

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **9/12/2013** – Approved 9/26/2013

Location: Ayer Town Hall, 1st Floor

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

Not present: Takashi Tada (TT)

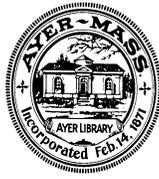
APAC taped: Yes

7:10 PM – Open Meeting

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

- **Public Meeting: Autumn Ridge Enforcement Order / Project Update (sans BD)**
 - Cal Goldsmith, of Goldsmith, Prest & Ringwall (GPR), appeared on behalf of Woodstock Homes, the current developer for Autumn Ridge, which is nearly completion.
 - Mr. Goldsmith said the developer has completed repairs on the detention basin behind building 6.
 - Work is now proceeding on repairs to the site's pavement and manhole covers.
 - Mr. Goldsmith distributed copies of the developer's construction schedule through the end of September.
 - He also distributed copies of the "Long Term Pollution Prevention and Stormwater System Operation and Maintenance Plan" and said the developer will be cleaning everything up before the final hand-off to the Homeowner's Association.
 - Mr. Goldsmith was asked about the condition of the turtle habitat, which was inspected by GPR a month ago.
 - Mr. Goldsmith said that the habitat was constructed but has not been maintained.
 - While the soil is loose and soft, there is thick sod and heavy growth of vegetation.
 - Mr. Goldsmith said he would be trying to get Misty-Anne Marold, of Natural Heritage and Endangered Species Program (NHESP), out for a site visit.
 - He said he expected Ms. Marold would require the developer to remove the sod and overgrowth.
 - JG asked if it was fair to still call the area a turtle habitat given that it has never been maintained and is badly overgrown.
 - Peg Pfeiffer, representing the Homeowner's Association, said the Association was seeking formal approval from ConCom to remove silt sacks from the catchbasins, a condition that ConCom had previously imposed.
 - CA said this was fine and that the silt sacks needed to be removed before final paving can be done anyway.
 - CA asked Mr. Goldsmith for copies of the detention basin inspection as well as a copy of Ms. Marold's turtle habitat inspection when completed.

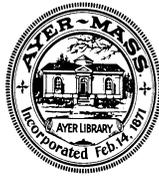
- **Informal Discussion: Calvin Moore's 217 West Main Street property (sans BD)**
 - Mr. Goldsmith, on completing the discussion of Autumn Ridge, asked for permission to briefly address another issue on behalf of Calvin Moore.
 - Mr. Moore owns the parcel at 217 West Main Street, formerly owned by Phil Berry, and has future plans to put up storage units on the site.
 - If approved down the road, this will likely include doing remediation in a riverfront zone.



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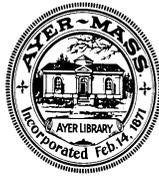
- This in turn will require a fair amount of fill.
- The construction currently taking place at Ayer High School is producing a lot of soil they need to get rid of immediately.
 - Mr. Moore could eventually use the approximately 10-20 truckloads as fill.
- On behalf of Mr. Moore, Mr. Goldsmith asked if it would be okay for this soil to be moved and stockpiled to Mr. Moore's property.
 - It would be stockpiled on a flat area and surrounded by haybales and silt fencing.
 - Mr. Goldsmith indicated that an NOI would be filed if ConCom insisted, but that the High School has an immediate need to be rid of the fill now.
 - Mr. Moore understands that if his storage unit project does not go through, then he will be responsible for removing the stockpiled fill.
- Mr. Goldsmith said the NOI for the storage units would be filed pretty soon.
- CA asked where exactly the pile would be located and whether it was in the floodplain.
 - Mr. Goldsmith said the planned area was well above floodplain and that it just nipped the 100-ft. buffer zone.
 - LC asked if it was possible to keep the pile entirely outside the buffer zone and Mr. Goldsmith said they could try.
 - CA said that if ConCom gave the okay, the erosion controls should be put down first before any truckloads were brought in.
 - This will also visually establish the limit of dumping for the truck drivers.
 - CA and LC stressed that the pile needs to be entirely outside the buffer zone.
- An informal okay was agreed to by GB, JG, LC and CA.
- **Public Meeting: Enforcement Order (EO) / Cease & Desist (C&D) Update, Ridgeview Heights Subdivision, Pingry Hill**
 - Present were: Rick Roper, of Crabtree Development; Lori Scanlan, Project Manager from Powell Construction; and Desheng Wang, Erosion Control Specialist from Creative Land & Water Engineering.
 - Also present were Jean Holmes, representing the owner of Littleton Lyne Apartments (LLA), and Attorney Robert Markley, representing LLA.
 - Mr. Wang's "Sediment, Erosion, and Turbidity Control Plan," was submitted by email earlier on 9/12.
 - This included "Table 2," providing a construction schedule for the near future, as requested by CA.
 - Mr. Wang reported on progress made at the site since the EO was issued on 7/26/13 and he was brought in subsequently (8/13) to properly oversee erosion control.
 - The hiring of an erosion control specialist was a requirement of both ConCom and Mass DEP, which will be issuing its own Unilateral Administrative Order (UAO) shortly.
 - Hydroseeding and slope stabilization have been done on both Hickory Way and Hemlock Drive.
 - The use of flocculent logs, improved check dams, and other methods have now been employed.
 - Mr. Wang stressed that sediment control is a constantly moving target and needs to be kept on top of via regular inspections, repairs, and adjustments in the field.
 - Mr. Wang reported that after a heavy downpour on 9/6, the floc logs did the job, swales remained intact, and silt was successfully trapped behind check dams.
 - Turbidity levels in Bennett's Brook remained very good.



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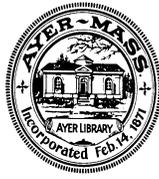
- Mr. Wang noted that much of the new sediment detected in the roadway came off of trucks working further uphill and tracking back onto Hickory Way.
 - Mr. Wang stressed to Mr. Roper and others that insofar as proper stormwater control is concerned, the whole site is jurisdictional, not just land inside the buffer zone.
 - To solve this new problem, pretreatment or mud traps for trucks exiting disturbed construction areas will be employed.
- Mr. Wang said that, in his opinion, the site was now in full compliance with the EO.
 - The UAO from Mass DEP, however, has not yet been received as it has been held up for final review by the DEP's legal office.
- CA asked Ms. Scanlan if rip-rap has been used at the top of the hill to catch mud from trucks.
 - Ms. Scanlan said that elevations have been bought up and driveways graveled.
 - Ms. Scanlan said the area would regularly be swept and that they would keep on top of things.
- Mr. Roper said that he was now "very sensitive" to erosion control issues and that as things progressed in construction, including eventually moving into Phase IV, he would be bringing Mr. Wang onboard before anything new is done.
 - CA said this was great to hear, but noted that ConCom would, in any case, be requiring the use of a professional erosion control specialist in any future OOCs for Pingry Hill.
- Conditions for lifting the C&D were discussed.
 - CA said that Mr. Roper wants to move forward with work on lots 47 and 48, which abut Route 2A.
 - The State required line-of-sight clearing for traffic visibility.
 - Two-thirds of the work, including tree-cutting and cutting into and shaving down the hill slope, had been completed when the C&D was issued, bringing work to a halt.
 - CA said she'd mentioned this area specifically to Joe Bellino, of Mass DEP, and he had indicated he was comfortable with this work proceeding.
 - Mr. Wang will be overseeing it.
 - Ms. Scanlan said if they get the go-ahead, this work will be completed in the next two weeks.
 - The Littleton Lyne Apartment's planned sewer connection on Hemlock Drive was discussed.
 - Mr. Bellino indicated to CA that he was comfortable with this moving forward if ConCom was as well.
 - Mr. Roper said Crabtree Development has also come to an agreement with LLA over the developer's gaining an easement for drainage piping on LLA property across 2A.
 - In general, CA said, Mr. Bellino has indicated his support for at least some work moving forward as long as ConCom also agreed.
 - Mr. Roper said he had no plans at the moment to do any work on lots 58 and 59, given the particularly high erosion potential of these lots.
 - Mr. Roper indicated there were other lots that he would like to perform tree-clearing and stumping on in order to expose the lots to potential buyers.
 - BD said it made sense for work to now proceed so long as no further problems like the ones that triggered the EO and C&D are encountered.
 - BD asked that CA visit the site twice a week for the time being.



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- Attorney Markley, for LLA, urged ConCom to lift the C&D so that LLA can proceed with its sewer connection.
 - Mr. Markley said that the language is all set for the agreement between LLA and Crabtree Development over Crabtree’s drainage easement, but that Ms. Holmes wanted the easement staked out before signing.
 - CA reminded all parties that when the LLA sewer connection was approved by ConCom in May, ConCom had asked for a letter from Mr. Roper that okayed the connection.
 - ConCom has not yet received that written authorization.
 - Mr. Roper said he had forgotten but that they do have a contract and he will provide CA with a copy.
- BD moved to approve lifting the C&D so that work can go forward based on Mr. Wang’s Table 2 (to which lots 60 and 63 were to be added); JG 2nd.
 - Mr. Roper was reminded that future problems on the site will result in swift action from ConCom.
 - Motion approved unanimously.
- **Discussion: Beaver Management Survey / Plan**
 - The site visit of 9/7/13, with Mike Callahan of Beaver Solutions, was reviewed.
 - In addition, DPW Superintendent Wetzel was given a verbal report on the visit when ConCom met with the Pond & Dam Committee on 9/9.
 - Robbins Road Dam
 - It was observed that the water in this area was not at a sufficient depth to allow a beaver deceiver device to work.
 - The generally steep drop-off to Bennett’s Brook led ConCom members to conclude that backyard flooding was not a high risk and that no action was required at this time.
 - Shaker Road Culvert
 - BD reiterated that this would be a perfect place for a beaver deceiver and that Mr. Callahan indicated such a device could be easily incorporated into a new culvert if and when DPW Superintendent Wetzel seeks ConCom approval for replacement and road repairs.
 - The Shaker Mill Pond Spillway nearby was discussed with Mr. Callahan but not visited on foot because of the heavy growth of poison ivy.
 - While the spillway would be best visited by kayak, it is also located on private property.
 - Rock Meadow Pond Dam (between Autumn Ridge and the Ayer Rod and Gun Club)
 - This is the beaver dam whose breakthrough in 2011 led to a portion of Oak Ridge Drive washing out.
 - BD described the immense “potential energy” of the stored water trapped behind the 8-ft. high dam.
 - Mr. Callahan suggested lowering the dam by 2 ft. to reduce public safety risks.
 - The dam would be an excellent site for a beaver deceiver.
 - It was noted that in previous discussions, it was not clear whether the land under the dam was owned by the Town via Conservation Restriction, Autumn Ridge, the Gun Club, or Calvin Moore.
 - Rosewood Avenue Dam
 - A 6-foot drop-off from the beaver dam to the stream below was observed.



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- Because the depth of the water in back of the dam was at least 5-feet, Mr. Callahan said it would be a good location for a beaver deceiver.
- It was understood from Mr. Wetzel in the past that the DPW could fund beaver deceivers here and at the nearby dam by the Rail Trail from its sewer budget.
- Mr. Callahan recommended that the DPW slowly lower the height of the Rosewood dam in order to expose sewer manhole covers so that Beaver Solutions could determine the proper height for flow pipes.
- The issue of needing permission from Fish & Wildlife before tampering with a beaver dam was discussed.
 - This applies to stand-alone beaver dams, not beaver dams erected in man-made structures like culverts and spillways.
 - CA said in emergency situations, permission is sought from the local Board of Health.
 - Mass Wildlife only gets involved when no discernible threat exists.
 - In such cases, an NOI must be submitted and Public Hearing held.
- Long Pond Spillway
 - A 2-1/2-foot build-up of water was observed on 9/7.
 - This was determined to be an excellent site for a beaver deceiver.
 - Use of a device would reduce DPW maintenance and prevent sudden water-level changes downstream in Sandy and Flannagan ponds after periodic DPW clean-outs.
- Summing up, it was determined that Rosewood Avenue, the Rail Trail, and Shaker Road Culvert were excellent spots for the DPW to install beaver deceivers.
- Likewise, ConCom could have deceivers installed at Rock Meadow Dam (if ownership issues are satisfactorily resolved) and at Long Pond Spillway.
- Moving forward, ConCom will submit a write-up to DPW, copying the BOS and Pond & Dam Committee.
 - BD asked CA to get an Assessor's certified stamp for the Rock Meadow Pond and Long Pond areas.
 - The BOS also needs to be notified for permission to use ConCom's beaver funds.
- **Discussion: Ayer Pond Survey RFQ**
 - ConCom members met with the Pond & Dam Committee on 9/9.
 - Chuck Miller indicated he was excited that the RFQ went above and beyond the previous pond survey to include issues around recreation, fishing, pollution sources and more.
 - As a result, members from both groups would be appearing before the BOS on 9/17 to express unified support for moving forward and seeking BOS funding support.
 - BD asked CA to contact GeoSyntec to schedule a joint meeting with ConCom and the Pond & Dam Committee.
 - ConCom's agenda for 9/26 was already full so a special meeting on 10/3 was suggested.
- **Accounts Payable**
 - \$250 – Mike Callahan, Beaver Solutions, for 9/7 site walk with ConCom.
 - JG moved to approve payment of \$250; LC 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 8/22/13 as amended; LC 2nd.



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- Motion approved unanimously.

- **10:11 PM – Adjourn Meeting**
 - JG moved to adjourn; LC 2nd.
 - Motion approved unanimously.