



Town of Ashland

MASSACHUSETTS

MEETING MINUTES
ASHLAND CONSERVATION COMMISSION
November 19, 2018

1
2 Present: Gene Crouch (Chair)
3 William Moulton (Vice Chair)
4 Jeff Lingham
5 K. G. Narayana
6 Cathy Van Lancker
7 Greg Wands
8 Carl Hakansson (entered at 8:55)
9
10 Maeghan Dos Anjos (Agent)

11
12 **Call to order: 7:07 P.M.**

13
14 **7:07 Review of the November 19, 2018, Meeting Minutes**

15 The Commission reviewed the Meeting Minutes from November 19, 2018.

16
17 Mr. Lingham made a motion, seconded by Mr. Narayana to accept the November 19, 2018,
18 Meeting Minutes as amended. Motion passed 6-0-0.

19
20 **7:10 Review of the October 29, 2018, Executive Session Meeting Minutes**

21 The Commission reviewed the Executive Session Meeting Minutes from October 29, 2018.

22
23 Ms. Van Lancker made a motion, seconded by Mr. Lingham to accept the October 29, 2018,
24 Meeting Minutes as amended. Motion passed 5-0-1. Mr. Narayana abstained.

25
26 **7:12 Discussion, Tom Nanatovich, 273 Pleasant Street, project proposal to alleviate**
27 **ponding**

28 Mr. Nanatovich was present for the discussion. Mr. Nanatovich stated that he had been
29 experiencing ponding on his property and he would like to alleviate the ponding by adding a
30 layer of crushed stone, and would then loam and seed over it. Mr. Nanatovich stated that the
31 ponding from his yard was not due to flooding from the Sudbury River.

32
33 Mr. Lingham stated that it could be from groundwater seepage, and asked if he has a wet
34 basement. Mr. Nantovich stated that he does not have a wet basement. The Agent stated that
35 work would take place within the Riverfront Area and Bordering Land Subject to Flood. Mr.
36 Lingham stated that compensatory storage needs to be calculated.

37
38 Mr. Crouch suggested draining the area that it is ponding through a drainage pipe rather than
39 filling the area. Mr. Nantovich stated that gravel was deposited by one of the neighboring
40 houses a few years ago.

42 The Commission stated that since work will take place in resource areas, a Notice of Intent will
43 be required, and that photos of the property before the ponding occurred should be included in
44 the NOI package.

45
46 **7:29 Hearing for SMP Waiver, David Butenas, 40 Cherry Street, Ashland Brew Café**
47 Mr. David Butenas, and Ms. Isabel Perez (Applicants/owners) were present for the hearing.
48 The Applicants were required to submit a Stormwater Management Permit, because a Site Plan
49 Review was submitted to the Planning Board. The Agent stated that this process triggers the
50 filing of a local Stormwater Management Permit (SMP) under existing regulations. The
51 project is for a solarium on 40 Cherry Street. The Applicants are officially requesting a waiver
52 of the local SMP.

53
54 Mr. Lingham made a motion, seconded by Mr. Narayana to issue the waiver for the SMP for
55 40 Cherry Street. Motion passed: 6-0-0.

56
57 **7:34 NOI, Janet Carlson, 17 Morey Drive, after-the-fact permit for addition and**
58 **porch**

59 **Mr. Moulton recused himself.**

60 Ms. Janet Carlson (Applicant and Owner) and Steve Reesor (contractor consultant) were
61 present for the hearing.

62
63 Mr. Reesor stated that the existing deck has been removed, and that the addition and a deck
64 will be within that area. There will be a foundation for the addition, and there will be
65 sonatubes for the deck. The Agent stated that work will take place within the buffer zone to
66 the bank of an intermittent stream.

67
68 The Commission discussed photos that Mr. Reesor passed around, and asked about a drainage
69 pipe that was shown in the photos. Mr. Reesor stated that it was stormwater from the
70 neighbor's house.

71
72 The Commission discussed bounds, and determined that five bounds should be installed.

73
74 Mr. Narayana made a motion, seconded by Mr. Lingham, to close the hearing. Motion passed
75 5-0-0.

76
77 Ms. Van Lancker made a motion, seconded by Mr. Narayana to issue the Order of Conditions.
78 Motion passed 5-0-0.

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

81
82 **7:57 SMP 2018-01, Carlos Hanzi, 128 Main Street, redevelopment of lot, removing**
83 **existing building and replacing it with mixed use building (continued from**
84 **10/15/2018)**

85 Mr. Carlos Hanzi (Applicant), Mr. Desheng Wang (Creative Land and Water Engineering-
86 Representative), Nate Gardner (LSP), and Mr. Phil Jack (Attorney) were present for the
87 hearing.

88

89 The Agent stated that the hearing was continued to address comments from EPA and for a peer
90 review. The Agent stated that the EPA, and GCG has submitted final comments for the
91 project. The Agent also stated that discussions took place with the EPA, and other
92 departments.

93
94 Mr. Wang explained that the comments on the passive ventilation plan were limited to the
95 interior of the building. Mr. Crouch asked if the site is a listed site. Mr. Gardner stated that
96 the site is not a listed site, and that nothing was found in the REM Plan.

97
98 Mr. Crouch reviewed the comments from GCG, and asked questions regarding the soils, and
99 the volume of the stormwater management system as designed. Mr. Wang responded to Mr.
100 Crouch's questions/comments.

101
102 Ms. Van Lancker stated that the plans should be unified in one document as references for
103 construction workers, as stated in GCG's comments. The Commission further asked about
104 material layout plans, and if the site will be fenced. Mr. Hanzi stated that there is a condition
105 in the Planning Board Permit to fence the site and have a gate at the entrance.

106
107 The Commission suggested a cover sheet with indexing, and asked about contractor work and
108 safety. The Commission reviewed an e-mail from EPA.

109
110 Mr. Lingham made a motion, seconded by Mr. Narayana, to close the hearing 6-0-0.
111

112 **8: 55 Violation, Legacy Farms, Howe Street, sediment and fill in buffer zone and**
113 **resource areas**

114 **Mr. Moulton Recused**

115 Mr. Peter Bemis (surveyor) and Mr. Andy Leonard (site contractor) were present for the
116 discussion. Mr. Bemis stated that he was hired for surveying of the project and that Bohler
117 Engineering did the site design for the site. Mr. Bemis stated that the project consists of 180
118 units, and that roads are graded and ready for pavement. He also stated that infrastructure is
119 covered with metal plates.

120
121 Mr. Bemis explained the current Stormwater Pollution Prevention Plan on site, and that there are
122 areas to enhance it. Mr. Bemis stated that construction basin was online and had several volumes
123 of water, as the storm passed over the area suspended solids moved up and down with the water
124 level and eventually migrated through the outlet, and travelling downstream to the reservoir, and
125 other wetland areas. The basin is being pumped down, and the basin is being lined. Floc logs
126 were installed in all construction basins. He stated that floc logs are now in the wetlands near
127 Howe Street. He also stated that the culverts were cleaned.

128
129 Mr. Lingham asked about the date of the photos. Mr. Bemis said that it was from 11/16/2018,
130 and that the water is clear. Mr. Lingham stated that he would like to do a site inspection. Mr.
131 Crouch stated that plans are required by December 3, 2018. Mr. Bemis asked for an extension.

132
133 Mr. Narayana made a motion, seconded by Ms. Van Lancker, to ratify the Enforcement Order,
134 and amend it to include a revision of a date (from December 3, 2017, to December 17, 2018),
135 and to issue a first offense fine of \$100.00. Motion passed 6-0-0

136 **Mr. Moulton returned to the meeting**

137
138 **9:30 Executive Session pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider litigation**
139 **strategies in the matter of D. Zani First 2009 Realty Trust v. Town of Ashland et.**
140 **al. Civil Action No. 1681 CV 01770 the public discussion of which will have a**
141 **detrimental impact on the litigation position of the Board.**

142 Mr. Narayana made a motion, seconded by Mr. Lingham to enter into executive session
143 pursuant to M.G.L. c. 30A, sec 21 (a)(3) to consider litigation strategies in the matter of D.
144 Zani First 2009 Realty Trust v. Town of Ashland et. al. Civil Action No. 1681 CV 01770 the
145 public discussion of which will have a detrimental impact on the litigation position of the
146 board.

147
148 Motion passed 7-0-0 (Carl Hakansson, Greg Wands, K.G. Narayana, Jeffrey Lingham, Cathy
149 Van Lancker, William Moulton, Gene Crouch).

150
151 **10:29 The Commission returned from Executive Session and entered into open session.**

152
153 **10:30 Review Draft OOC, 95-924 Antonio Da Silva, 20 Mulhall Drive, after-the-fact**
154 **permit for drainage improvements**

155 The Commission reviewed a draft permit for Mr. Da Silva for 20 Mulhall Drive.

156
157 Mr. Lingham made a motion, seconded by Mr. Narayana to issue the OOC for 20 Mulhall
158 Drive as revised. Motion passed 7-0-0.

159
160 **10:40 Conservation Land Inventory— Final Approval**

161 The Agent stated that the Conservation Land Inventory is officially complete. The Agent stated
162 that templates have been created, which were required by certain sections in the Inventory.

163
164 Mr. Moulton made a motion, seconded by Mr. Lingham to issue the Conservation Land
165 Inventory. Motion passed 7-0-0.

166
167 **Sign Documents**

168 OOC 95-924 Antonia Silva, 20 Mulhall Drive, after-the-fact permit for drainage
169 improvements

170 OOC 95-925, Janet Carlson, 17 Morey Drive, after-the-fact permit for addition and porch
171 EO Legacy Farms, Howe Street, discharges to wetland resource areas (ratified and
172 amended)

173 OOC Janet Carlson, 17 Morey Drive, after-the-fact permit for addition and porch
174

175 **10:50 Adjournment**

176 Mr. Moulton made a motion, seconded by Ms. Van Lancker to adjourn the meeting.

177 Motion passed 7-0-0
178

179 **Documents Reviewed by the Conservation Commission on 11/19/2018**

- 180 • Conservation Commission Agenda 11-19-2018.
181 • Document entitled, *Meeting Minutes Ashland Conservation Commission November 5,*
182 *2018.*

- 183 • Document entitled, *Executive Session Meeting Minutes Ashland Conservation*
- 184 *Commission October 29, 2018*
- 185 • Document entitled, *Memo: Points for emphasis from stormwater permit waiver request*
- 186 *letter*, dated November 19, 2018, from David Butenas and Isabel Perez, regarding 40
- 187 Cherry Street.
- 188 • Site plans entitled, *“Proposed ‘Ashland Brew Café’ Concept Plan 40 Cherry Street,*
- 189 *dated November 7, 2018 from McClure Engineering.*
- 190 • NOI for Janet Carlson, 17 Morey Drive
- 191 • Photographs of 17 Morey Drive
- 192 • Draft OOC 95-925 for Janet Carlson, 17 Morey Drive
- 193 • Document entitled, *“Flood Impact Analysis and Stormwater Management”* for 128
- 194 Main Street, dated October 16, 2018, from Creative Land & Water Engineering, LLC.
- 195 • Document entitled, *“Soil Gas Monitoring Results 128 Main Street”*, dated July 18,
- 196 2018 from Stantec.
- 197 • Document entitled, *“Stormwater Management Permit for 128 Main Street, SMP 2018-*
- 198 *01”* dated October 16, 2018 from Creative Land & Water Engineering, LLC.
- 199 • e-mail from Lisa Thuot, entitled, *“128 Main Street”* dated November 13, 2018.
- 200 • Site plans entitled, *“128 Main Street”* Sheet 1, dated 8/ 27 /2018 from Creative Land &
- 201 Water Engineering, LLC.
- 202 • Site plans entitled, *“128 Main Street”* Sheet 2, dated 9/ 6 /2018 from Creative Land &
- 203 Water Engineering, LLC.
- 204 • Site plans entitled, *“128 Main Street”* Sheet 3, dated 7/ 27 /2018 from Creative Land &
- 205 Water Engineering, LLC.
- 206 • Site plans entitled, *“128 Main Street”* Sheet 4, dated 8/ 27 /2018 from Creative Land &
- 207 Water Engineering, LLC.
- 208 • Document entitled, *“Stormwater Management Permit 128 Main Street, Assessor’s Map*
- 209 *14 Parcel/Lot 150”*, dated October 12, 2018 from GCG Associates.
- 210 • Draft OOC for Antonio Da Silva, 20 Mulhall Drive
- 211 • Document entitled, *Construction Safety Program for...* 128 Main Street
- 212 • Plans entitled, *“Figure 1: Passive Vapor Measure”* dated, September 28, 2018 for 128
- 213 Main Street, by Stantec
- 214 • EO issued to Vin Gately regarding Legacy Farms, fill in Ashland wetland resource
- 215 areas and the Hopkinton Reservoir
- 216 • Document entitled, *“Conservation Land Inventory”* dated November 19, 2018.