

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **6/27/2013** – Approved 7/25/2013

Location: Ayer Town Hall, 1st Floor

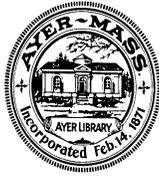
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT), Lee Curtis (LC), Becky DaSilva-Conde (CA, Conservation Administrator), Jessica Gugino (JG, Clerk)

APAC taped: Yes

7:15 PM – Open Meeting

- **Confirmation of the Agenda**
 - GB moved to confirm the agenda as posted; LC 2nd.
 - Motion approved unanimously.

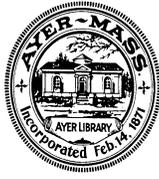
- **Public Hearing (cont'd.): NOI – #6-8 Groton-Harvard Road, Liberty Condominium Trust (DEP #100-0362)**
 - Thomas Gibbons, of Liberty Condominium Trust, and Jesse Johnson, of David E. Ross Associates, were present.
 - The purpose of the NOI is to expand the parking area for the renovated condo units in the two buildings.
 - During the site walk on 6/15, and given recent heavy rains, ConCom was able to observe how stormwater from the existing parking area flowed off the lot and onto a neighboring lot.
 - The new paving for expanded parking will pitch the flow of stormwater toward a new infiltration trench to protect the abutting wetland resource area.
 - Mr. Johnson said that because of current grading, water from the existing paved area will not redirect toward this trench but will continue its current flow pattern.
 - BD said the OOC for the new paving will contain a Special Condition addressing this situation.
 - State law now requires that stormwater be controlled on its own lot.
 - When the existing paved area requires repaving in the future, this Condition will require that the older parking area be brought into compliance with the new stormwater requirements and that stormwater is fully controlled on the property.
 - GB moved to approve and issue an OOC for DEP # 100-0362.
 - The motion was amended to note that the OOC would include the Special Condition described above.
 - GB moved to accept the amendment and approve and issue an OOC for DEP #100-0362; TT 2nd.
 - Motion approved unanimously.
 - GB moved to continue the Public Hearing to 7/11; TT 2nd.
 - Motion approved unanimously.



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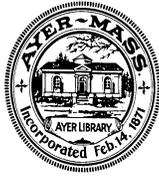
- **Accounts Payable**
 - Regarding the Greenway Committee's new trail map, kiosk preparation, and brochure draft, Steve Smith submitted a request for reimbursement of expenses incurred at Printing Solutions of Westford, for photocopying, laminating, etc.
 - Mr. Smith also submitted a cost estimate of \$290 from Printing Solutions for a 500-count printing of the brochure – which awaits ConCom approval prior to proceeding.
 - TT questioned whether it was appropriate to use ConCom's wetland fund for payment of these two items.
 - GB said the wetland fund was for activities in support of wetland regulations.
 - BD recommended ConCom wait before voting to draw on this fund until it confirms the legitimacy of this kind of usage.
 - CA said ConCom had approximately \$142 left over in its office budget for this fiscal year, expiring after tomorrow.
 - ConCom decided that this money could be used to reimburse Mr. Smith of most of his incurred expenses.
 - GB moved to approve payment of \$135.43 to Steve Smith; TT 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 6/13 as corrected; TT 2nd.
 - Motion approved unanimously.
- **CA Updates**
 - Congratulations
 - CA noted that both BD and GB had been re-appointed to ConCom for another 3 years.
 - DPW
 - CA distributed two RDAs received from DPW Superintendent Mark Wetzel, for review at ConCom's 7/11 meeting.
 - The first RDA seeks to install a security fence at the East Main Street Spillway (Balch Dam) and loam and seed the area recently disturbed by DPW.
 - It was noted that the DPW's recent disturbance in the area was not given prior authorization by ConCom, which had not been notified in advance.
 - BD said DPW has yet to erect an erosion barrier between the disturbed soil and the water.
 - CA will contact DPW again about this and ask that it be done asap.
 - The second RDA is for general re-paving projects in Town.
 - 7/11 Agenda
 - In addition to the DPW's RDA filings, CA has given PACE a 45-minute slot to update ConCom on remediation plans at Plow Shop Pond and Shepley's Hill Landfill.



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- ConCom briefly took up the issue of Plow Show Pond Remediation and the EPA's comment letter on the draft plan.
 - BD noted that the EPA's comments on the questionable means and methods of the draft plan seemed to support the position of ConCom that only a small area of the pond would be cleaned of contaminants and that this would be a short-lived result given the re-dispersion of contaminants once the pond was allowed to re-fill.
 - TT said a lot of the comments called into question the whole remediation endeavor.
 - BD agreed whole-heartedly that this would be throwing a lot of good money after bad by trying to fix a problem with methods that simply wouldn't work.
- COCs – 82 Groton-School Road, Brent and Robert Routhier (DEP # 100-0236 and 100-0313)
 - CA has received calls from two attorneys, Peter Knox, representing the Routhiers, and James Donovan, representing the bank, regarding a request for Certificates of Compliance for two open OOCs.
 - The Routhiers are trying to short sale the property to a buyer.
 - Attorney Knox said he only just became aware of the open OOCs and the closing is supposed to take place within the next few weeks.
 - CA informed both attorneys by phone and in writing that the site is unique and not a quick sign-off, given the prior Enforcement Order.
 - ConCom will therefore require:
 - a letter from a certified engineer stating that the work was built to spec and accounting for any deviations;
 - a letter from a wetland biologist certifying that the wetland replication, required after illegally diverting a perennial stream and filling in wetland, was properly done and is functioning well.
 - CA also said that ConCom will likely require for a site walk.
 - Jesse Johnson, of David E. Ross Associates, has just been asked to handle this site and will be calling CA tomorrow.
 - BD asked CA to tell Mr. Johnson that, if the above ConCom requirements are met, ConCom could perform a site walk on 7/6 to help facilitate the COC process.
- **Discussion: RFQ – Opening, review and evaluation of RFQ submittals from Ayer Ponds Aquatic Management Study and 5-Year Plan**
 - BD opened and distributed proposals from the 3 companies that submitted:
 - New England Environmental (NEE), of Amherst, MA
 - Aquatic Control Technology (ACT), of Sutton, MA
 - Geosyntec, of Acton, MA



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- Proposals were evaluated and assigned points according to:
 - Project Understanding and Approach
 - Firm Resources and Capabilities
 - Experience in Aquatic Resource Management Planning
 - References
 - Cost Proposal
 - Comments on NEE reflected concern that their proposal was vague as to how they would go about doing things and did not have a clear direction.
 - TT said that one of ConCom's objectives with the RFQ was to be helped in better defining how we monitor and assess the ponds.
 - JG was concerned with NEE's limited water sampling per pond.
 - Comments on ACT reflected confidence in their familiarity with Ayer ponds and with the detailed means and methods outlined in their proposal.
 - Comments on Geosyntec noted that the company had visited and photographed the ponds prior to preparing the proposal, and offered good technical detail.
 - Geosyntec's proposal contained a unique map delineating the watersheds around Ayer ponds.
 - Geosyntec's approach seemed fresh and looked at the bigger picture.
 - Geosyntec has been used by others to provide independent third-party review of vegetation management plans – something ConCom has been looking for.
 - To help with the cost, Geosyntec's proposal offered to work with the Town to develop a study-plan that fit the Town's budget and prioritized survey needs for each pond.
 - BD opened the price proposals for each submission.
 - NEE's cost of services was \$41,175
 - ACT's cost of services was \$18,255
 - Geosyntec's cost of services, subject to adjustment, was in the range of \$31,944
 - After commissioners and CA marked and signed their evaluation forms, BD tallied the results.
 - On a 100-point scale:
 - NEE received an average of 72.5
 - ACT received an average of 84
 - Geosyntec received an average of 92.3
 - BD said ConCom will contact Geosyntec and say it was intrigued by their proposal and was interested in having them come talk to ConCom.
 - BD said ConCom will go before the BOS as scheduled on 7/16 to explain how and why ConCom made its choice and that ConCom would be working with Geosyntec to formulate a solid proposal to present to the BOS in the future.
- **11:40 PM – Adjourn Meeting**
 - GB moved to adjourn; LC 2nd.
 - Motion approved unanimously.