



# Town of Ashland

MASSACHUSETTS

MEETING MINUTES  
ASHLAND CONSERVATION COMMISSION  
September 28, 2020

1  
2 Present: Gene Crouch (Chair)  
3 William Moulton (Vice Chair)  
4 Carl Hakansson (entered at 7:12 p.m.)  
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: 7:06 P.M.**

14  
15 **7:06 Mr. Moulton reviewed the protocol for the meeting.**

16  
17 **7:09 Review 8/10/2020 Meeting Minutes**  
18 The Commission reviewed the meeting minutes.

19  
20 Ms. Van Lancker, made a motion, seconded by Mr. Narayana to approve the minutes as  
21 amended. Motion passed 7-0-0 (Roll call vote: CH, KN, GT, CVL, GW, WM, GC)

22  
23 **Mr. Moulton recused himself from the next two hearings.**

24  
25 **7:15 NOI/SMP NOI, 58 Exchange LLC, 16 Union Street, site preparation (continued**  
26 **from 8/10/2020)**

27 The Commission received a request from the Applicant to continue the hearing.

28  
29 Mr. Narayana, made a motion, seconded by Mr. Wands to continue the hearing to November 9,  
30 2020. Motion passed 6-0-0 (Roll call vote: CH, KN, GT, CVL, GW, GC)

31  
32 **7:17 NOI, Ashland Town Forest Committee, Cowassock woods, trail and bridge**  
33 **improvement work (continued from 9/14/2020)**

34 Mr. Robert St. Germain (member of the Town Forest Committee), Mr. Brian Forestal (Chair of  
35 the Town Forest Committee), and Mr. Dan Stimson (SVT) were present for the hearing.

36  
37 Mr. St. Germain said that they are reverting back to the original NOI, and will only make deck  
38 repairs and will improve the ramps leading up to the bridges. Mr. Crouch asked why was this  
39 decision made. Mr. St. Germain said that there was no funding for the bridge structure. Mr.  
40 Crouch said that Mr. St. Germain had mentioned rocks [at the previous hearing], and asked  
41 what they will do with them under this proposal. Mr. St. Germain said that those will remain  
42 in place. Mr. Crouch said, to clarify, no fill will be used. Mr. St. Germain confirmed this.

43  
44 Mr. Hakansson said that because this area is adjacent to the Town Forest, the Town Forest  
45 Committee is filing the application to the Commission. Mr. Hakansson requested that the  
46 Town Forest Committee consider where bikes are allowed to go into the woods and the  
47 wetlands. Mr. Hakansson said that there is a real impact from bikes within wetland systems,  
48 and that he is not convinced that allowing bikes through the wetlands is the best practice. Mr.  
49 Hakansson said that he would like the Commission and the Town Forest Committee to  
50 consider this. Mr. St. Germain said that he sees that Mr. Forestal is here and that he is the chair  
51 of the Town Forest Committee.

52  
53 Mr. Forestal typed his comments using the chat option on Zoom as his audio was not working.  
54 Mr. Forestal said that the Town Forest Committee has voted to postpone this project. Ms. Van  
55 Lancker asked if the Commission should continue. Mr. Crouch said that it has no bearing on  
56 the Commission's deliberation. Mr. St. Germain said that he sees no reason why the  
57 Commission cannot continue the hearing.

58  
59 Mr. Narayana asked who was the applicant. Mr. St. Germain said that the Town Forest  
60 Committee is the applicant. Mr. Narayana said that Mr. St. Germain has been attending and  
61 presenting at the previous hearings. Ms. Van Lancker stated that Mr. Forestal has also been  
62 attending the meetings.

63  
64 Mr. Hakansson said that the Commission can move on this and wait on the Town Forest  
65 Committee. Mr. Stimson said that he would like to work with the Ashland Town Forest  
66 Committee, and that Mr. Forestal is stating that the project is postponed. Mr. Stimson said that  
67 Mr. Hakansson raised a good point, and that Mr. Forestal's opposition is strong.

68  
69 Mr. Narayana said that the Commission had previously stated that by closing the hearing, the  
70 Town Forest Committee would have to come back and amend their permit with the  
71 Commission.

72  
73 Mr. Stimson said that he is willing to wait until after the Town Forest Committee meets on  
74 September 30, 2020, and that it seems friendlier to continue the hearing.

75  
76 Mr. Narayana made a motion, seconded by Mr. Wands to continue the hearing to October 5,  
77 2020. Motion passed 6-0-0 (Roll call vote: CH, KN, GT, GW, CVL, GC)

78  
79 **Mr. Moulton returned to the meeting.**

80  
81 **7:37 NOI/SMP, Magunko Realty Trust, 9 Pennock Road, single family home**  
82 **(continued from 9/14/2020)**

83 Mr. Steve Hickey (Applicant), and Ms. Joyce Hastings (Representative) were present.

84  
85 Ms. Hastings said that they have received a response back from Mr. Hickey's attorney  
86 regarding structures over the easement and the gas transfer line. Ms. Hastings said that once  
87 she got the comments from Mr. Hickey's attorney, she revised the plans to include a pipe under  
88 the driveway to address the Commission's drainage concerns. Ms. Hastings said that a plunge  
89 pool was added to the outlet pipe and a detail is provided within the plans. Ms. Hastings said

90 that the pipe is a 12 inch PVC pipe. Mr. Wands asked about grading around the pipe. Ms.  
91 Hastings said that some grading will be necessary for the plunge pool.

92  
93 Mr. Hickey said that at the last hearing, we had maintained the position to provide support  
94 about a structure within the easement. Mr. Hickey said that they have also looked into  
95 possible water concerns. Mr. Hickey said that box culverts were mentioned, and that he is a  
96 P.E. as well. Mr. Hickey said that to span the wetland, they would end up in the easement and  
97 would have to span the wetlands and the easement, and that they cannot do that.

98  
99 Mr. Moulton asked if there are any questions or comments. Mr. Hakansson said that he sounds  
100 like an echo chamber, and that there are apartment buildings and driveways on the easement.  
101 Mr. Hakansson said that to make a big deal on this is frustrating. Mr. Hakansson said that the  
102 applicant was asked for a box culvert. Mr. Hakansson said that that what he asked for was a  
103 letter from an attorney from Eversource. Mr. Hakansson said that it is disingenuous to think  
104 that pavement over the easement is okay, but that it is not okay for a culvert to span the  
105 easement.

106  
107 Mr. Hickey said that he is frustrated by the response, and that they have been accused of not  
108 providing materials. Mr. Hickey said that the Commission kept bringing up that a waiver was  
109 not submitted, but they had provided the waiver after the first hearing. Mr. Hickey said that he  
110 has built driveways, and that the Commission did not ask me for a letter from Eversource, and  
111 that he provided a letter from his attorney. Mr. Hakansson said that he respects, but Mr.  
112 Hickey interrupted him and said that they have not built apartments on the easements, and he  
113 has reduced impacts. Mr. Hakansson said that to clarify he did not say that Mr. Hickey has  
114 built apartments, but that apartments have been built on the easement. Mr. Hakansson said  
115 that the Commission did ask for the waiver, but it should have been submitted with the NOI  
116 filing.

117  
118 Mr. Hickey said that the culvert is a structure that they do not have a right to do. Ms. Hastings  
119 said that they would be delighted to put the culvert there, but that they believe that they do not  
120 have the right put a culvert there. Ms. Van Lancker said that you said that you do not believe  
121 you can install the culvert. Ms. Van Lancker said that we need you to confirm that. Ms. Van  
122 Lancker said that they are charged with protecting the wetlands and the No Disturb Zone, and  
123 that the Commission is doing what they are charged with. Ms. Van Lancker told the Applicant  
124 that the Commission needs him to confirm that with the gas company.

125  
126 Mr. Toledo said that through his point of view, the Commission has tried asking for the culvert,  
127 and that the Commission cannot issue a waiver without improvements to the wetland system.

128 Mr. Toledo said that the project currently benefits the Applicant and not the wetlands.

129  
130 Mr. Narayana asked about the pipe and if it could take the pressure of vehicles and heavy  
131 equipment. Mr. Moulton asked how much cover is proposed over the pipe. Ms. Hastings said  
132 that there is about two feet of cover. Mr. Narayana asked if the pipe is good enough for the  
133 water volume. Ms. Hastings confirmed that it is. Mr. Wands asked about the fill in relation to  
134 the pipe, and how high will it be. Ms. Hastings said that it will be about two feet above  
135 everywhere, except where the wetlands will be crossed. Ms. Hastings said that their goal is  
136 that it intercepts it, and slows anything coming off the driveway.

137  
138 Mr. Wands said that we have not exhausted every opinion and that a letter is needed with  
139 references. Mr. Hickey asked Mr. Wands to clarify what he means on references. Mr. Wands  
140 used the letter that Mr. Hickey submitted previously as an example, and said similar to how  
141 this letter references the book and page information for easement. Mr. Moulton said similar to  
142 how the Commission cites regulations and gave examples.

143  
144 Mr. Crouch said that the Commission needs something from Eversource that the culvert is not  
145 possible. The Agent stated that she has a call into Eversource and is waiting on their response.

146  
147 Mr. Hickey asked about the dates for the next meetings. Mr. Moulton said that the  
148 Commission is meeting on October 5, and October 19. Mr. Hickey asked the date of the first  
149 meeting in November. The Agent stated that it is November 9, 2020. Mr. Hickey asked for a  
150 continuance to October 19.

151  
152 Mr. Narayana, made a motion, seconded by Ms. Van Lancker to continue the hearing to  
153 October 19, 2020. Motion passed 7-0-0. (CH, KN, GT, GW, CVL, WM, GC).

154  
155 Ms. Van Lancker asked about opening the hearing to abutters for comment.

156  
157 Mr., Moulton asked Mr. Crouch what to do. Mr. Crouch said to open the hearing to public  
158 comment. Mr. Moulton opened the Magunko Realty Trust, 9 Pennock Road, single family  
159 home hearing for public comment.

160  
161 Mr. Yaron Rachmany thanked the Commission for allowing him the opportunity to speak. Mr.  
162 Rachmany said that he has a comment about the evidence that the applicant supplied, and that  
163 it is the most important piece to the project. Mr. Rachmany asked permission to share his  
164 screen. The Agent asked Mr. Moulton if this was okay. Mr. Rachmany had difficulty sharing  
165 his screen and Mr. Moulton asked Mr. Rachmany if he could wait until the next meeting.

166  
167 Mr. Hickey said that the Commission continued the hearing and that the Commission cannot  
168 do that. Mr. Crouch said that the reason that he allowed the hearing to be reopened, was because  
169 he thought that the person that called for the hearing to be opened was Mr. Hickey. Mr.  
170 Hickey said that this does not look good.

171  
172 Mr. Rachmany was able to share his screen and showed the initial plan set by the applicant,  
173 and the current plan set, and said that the wetland was expanded between the two sets of plans.  
174 Mr. Crouch said that the Applicant came out with us to do a site inspection to confirm the  
175 wetland line and the Commission asked for an adjustment. Mr. Moulton stated that the  
176 Commission commonly evaluates wetland delineations and adjust the line as necessary.

177  
178 Mr. Hickey said that he would like to publicly request the permit on the next door neighbor's  
179 pool.

180  
181 Mr. Mark Dasoni (49 Hawthorne Road) said that the Applicant should get a letter from  
182 Eversource. Mr. Crouch said that this is already being handled by the Agent.

183 Mr. Narayana, made a motion, seconded by Ms. Van Lancker to continue the hearing to  
184 October 19, 2020. Motion passed 7-0-0. (CH, KN, GT, GW, CVL, WM, GC).

185  
186 **8:16 Discussion, 95-915, Felipe Drumond, 12 Wilson Circle, culvert stabilization**  
187 Mr. Felipe Drummond (Applicant), and Mr. Vito Colonna (Representative) were present for  
188 the hearing.

189  
190 Mr. Colonna stated that the culvert was designed as a three sided box culvert. Mr. Colonna  
191 explained that the current state of the culvert makes it look more like an excavated ditch than a  
192 culvert. Mr. Colonna stated that the intent originally was to dig on each side of the channel,  
193 install the footings, and span the channel with the culvert. Mr. Colonna explained that during  
194 construction, the stream bed and banks were excavated out. Mr. Colonna said that they will  
195 reestablish the channel so that it is contiguous from one side to the other side.

196  
197 Mr. Colonna said that the stream drains about 97 acres, and that it is fairly flat so there is not a  
198 lot of velocity, but there is good flow within the stream.

199  
200 Mr. Colonna said that they are proposing to stabilize the channel with a stone layer [a foot  
201 deep]. Mr. Crouch asked how wide is the channel going to be. Mr. Colonna said that all  
202 excavation went down the channel, and that there is a two foot drop down to the bottom. Mr.  
203 Colonna said that it is over-excavated by at least a foot. Mr. Crouch said that for stream  
204 continuity and wildlife passage, he would not want a course passage at the stream bed. Mr.  
205 Colonna discussed using stone dust to fill in the voids and that it will smooth passage for  
206 wildlife. Mr. Crouch said that stone dust when in the water creates an awful lot of turbidity in  
207 the water. Mr. Moulton suggested  $\frac{3}{4}$  inch pea stone and a bit of cobble that is up a little higher  
208 to break up velocity and make a more natural bottom. Mr. Moulton suggested adding a shelf  
209 on one side. Mr. Crouch confirmed that they would have enough space to do that.

210  
211 Mr. Hakansson asked the Agent how was this discovered. We were grateful that you put it in  
212 but we were alarmed at its condition. The Agent stated that she does biweekly inspections on  
213 construction sites on Tuesdays and Thursdays. The Agent said that sometime in the late  
214 winter/early spring, she noticed that the water was ponding at the headwalls of the culvert  
215 instead of flowing through the culvert. The Agent said that she sent the plans to Mr. Evan  
216 White, (Project Engineer- Town of Ashland) to review this, and he believed the cause for this  
217 was the Applicant's failure for reestablishing the banks within the culvert. The Agent stated  
218 that the excavated soils from the stream bed and the bank were used for the replication areas.

219  
220 Mr. Crouch suggested a site inspection. The Commission schedule a site walk on Friday,  
221 October 16, at 9:00 a.m.

222  
223 Mr. Colonna stated that it would be difficult to get the water service under the culvert. Mr.  
224 Drumond stated that that water is going to go up and over the right side of the bridge.

225  
226 **8:42 Review 8/24/2020 Meeting Minutes**

227 The Commission reviewed the meeting minutes.

228

229 Mr. Narayana, made a motion, seconded by Mr. Toledo to approve the minutes as amended.  
230 Motion passed 7-0-0 (Roll call vote: CH, KN, GT, CVL, GW, WM, GC)

231

232 **8:42 Review 9/14/2020 Meeting Minutes**

233 The Commission tabled the meeting minutes.

234

235 Mr. Narayana, made a motion, seconded by Mr. Wands to table the minutes to the next  
236 meeting. Motion passed 7-0-0 (Roll call vote: CH, KN, GT, CVL, GW, WM, GC)

237

238 **8:50 Review Draft DOA, Miguel Beltran, 11 Fruit Street, after-the-fact permit for a  
239 stonewall and pathways**

240 The Commission reviewed the Draft DOA. The Agent said that it will be signed on Thursday.  
241 [A vote to issue the permit occurred at the 9/14/2020 meeting]

242

243 **8:53 Member Prerogative**

244 Mr. Narayana asked the Agent about Hardwick Road. The Agent said that she is working with  
245 the owner for an after-the-fact permit, and it will be forthcoming.

246

247 **8:55 Agent's Announcements**

248 The Agent discussed the letter to Mr. Foran of 191 Prospect Street. Mr. Moulton requested  
249 that the Commission review the letter and send comments to the Agent. The Commission  
250 agreed. Mr. Crouch recommended that the Chief of Police be copied on the letter.

251

252 The Agent said that she spoke with Mr. Crouch regarding resource area confirmation permits  
253 for the October 19, 2020 Conservation Commission Meeting. The Agent explained that a site  
254 visit ahead of the first hearings is warranted. The Agent asked the Commission's availability  
255 for the weekend of October 16. The Commission confirmed that October 17, and October 18  
256 will work.

257

258 The Agent stated that she is working on a NOI for the pond treatments at Waushakum Pond.  
259 The Agent asked Mr. Crouch on his opinion with filing it as an ecological restoration limited  
260 project. Mr. Crouch said that it is the Applicant's choice in what they file.

261

262 **9:14 Adjournment**

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

265

266 **Documents Reviewed by the Conservation Commission on 9/ 28 / 2020**

267

- 268 • Document entitled, *Conservation Commission Agenda* dated 9/ 28 /2020
- 269 • Document entitled, *Meeting Minutes, Ashland Conservation Commission*, dated  
270 8/10/2020
- 271 • Document entitled, *Meeting Minutes, Ashland Conservation Commission*, dated  
272 8/24/2020
- 273 • Document entitled, *Cowassock Woods NOI Project Narrative v3 Modification*, dated  
274 9/24/2020
- 275 • Plans, entitled *Proposed House Location Plan, Lot 50R- 9 Pennock Road*, dated  
9/24/2020

- 276 • Letter entitled *9 Pennock Road (“Property”*, dated September 11, 2020
- 277 • Plans, entitled, *Culvert Stabilization Plan: 12 Wilson Circle*, dated 9/21/2020
- 278 • Draft DOA for Miguel Beltran 11 Fruit Street