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TOWN OF ASHLAND MASSACHUSETTS
OFFICE OF
PLANNING BOARD
101 MAIN STREET

Preston Crow, Chairman

TEL: (508) 881-0100

Notice of Decision
Scenic Road Special Permit
Eversource Existing Transfer Line Easement,
Chestnut Street and Cedar Street

Date: October 24, 2019

To: Town Clerk

CC: Board of Selectmen
Conservation Commission
Tree Warden
Historical Commission
Department of Public Works

Re: Scenic Road Alteration Approval, Eversource existing Transfer Line Easement,
Chestnut Street and Cedar Street

In accordance with Massachusetts General Law Chapter 40 Section 15C and Chapter 249, Section 20, of the Town of Ashland Code (Scenic Roads), the Ashland Planning Board heard the petition of NSTAR Gas d/b/a Eversource Energy (Eversource) for a Scenic Roads Application permit for the Eversource Energy Hopkinton to Ashland Transfer Line Project. The project proposes the replacement of approximately 3.71 miles of existing six (6') inch-diameter steel natural gas pipeline with twelve (12') inch-diameter steel natural gas pipe. The project consists of temporary disturbance within the existing pipeline easement at two locations along two designated scenic roads, Chestnut Street and Cedar Street, consisting of in-street construction and temporarily removal and reassembly of existing stone walls. No disturbance to nearby trees along the two scenic roadway is proposed.

In accordance with the provisions of the Ashland Scenic Road Bylaw, the Ashland Planning Board held a public hearing on Thursday July 25, 2019. Additionally public hearings were held on September 12, 2019 and October 10, 2019.

Documents of Record

The application packet dated May 24, 2019 Application for Site Plan Review.

- Set of Plans titled "Eversource Energy Hopkinton Transfer Line Replacement Project, Towns of Hopkinton and Ashland Middlesex County, Massachusetts", prepared by Tri-Mont Engineering Company, 38 Resnik Road, Suite 102, Plymouth, MA 02360, dated March 18, 2019 holding a Issued for Permit date of March 18, 2019 signed and stamped by Brendon C. Kearns Civil No. 53669 on April 4, 2019.

Materials submitted during the discussion process:

- a) Letter from the Donna C. Sharkey, Presiding Officer, Energy Facilities Siting Board Commonwealth of Massachusetts addressed to Senate President, Karen E. Spilka, and Representative Jack P. Lewis, Re: EFSB 18-02- Natural Gas Company- Hopkinton-Ashland Gas Transfer Line Replacement Project dated July 25, 2019.
- b) Email from Lisa Mead, Town Counsel, Mead, Talerman and Costa, LLC, Re: Eversource Ashland Scenic Way Application dated October 9, 2019.
- c) Ashland Planning Board Continuance memo dated September 16, 2019, stamped by the Ashland Town Clerk on September 17, 2019.
- d) Ashland Planning Board Continuance memo dated July 29, 2019, stamped by the Ashland Town Clerk on July 29, 2019.
- e) Email addressed to the Planning Board from Eillen Roche dated July 4, 2019.
- f) Email Addressed to the Planning Board from Catherine Rooney, July 26, 2019.
- g) Email addressed to the Planning Board from Diane Ring September 9, 2019, received on September 11, 2019.

Decision / Facts and Findings

Following presentations by the Applicant, a review by Board members of all documentation and members of the public, the Board voted 4-0 to approve the Scenic Way Permit as described above for NSTAR Gas d/b/a Eversource Energy (Eversource).

Based on the evidence presented, the Board makes the following findings:

1. The Planning Board concludes the approval of the petitioner's Scenic Road permit is not an endorsement of the Eversource Pipeline Hopkinton-Ashland project. However the Board concluded there is a need to treat the applicant the same as any other petitioner applying for said permit.
2. The proposed project is located along Chestnut Street and Cedar Street at described locations within the application packet and looks to temporarily remove and rebuild two twenty foot (20') sections of historical stone walls. The Applicant will reuse all existing stones to reconstruct the stone walls.
3. The Planning Board understands the Ashland Select Board is awaiting summary judgement regarding Eversource's current easement. This permit pertains only to the application presented and to the disturbance and reconstruction of stone walls with the right-of-away.
4. The Planning Board understands the petitioner has filed applications with the Ashland Conservation Commission is awaiting a decision. The Planning Board's permit pertains only to the application presented and to the disturbance and reconstruction of stone walls with the right of away.

Permit Conditions:

- 1) The proposed project is located along Chestnut Street and Cedar Street at described locations within the application packet and looks to temporarily remove and rebuild two twenty foot (20') sections of historical stone walls. The Applicant shall only use existing stones in the reconstruct of the stone walls at the two identified locations.
- 2) The applicant and contractor shall meet with Town staff for a pre-construction meeting before any earthwork disturbance commences. At the pre-construction meeting the applicant shall submit a documentation through photo evidence of the pre-construction condition. Furthermore, a construction schedule shall submitted and approved by Town staff.
- 3) At the pre-construction meeting the applicant shall submit a bond in the amount to be determined based on cost estimates of the permitted work that is to be completed.
- 4) No work shall commence until the time a bond has been received by the Ashland Planning Department. The Bond shall be released upon final inspection of the Ashland Planning Department and photo documentation. If determined by the Ashland Planning Department the Applicant shall submit an as-built plan stamped by an engineer and geo-referenced CAD files and PDF.
- 5) At the pre-construction meeting the applicant shall provide the name and contact information of the contractor on site.
- 6) As needed the applicant shall provide a Licensed Site Professional on site during excavation.
- 7) Before the commencement of earthwork, the applicant shall submit final plans and specifications to the Planning Department.
- 8) Chestnut Street and Cedar Street shall be swept of debris and dirt after each work day, if needed.
- 9) During construction the Applicant shall be vigilant about dust control. Water facilities to control dust shall be available on-site at all times. If dust is unable to be controlled it shall be monitored to ensure that no pollutants get airborne.
- 10) The Applicant shall comply with Department of Public Works and Fire Department regulations or requirements. Any permits and fees required by the Department of Public Works and Fire Department are separate from this approval.
- 11) There shall be no parking or standing of vehicles along Chestnut Street and Cedar Street during construction. The applicant shall make an effort to avoid interrupting residential traffic along both roadways.
- 12) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction activities shall not commence on any day before 7:00 AM and shall not continue beyond 7:00 PM. There shall be no construction activities on any Sunday or federal legal holidays.
- 13) During construction, all local, state, and federal laws shall be followed regarding noise, vibration, dust, refueling and blocking of town roads, as well as all applicable directives in the Operations & Maintenance plan.

14) The Ashland Planning Board's Scenic Road approval shall lapse after five (5) years from the date of the filled decision with the Ashland Town Clerk. The Scenic Road approval may, for good cause, be extended in writing by the Board upon written request of the Applicant.

In accordance with Massachusetts General Law Chapter 40 Section 15C and Chapter 249, Section 20, of the Town of Ashland Code (Scenic Roads),

Town of Ashland Planning Board



Preston F. Crow, Chair