Present: Gene Crouch (Chair)
William Moulton (Vice Chair)
Cathy Van Lancker
Carl Hakansson
K.G. Narayana (left at 9:39 p.m.)
Greg Wands
Maeghan Dos Anjos (Agent)

Call to order: 7:00 P.M.

7:05 SMP, Bohler Engineering, 320 Pond Street, waiver request from stormwater management permit, continued from 10/21/2019

Mr. Nathan Mahonen (Bohler Engineering) was present for the discussion. The project consists of the renovation of an existing building (former Blockbuster). The change in use triggered a Site Plan Review, which triggers the filing of a Stormwater Management Permit. A new grease trap will be added. Stormwater runoff will be directed to the existing retention pond. Landscaping is also included as part of the application to the Planning Board.

Revised plans were submitted to include the comments from the Commission at the last meeting. Mr. Mahonen stated that two existing catch basins are to be removed and replaced with standard hoods. Mr. Mahonen also stated that they are working with the Conservation Agent on the Operations and Management Plan based on comments that she had submitted.

Mr. Crouch asked for clarification on the catch basins to be replaced. Mr. Mahonen pointed them out on the plans. Mr. Hakansson stated that he thinks that if this situation happens again, the Planning Board needs to approach the Commission in anticipation of a potential need for the SMP ahead of the Board closing their Decision. The Agent stated that she spoke to the Planner and Assistant Planner to submit this to her ahead of time. The Agent said she also spoke with DPW regarding ponding on site, and that the DPW Director stated that the only ponding takes place at a catch basin located at the base of Spy Glass Hill Drive. The Agent further explained that the catch basin is out of the property limits of 320 Pond Street.

Ms. Van Lancker, made a motion, seconded by Mr. Narayana, to grant the waiver of the Stormwater Management Permit for 320 Pond Street. Motion passed 6-0-0.

7:10 Review of the October 21, 2019, Meeting Minutes

The Commission reviewed the Meeting Minutes from October 21, 2019.

Mr. Narayana, made a motion, seconded by Ms. Van Lancker, to accept the October 21, 2019, Meeting Minutes as amended. Motion passed 6-0-0.
Mr. Gene Crouch recused himself from the Mass DOT hearing.

7:15 95-931, NOI, Massachusetts Department of Transportation, Route 126 (Pond Street), drainage, traffic, and safety improvements (continued from 10/7/2019) (continued to 11/4/2019)

Ms. Susan McArthur (Mass DOT- Applicant), Mr. Paul Milewski (Green International- Representative), and Danielle Spicer (Green International- Representative) were present for the hearing.

Ms. McArthur gave a brief overview of the project and its impact to wetland resource areas.

Ms. McArthur stated that BVW, Bank, and BLSF are impacted by this project, and that they exceed the 5,000 square foot threshold of disturbances within BVW.

Mr. Milewski stated that the project will achieve the following goals:

- Improve the transportation corridor;
- Improve safety, and mobility of the corridor for pedestrians, and cyclists;
- Improve the aesthetics of the corridor, and;
- Increase commerce for the Town of Ashland

Mr. Milewski stated that the 25% designs were submitted in January 2019. He further explained that the project will consist of the following:

- Two travel lanes, consisting of 11 feet each;
- A sidewalk consisting of a width of five feet and;
- An eight to ten feet modular path on the side of the road for shared use.

The key intersections on site are Eliot Street, Spy Glass Hill Drive, and Algonquin Trail.

Ms. Danielle Spicer stated that they are filing under a Limited Project. Headwalls to culverts will be improved, but will impact some banks. Replication areas are proposed in the amount of 4,960 square feet in two different locations. Ms. Spicer pointed out Figures 8A through 8H. There are two small areas within BVW near Market Basket that will have a negligible increase in filling of those areas. There will be significant Stormwater improvements. The design of the system mimics existing conditions.

Ms. Spicer stated that they had received the Agent’s comments, and answered some of those comments. The Agent asked about the wetland lines and the delineations. Ms. Spicer said that they were reflagged in August of 2019. The Agent had asked about the condition of the culverts. Ms. Spicer said that Green International evaluated the culverts and that they are recommending to Mass DOT that three out of four culverts be replaced with box culverts. The culvert that is not being replaced crosses at Reliable Fence (231 Pond Street). Ms. Spicer said that the culvert is in good condition. Mr. Hakansson explained that the Commission is currently undergoing litigation of a stream that comes from that culvert. Ms. Spicer stated that Green International was told early on that the area was prone to flooding and that the drainage plans were revised to address that concern. Ms. Spicer went over the Stormwater Report, and Mr. Hakansson asked about the decrease in flow rate to one of the areas.
Ms. Van Lancker stated that *Cornus racemos* (grey dogwood) should be replaced with *Cornus amomum* (silky dogwood) as it prefers moist soils.

The Agent went over her comments from the *Comment Filing* document. Mr. Moulton stated that he has reservations about the replication area proposed at Algonquin Trail by way of a drainage pipe. Mr. Moulton stated that he does not think that it will work, and that it will just get clogged. The Agent agreed with Mr. Moulton’s statement of the pipe becoming clogged. The Agent stated that it would function more as bioretention area rather than a replication area.

Mr. Moulton asked if Mass DOT is able to swing Algonquin trail so it curves the opposite way than what is shown on the plans. Mr. Milewski stated that he was not sure if they have the geometry for that. Ms. McArthur further clarified Mr. Moulton’s suggestion. Mr. Moulton asked about if there are other replication areas. Ms. Spicer stated that there are only two replication areas. Mr. Moulton asked if borings were done. Mr. Milewski confirmed that borings were done and are awaiting on the reports from the borings. Mr. Moulton said that he is curious about the groundwater depth.

Ms. Spicer stated that the plans will be revised for potential drywells. Mr. Moulton opened the hearing to the public.

Mr. Ed Bates (98 Hilldale Road) stated that he is a member of the Pond Street Project Working Committee, and that he understands that the Commission’s responsibility is with wetlands. Mr. Bates explained the brief history and the current status of it as it relates to DOT’s schedule. Mr. Bates was concerned that if Algonquin Trail is moved now, the money from the State will be gone. He further clarified that Mass DOT and MAPC gives funding based on project readiness.

Mr. Hakansson thanked Mr. Bates for his comments, and stated that the Commission is trying to find where the replication areas should go. Site constraints limit the placement of the replication areas. Mr. Hakansson said that he struggles with understanding the need to realign a road in a wetland, and replacing those areas with a wetland and a roadway.

Ms. Paula Parker (415 Captain Eames Circle) said that she is the Chair of the Pond Street Project Working Group. Ms. Parker explained that this project has been in development for roughly two decades, and that a road safety audit was performed. It was found that 18,000 vehicles per day use Route 126 (Pond Street), and that Algonquin Trail has become a cut through to avoid the intersection at Eliot Street and Pond Street. Ms. Parker said that a second study was done, and seven meetings were held along with informational meetings. Ms. Parker said that safety is the main concern, and pedestrian improvements are part of the project. Ashland is on Mass DOT’s Transportation Improvement Program, where towns compete to obtain funding, and if Ashland loses its place, it will not get that funding as it is competitive and highly political.

Mr. Moulton asked that if it had been going on for so long, why the Commission wasn’t informed. Ms. Parker stated that informational meetings were held for the public. Mr. Moulton said that it has never come to the Commission, and that the Commission did a site visit back in August and no flags were up. Mr. Moulton further explained that the site
inspection had been a waste of everyone’s time. Ms. Spicer stated that the timeframe for transportation projects is long.

Mr. Hakansson said that it is not up to the Commission to decide where the road goes. Mr. Hakansson further explained that it is up to the Commission to provide commentary on the project as it relates to wetlands.

The Commission scheduled a site visit for 1:00 p.m. on Saturday, November 9, 2019.

Mr. Narayana made a motion, seconded by Ms. Van Lancker to continue the hearing to November 25, 2019. Motion passed. 5-0-0.

Mr. Crouch returned to the meeting

9:00  NOI/SMP, 95-929, William Rodenhiser, 81 West Union Street, two commercial buildings, and associated work (continued from 10/21/2019)

Mr. William Rodenhiser (Applicant), and Mr. Peter Barbieri (Attorney- Representative) were present for the hearing.

Mr. Barbieri stated that the master deed has been recorded at the Registry of Deeds. Mr. Barbieri further stated that once the additional buildings are constructed, the Master Deed will need to be amended and recorded one more time. Mr. Crouch explained that the stormwater management is a topic of growing concern. Mr. Barbieri stated that the Operations and Maintenance Plan will be attached to the Master Deed.

The Agent mentioned a concern regarding the Applicant’s current standing with the Planning Board. Mr. Barbieri clarified stating that they are confident that the building footprints will remain the same, but the change of use, and the heights of the buildings will change as a result of their standing with the Planning Board.

Mr. Moulton made a motion, seconded by Mr. Narayana to close the hearing. Motion passed 6-0-0.

The Commission reviewed a draft OOC for Mr. Rodenhiser. The Commission asked questions about the work for phase II. Mr. Rodenhiser stated that the trees have already been cleared and explained that he made a cut into the site at Phase I to prevent any migration of sediment into the wetlands. Mr. Crouch indicated that Mr. Rodenhiser may move sediment out the site quicker than what Mr. Rodenhiser anticipates. The Commission is okay with a cut on site for Phase II.

Mr. Moulton made a motion, seconded by Mr. Narayana to close the hearing. Motion passed 6-0-0.

Mr. Moulton and Mr. Crouch recused themselves from the Eversource hearing
9:38  NOI/SMP, 95-926 NOI/SMP, Eversource, Hopkinton to Ashland Transfer Line, gas line replacement from Hardwick Rd to Cedar St (continued from 10/21/2019)
Ms. Van Lancker opened the hearing stating that a request for continuance was submitted.

Mr. Narayana made a motion, seconded by Mr. Wands to continue the hearing to December 9, 2019. Motion passed 4-0-0.

Mr. Moulton and Mr. Crouch returned to the meeting

9:39  Discussion, Caryn and William Kane, 30 Raymond Way, Restriction
The Agent provided a brief history of the site and that an OOC with a file number of 95-577 required a CR to be placed on the property. The Agent further explained that at a previous meeting, the Commission had agreed to allow the owner to go the route of a Deed Restriction, and that she had been in touch with Town Counsel, Lisa Mead. Town Counsel had sent an e-mail stating that:

Thank you for this information and the cases [permits and deed] cited. As a result, I am fine with the Conservation Restriction not being approved by EOA. So long as the agent agrees that it covers the area delineated and limitations set in the Order of Conditions, I am fine with the document.

The Agent stated that Ms. Mead had indicated that she did not believe that the Deed Restriction would expire in 30 years given the permits issued on the property, and the statement on the property’s deed. Mr. Crouch mentioned that he recently dealt with a case similar to this and that the deed did expire, but if Counsel’s recommendation that he deed would not expire within 30 years than that is what the Commission should consider.

Mr. Hakansson said that he looked through the draft deed restriction and was fine with the way that it was written.

Mr. Crouch said that he will entertain a motion for approving the draft Deed Restriction under the recommendation of Town Counsel and with the understanding that the Restriction will run with the land in perpetuity.

Ms. Van Lancker, made a motion, as cited above. Seconded by Mr. Wands. Motion passed 5-0-0.

10:02  Member Prerogative
Mr. Hakansson said that there are two articles for the Fall Town Meeting (November 20, 2019) in regards to the purchase of Tri Street, and for a development restriction on 378 Eliot Street.

Mr. Crouch mentioned that the Commission should endorse articles 5 and 6 of Fall Town Meeting Warrant.

Mr. Hakansson said that a talent bank form was submitted to fill the vacant seat, and that the Commission needs to start thinking of the filling that seat. Mr. Crouch said that he didn’t receive it. The Agent said that she is forwarding it to Mr. Crouch in an e-mail now.
Mr. Hakansson also said that Finance Committee has endorsed Article 5.

Mr. Hakansson made a motion, seconded by Ms. Van Lancker, to endorse Articles 5 and 6 for the Fall Town Meeting. Motion passed 5-0-0.

Ms. Van Lancker stated that the CPC voted to allocate some funds to Mill Pond Park for improvements. Mr. Crouch stated that a landscape plan is needed. The Agent said that the land was obtained by a Land and Water Conservation Fund Grant. Mr. Crouch clarified that it was 6F land. Ms. Van Lancker asked the Agent to obtain the plans from Town Management, and submit them to the Commission.

10:15 Agent’s Announcements

The Agent said that Mr. Francis Venuto (Applicant for a project at Nickerson Road) mentioned the difficulty of putting the bounds in before work starts, which is a standard condition within OOCs issued by the Commission. The Agent also mentioned that he is asking to do the bounds after work is completed. She also noted that Mr. Venuto is not the only applicant, and won’t be the last one to complain about that. She further indicated that she informed the Applicant that the Commission would likely require that the bounds be placed prior to work. The Commission stated that the condition needs to be met so that the bounds are in place prior to work, and that the bounds need to remain intact during work. The Agent will contact Mr. Venuto.

10:23 Request for COC’s Steve Hickey 95-899 through 95-894, LLC. High Street Extension (Hillcrest Estates)

The Agent stated that she received deed recording information from Mr. Hickey and that a swing set was removed from the No Disturb Zone from one home. The Agent recommended a Complete COC for all file numbers.

Ms. Van Lancker made a motion, seconded by Mr. Wands to issue a Complete COC for 95-899, 95-898, 95-897, 95-896, 95-895, and 95-894. Motion passed 5-0-0.

10:24 Request for Extension, Steve Hickey 95-900 and 95-901, LLC. High Street Extension (Hillcrest Estates)

The Agent stated that Mr. Hickey submitted a Request for Extension for 95-900 and 95-901. The homes are currently being built, and contains the foundation and some framing for each project. Extensions for both OOCs were recommended by the Agent.

Ms. Van Lancker made a motion, seconded by Mr. Wands to issue an Extension for 95-900 and 95-901. Motion passed 5-0-0.

10:25 Sign Documents

OOC 95-929, NOI/SMP, William Rodenhiser, 81 West Union Street, two commercial buildings, and associated work

COC 95-899 for Lot 3 (23 High Street Extension)

COC 95-898 for Lot 4 (25 High Street Extension)

COC 95-897 for Lot 5 (27 High Street Extension)
Mr. Moulton made a motion, seconded by Ms. Van Lancker to adjourn the meeting. Motion passed 5-0-0.

**Documents Reviewed by the Conservation Commission on 11/4/2019**

- Conservation Commission Agenda 11/4/2019
- Document entitled, *Meeting Minutes* 10/21/2019
- Plans submitted by Bohler Engineering, entitled, *Site Development Plans for Baypath Plaza, LLC.*, and dated November 1, 2019
- Document submitted by Bohler Engineering, entitled, *Stormwater Operation and Maintenance Plan*
- NOI submitted by Mass DOT via Green International Affiliates, dated 7/1/2019
- Plans entitled, *Massachusetts Department of Transportation Highway Division Route 126 (Pond Street): NOI submission*, dated 7/1/2019
- Document entitled, *Comments on Filing: Mass DOT*, dated 10/22/2019
- Document submitted by Grady Engineering, entitled, *Operation and Maintenance Plan for 81 West Union Street “Phase 2”*
- Document entitled, *Conservation Covenant Lot 13R Raymond Way Ashland, MA.*
- Sign Documents