

Town of Ayer Conservation Commission

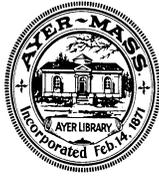
Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **2/28/2013** – Approved 3/14/2013

Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT),
Jessica Gugino (JG, Clerk), Lee Curtis (LC), Becky DaSilva-Conde (CA, Conservation Administrator)
APAC taped: Yes

7:12 PM – Open Meeting

- **Confirmation of Agenda**
 - GB moved to confirm agenda as posted; TT 2nd.
 - Motion approved unanimously.
- **Announcements**
 - The Montachusett Regional Planning Commission (MRPC) will present an update on its trail inventory and mapping project for the towns of Ayer, Groton, Harvard, and Shirley from 6-8 p.m. on March 13 on the 2nd floor of Ayer Town Hall.
 - Frederick Civian, Mass DEP Stormwater Coordinator, will hold a workshop to review the EPA's new municipal stormwater rules for Massachusetts, from 7-9 p.m. on March 27 at the Nashoba River Watershed Association.
 - The workshop is intended to help towns prepare for new requirements that will come into effect in May.
 - Members of local Planning Boards, Conservation Commissions, Stormwater Committees, Highway Departments, and the general public are welcome to attend.
 - The Littleton Water Department has issued a summary of Lycott Environmental's weed management treatment for Spectacle Pond in 2012.
- **Accounts Payable**
 - Len-Art Press: \$43.79, for new nameplates.
 - GB moved to approve payment of \$43.79; TT 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 2/14/13 as written; TT 2nd.
 - Motion approved unanimously.
- **PUBLIC HEARING GENERAL (CONT'D): NOTICES OF INTENT (NOI), PINGRY HILL, CRABTREE DEVELOPMENT, LLC**
 - Steve Mullaney, of SJ Mullaney Engineering, presented 8 NOIs for Pingry Hill subdivision (formerly known as RidgeView Heights), Phase III B.
 - Mr. Mullaney gave CA a check for \$565.64 for the cost of the legal ads.
 - BD noted that the Public Hearing Notice for one of the NOIs, for 116 Hickory Way, was incorrect and will have to be re-posted.
 - BD said ConCom will re-post the Public Hearing for a later date, but asked Mr. Mullaney if he had any objections to informally discussing the lot and scheduling a site visit.
 - Mr. Mullaney said he did not and agreed to discuss this lot informally tonight and formally at a later meeting.
 - BD stated for the record that a site visit would not be scheduled until most of the snow has melted so as to allow ConCom to adequately view ground conditions before ruling on the NOIs.

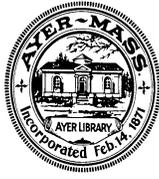


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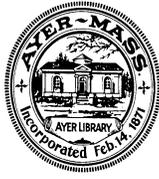
- ConCom will review conditions at its meetings on 3/14 and 3/21 to ascertain whether a site visit on 3/23 would be viable.
- ConCom's next meeting after that would not be until 4/11.
- As a general rule, ConCom asked that house corners for the basic box be staked on all of the lots.
- Mr. Mullaney said that, for all of the NOIs, the plans show the maximum size house that might be built, to adequately address stormwater calculations.
 - Depending on market conditions, the actual size of the house built on each lot may wind up being smaller.
- **Public Hearing: NOI – 8 Hemlock Drive, Lot 59 (DEP #100-0359)**
 - Proof of abutter notification was submitted to CA.
 - Mr. Mullaney described this lot as the most complex of this batch of NOI submissions.
 - A wetland finger runs through this lot, coming across from Lot 58 and running into the Littleton Road drainage system.
 - This finger was not in evidence for the 1997 wetland delineation but subsequently appeared in the 2005 delineation.
 - The wetland delineation from 2005 was reviewed in 2011.
 - Mr. Mullaney said that a week earlier, the wetland flagging was verified, with missing flags replaces and 10 new flags put in.
 - A total of 16,881 sq. ft. of alterations will take place within the Buffer Zone (BZ), including all of the house and utility connections.
 - 316 sq. ft. of alteration to Bordering Vegetated Wetland (BVW) are planned for a driveway crossing that crosses the wetland finger.
 - A 474 sq. ft. replication area, 1-1/2 times the size of the altered BVW, is planned.
 - Mr. Mullaney handed members of ConCom a missing sheet detailing the wetland replication area instructions.
 - When the Planning Board approved the subdivision, they required limiting driveways running off of Littleton Road.
 - Therefore, while this lot also abuts Littleton Road, its driveway must run off of Hemlock Drive.
 - Mr. Mullaney said the driveway would be subject to overland drainage flow during heavy rain.
 - CA said that a future resident might not like water flowing over the driveway and could not be counted on to approach ConCom before attempting to remedy the situation.
 - BD said overland flow would also expose a resident to potential hazards such as driveway icing.
 - Mr. Mullaney said they could install a 45 ft. base flow culvert, for which they have drawn up plans, if ConCom wants.
 - BD said that this will be looked at closely during the site walk.
 - CA asked for a profile view of the culvert for the driveway crossing.
 - TT asked that copies of the monitoring reports for the replication area, required for 2 growing seasons, be sent to ConCom.
 - BD asked that this be written into the OOC.
 - CA asked that a supplemental planting list be submitted with the monitoring reports.
 - Mr. Mullaney said that the location of the replication area on the east side of the lot was due to existing contours that make it a natural swale.
 - LC asked why the plans showed the lawn extending all the way to the wetland and asked if was possible to have a vegetative strip separating the two.



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- Mr. Mullaney said that if the house was smaller than indicated on the plan, this could be adjusted.
- CA told Mr. Mullaney that ConCom now requires that wetland replication be completed before construction on a lot proceeds.
- LC asked for a copy of the EPA required Stormwater Pollution Prevention Plan (SWPPP) which Mr. Mullaney indicated he would provide.
- LC noted inconsistencies in the square footage figures between the plans and the NOI.
 - Mr. Mullaney explained that this was an error as a result of Mass DEP having initially asked for alternatives.
- BD said he was concerned with the new road (Hemlock Drive) running downhill to Littleton Road and causing similar erosion/sedimentation problems as have occurred with Hickory Way.
 - Mr. Mullaney said that stormwater/erosion controls will be employed.
 - To avoid problems, BD said that ConCom will actively monitor Hemlock Way with weekly visits as construction proceeds.
- GB moved to continue the Public Hearing to 3/14/13; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – 23 Hemlock Drive, Lot 61 (DEP #100-0354)**
 - Proof of abutter notification was submitted to CA.
 - 6677 sq. ft. of wetland alteration within the BZ are planned, most of it the backyard area.
 - The closest point of activity to the BVW is 38 ft.
 - BD said his primary concern was that the topography indicated stormwater would run straight downhill into the resource area.
 - Mr. Mullaney said the existing grading does that but that the proposed grading will instead direct flow toward the stormwater basin on Lot 60.
 - GB moved to continue the Public Hearing to 3/14/13; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – 26 Hemlock Drive, Lot 58 (DEP #100-0358)**
 - Proof of abutter notification was submitted to CA.
 - 8792 sq. ft. of wetland alteration within the BZ are planned.
 - This includes a portion of the house, retaining wall, driveway, lawn, and utility connections.
 - The closest point of activity to the BVW is 4 ft.
 - Boulders could be placed to clearly demarcate the wetland area for future homeowners.
 - BD said ConCom will also study the trees in this area to see how they will also discourage infringement into the resource area.
 - GB moved to continue the Public Hearing to 3/14/13; JG 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – 37 Hemlock Drive, Lot 62 (DEP #100-0355)**
 - Proof of abutter notification was submitted to CA.
 - 10,650 sq. ft. of wetland alteration within the BZ are planned.
 - This includes a portion of the house, walkout backyard, retaining wall, driveway, lawn, and utility connections.
 - The closest point of activity to the BVW is 8 ft.
 - A wetland drainage swale runs across the middle of the lot.
 - The northeast corner of the lot has a drainage easement.



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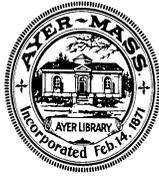
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- Mr. Mullaney said the house could potentially be moved closer to the road.
 - BD said he'd like to see the distance between the back of the house and yard to the wetland increased.
 - CA agreed that pushing the house forward might help in discouraging encroachment onto the resource area by homeowners.
- BD said the site walk will consider the use of physical barriers to protect the resource area.
- GB moved to continue the Public Hearing to 3/14/13; LC 2nd.
 - Motion approved unanimously.

- **Public Hearing: NOI – 53 Hemlock Drive, Lot 63 (DEP #100-0356)**
 - Proof of abutter notification was submitted to CA.
 - Most of this lot is in a drainage easement.
 - 10,744 sq. ft. of wetland alteration within the BZ are planned.
 - This includes a portion of the house, walkout backyard, retaining wall, driveway, lawn, and utility connections.
 - The closest point of activity to the BVW is 5 ft.
 - A wetland drainage swale runs partway across the middle of the lot.
 - An access drive leading to the stormwater basin is located on the south side of the lot.
 - The drive and basin will be maintained by the developer and, later, the homeowners association.
 - Mr. Mullaney said boulders could be placed along the easement line to prevent encroachment into the resource area.
 - Mr. Mullaney said the plans show the house placed at the minimum setback from the street.
 - If the depth of the house is curtailed, the edge of the backyard can be further removed from the BVW.
 - Mr. Mullaney said if the house had a narrower depth, it might also be possible to retain a line of trees.
 - BD raised question about the direction of the flow of stormwater and whether it was toward the street or toward the backyard resource area.
 - He said this should be looked at during the site visit to evaluate potential flow velocity issues from grading.
 - CA asked that the edge of the drainage easement be staked for the site walk.
 - GB moved to continue the Public Hearing to 3/14/13; JG 2nd.
 - Motion approved unanimously.

- **Public Hearing: NOI – 67 Hemlock Drive, Lot 64 (DEP #100-0357)**
 - Proof of abutter notification was submitted to CA.
 - 823 sq. ft. of wetland alteration within the BZ are planned.
 - This only involves a portion of the backyard.
 - The closest point of activity to the BVW is 77 ft.
 - Mr. Mullaney said that if a smaller house is built, all of the activity could be entirely outside of the BZ.
 - GB moved to continue the Public Hearing to 3/14/13; LC 2nd.
 - Motion approved unanimously.

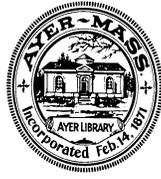
- **Public Hearing: NOI – 74 Hemlock Drive, Lot 55 (DEP #100-0353)**
 - Proof of abutter notification was submitted to CA.
 - 2,252 sq. ft. of wetland alteration within the BZ are planned.



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- This involves a portion of a retaining wall and a portion of the backyard.
- The closest point of activity to the BVW is 76 ft.
- A smaller house might result in all of the activity being outside of the BZ.
- GB moved to continue the Public Hearing to 3/14/13; TT 2nd.
 - Motion approved unanimously.
- **Discussion: NOI – 116 Hickory Way, Lot 82 (DEP #100-0360)**
 - Proof of abutter notification was submitted to CA.
 - 8589 sq. ft. of wetland alteration within the BZ are planned.
 - This includes the house, retaining walls, and portions of the driveway, lawn and utility connections.
 - The closest point of activity to the BVW is 30 ft.
 - A drainage easement is located between the backyard and the wetland.
 - A stormwater basin is proposed for a portion of the northeast corner of the lot.
 - An access drive runs along the western edge of the lot.
 - The plans locate the house at the minimum setback from the street.
 - Mr. Mullaney said a narrower depth (from 48 ft. to 28 ft.) to the house would allow for a bigger backyard.
 - BD suggested the area of disturbance could be reduced if the location of the house on the lot was pushed toward the east or the west.
 - For the site walk, BD asked for stakes to be placed at the minimum setback from the road, then at 28 ft. from that, and finally at the depth as drawn on the current plans.
 - CA asked that the edge of the drainage easement be staked.
 - BD agreed, saying the drainage structures on this lot and lot 63 should be staked for the walk.
- **CA Updates**
 - Laurie Nehring, of PACE (People of Ayer Concerned About the Environment), asked for time on ConCom's agenda regarding environmental clean-ups on Fort Devens.
 - Ms. Nehring would like to update ConCom on the Devens Restoration Advisory Board (RAB) meeting (being held concurrently on 2/28) regarding:
 - Shepley Hill Landfill Remedy Update
 - Plow Shop Pond Sediment Remediation
 - A representative from the U.S. Army's BRAC (Base Realignment and Closure Division) was going to be giving the status updates.
 - It was decided to give Ms. Nehring 30 minutes for a brief update.
 - If more is needed, a joint meeting would be scheduled to include the Dam & Pond Management Committee.
 - Flannagan Pond RFP 2013.
 - CA reported that the RFP ran in the Lowell Sun on 2/22 and would also be running on 3/1 and 3/8.
 - The RFP has also been posted to the Town's website.
 - CA has already received several requests for copies of the RFP, including from ACT, Lycott, Beals and Thomas (Southborough), BSE Group, DBI Services (Pennsylvania), and New England Environmental (Amherst).
 - MACC Annual Environmental Conference
 - The Conference is being held on 3/2 and CA will be attending.
 - TT, LC, and JG will also be attending.



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- Chris Hillman Email re 71 Sandy Pond Road
 - BD will write to Selectman Hillman about his invitation for ConCom to meet with BOS to discuss enforcement capabilities (or lack thereof).

- **Member Updates**
 - JG said CPC received an offer from Ed Cornelier, representing the Family Trust that owns Kohler Place, to bring his attorney in to discuss the crossing easement issues from Wright Road.
 - CPC Chair Janet Providakes had asked if ConCom was interested in also being present, given the possibility ConCom might be asked to sponsor an Open Space purchase of Kohler Place.
 - JG will keep ConCom members informed of when the attorney might address CPC.
 - The general feeling was that, regardless, an attorney's word-of-mouth assurances were no substitute for written legal documentation supporting the crossing easement.
 - TT reported on the recent meeting of the Dam & Pond Management Committee (DPMC).
 - DPMC is looking forward to receiving an electronic version of Lycott Environmental's report on its 2012 weed treatment on Flannagan Pond.
 - CA said she has spoken to Rob Wheaton, of Lycott, who will be revising the report to explicitly state the percentage of achieved weed eradication.
 - When CA has the revised electronic version, she will forward it on.
 - Superintendent Wetzel is putting together an outline of what an eventual Pond Management Plan, including scope of work and historical detail, might look like.
 - The private dam at Shaker Mill Pond has now been included on DPMC's dam inventory.
 - LC asked that she not be copied on anything to do with ConCom's plans for a comprehensive weed treatment survey on Ayer ponds as this violate state ethics.
 - The company LC works for might be an applicant.
 - BD's insatiable curiosity revealed that the meaning of the term 'chlorotic', as used regarding pond weed treatment, refers to the yellowing or whitening of plant tissue that results from insufficient chlorophyll.

- **Discussion: Comprehensive Weed Treatment Study**
 - LC recused herself and left the room.
 - CA will ask Town Administrator Robert Pontbriand whether an RFQ, RFP, or other format would be the most appropriate route for ConCom to solicit interest and cost estimates.

- **9:45 PM – Adjourn Meeting**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.