checking on native and invasive plants.

Mr. Varrell said that that the areas will need to be monitored for two growing seasons, and that there should be conditions for overall methods used within resource areas. Mr. Varrell stated that the Commission can dictate the length of time for monitoring disturbed areas, and that Army Corps of Engineers permitting requires a monitoring period of ten years. Mr. Varrell said that by understanding where the problem areas now, it will provide better assurance as to whether a permit can be granted to protect the resource areas.

Mr. Hakansson said that a condition should be added regarding the monitoring of refueling.
Mr. Waldrip explained that they do need to do a SWPPP, which requires quarterly inspections of erosion controls. In addition, the erosion controls must also be inspected after every rain event of a certain size. Mr. Waldrip indicated that TRC will do that. Mr. Berthiaume indicated that the foreman goes through monitoring training and is overseen by an engineer. Mr. Hakansson asked if these were weekly inspections. Mr. Waldrip said that it is at a minimum of a quarter inch of rain in a 24 hour period.

Mr. Varrell stated that the Commission can have whatever condition they want, and that the Applicant has the right to appeal those conditions.

Mr. Narayana asked if Eversource currently monitors the easement. Mr. Berthiaume reiterated the quarterly inspections required by other permits. Mr. Narayana asked about how Eversource currently monitors invasive plants within the easement. Mr. Waldrip stated that Eversource has a Vegetation Management Plan, but that it was more applicable to electrical easements rather than gas easements. Mr. Narayana asked about the monitoring of the abandoned pipe. Mr. Berthiaume said that the pipe will either be filled in or grouted. The Agent mentioned that it should be a condition of the permit. Mr. Waldrip said that if the pipe is filled, Eversource will not be able to monitor it. Mr. Narayana said that if it is filled continuously, leaks would not be of concern. Mr. Narayana asked about the depth of the pipe and if they choose a depth of three feet of five feet would either option be safe.

Ms. Van Lancker asked if there is a permit in front of the Planning Board for this project. The Agent stated that a scenic road permit was filed, and the hearing was continued to September 12, 2019. Mr. Waldrip stated that it was continued due to the need of an inspection. Mr. Berthiaume said that the construction season is typically from March through November.

Ms. Van Lancker said that the timing of the work and sequencing of the work is critical given planting considerations, and work to be performed during low flow periods. Ms. Van Lancker stated that these need to be planned ahead. Ms. Van Lancker asked about drilling and oil. Mr. Varrell stated that the push-pull method was outlined in original materials submitted to the Commission. Mr. Stanley further explained the push-pull process. Mr. Varrell asked about containing wetland soils. Mr. Stanley explained the trough, and that it contains a barrier on the inside of the trough. The Agent recommended that a condition be added requiring contractors to submit plans to the Conservation Commission prior to a pre-construction meeting. Mr. Stanley stated that that is not common. Mr. Varrell said that the Commission may want to see evidence that the proposed trough works.

Mr. Paquette spoke to using a super silt fence reinforced with a chain link fence. Ms. Van Lancker asked for a detail on the super silt fence. Ms. Van Lancker asked if excess soils would be present at the end of the day given the method to backfill the trenches. Mr. Sean Berthiaume stated that there will be some excess soils. Ms. Van Lancker asked about the sequencing of work using the push pull method. Mr. Berthiaume stated that all the materials will be placed through the wetlands at once. Mr. Hakansson asked about how excavated soils will be prevented from washing into sensitive resource areas. Mr. Wands asked if soil will be stratified as it is excavated. Mr. Waldrip stated that stratifying of soils will occur on a case by case basis.
Mr. Varrell stated that recently submitted drawings were not to scale, and drawings should be resubmitted so that they are to scale and to provide real dimensions to the Commission. Ms. Van Lancker suggested adding dimensions to the drawings that were submitted. Mr. Waldrip said that they can do that.

The Agent asked about the open trench method. Mr. Paquette said that the open trench method will be used in general, and other methods will be implemented, but that they won’t know which methods will be used where until the time of construction. Mr. Waldrip said that Eversource can provide reports to the Commission when methods are determined and where those methods will be implemented.

The Agent asked questions regarding the Emergency Response Plan. The Agent recommended that the plan be updated to contain contact information for various agencies as it relates to spill response. The Agent also asked about a typo on Attachment G of the revised documents.

9:27 Ms. Van Lancker open the Eversource hearing to the public, stating that comments must be related to wetlands, or streams.

Mr. Mark Dassoni (Hawthorne Road) asked if there is a wetlands bylaw. The Agent said that there is one. Mr. Dassoni asked why the hearing process is taking so long.

Ms. Nancy Moscato (73 Braeburn Lane) stated that she doesn’t think that the Eversource should place the pipeline within the wetlands.

Ms. Debra Griffin (44 Roberts Road) asked about the steep slopes. Mr. Berthiaume said that there is some elasticity to the pipes when welding pipes. Mr. Paquette said that there are two levels to addressing work along steep slopes and said that they could add temporary water bars to slow down velocity.

Ms. Catherine Rooney (136 Fountain Street) said that she is concerned with the steep slopes, and the soils. Ms. Rooney also advocated for native seeds to be planted.

Jerome Schaufeld (28 Braeburn Ln) stated that he is appalled at what he is hearing.

Mr. Narayana made a motion, seconded by Mr. Wands to continue the hearing to September 23, 2019. Motion passed 4-0-0.

9:52 Request for COC, 95-871, Dan Aho, Olive Street, sewer work
The Agent stated that she noticed a dip in the road where the sewer work was done and was waiting to hear back from DPW. She recommend tabling this item.

The item was tabled for the next meeting.

9:52 Request for COC, 95-879, Ken Harrison, 7 Walcott Road, landscape facility
The Agent said that she has done inspections, and recommends and complete COC.

Mr. Hakansson made a motion, seconded by Mr. Narayana to issue a Complete COC. Motion passed 4-0-0.
9:56  Request for COC 95-844, Lot 4 Harrington Drive, single family home
The Agent stated that she is waiting to hear back from DEP regarding their decision as the permit has a Superseding OOC. The Agent recommended tabling this item. The item was tabled.

9:58  Request for COC 95-886, 0 Megunko Road, Orlando Enterprises, landscape facility
The Agent stated that the request for COC came in asking for the extension. Mr. Hakansson stated that he was not at the hearing when the Commission voted on this Order of Conditions. Mr. Hakansson said that he would feel more comfortable if all members were present for this Request for COC. The Commission agreed.

The item was tabled.

10:00  Appoint a member to the Nyanza Advisory Committee
The Agent stated that the Nyanza Advisory Committee meets on an as-needed basis, and that there must be a member from the Conservation Commission on the Nyanza Advisory Committee.

Mr. Hakansson made a motion, seconded by Mr. Wands to appoint Mr. Narayana to the Nyanza Advisory Committee. The motion passed. 4-0-0.

10:01  Sign Documents
COC 95-879, Ken Harrison, 7 Walcott Road, landscape facility

10:02  Adjournment
Mr. Narayana made a motion, seconded by Mr. Hakansson to adjourn the meeting. Motion passed 4-0-0.

Documents Reviewed by the Conservation Commission on 8 / 26 / 2019
- Conservation Commission Agenda 8-26-2019
- Document entitled, Meeting Minutes 8/12/2019
- Document entitled, Pool permit, dated 8/21/2019
- Document entitled, Application for Stormwater Permit: 10 Wenzell Rd., dated 8/14/2019
- Plan entitled, Proposed Addition Plan of 10 Wenzell Road, dated 8/23/2019
- Document entitled, Eversource: Response to Comments (MassDEP File #95-926), dated 8/19/2019
- Plans entitled, Eversource Energy Hopkinton- Ashland Transfer Line Replacement Project Town of Hopkinton & Ashland Middlesex County, Massachusetts, revised dated 8/14/2019