

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **6/12/2014** – Approved 6/26/2014

Location: Ayer Town Hall, 1st Floor

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

Not present: Lee Curtis (LC)

APAC taped: Yes

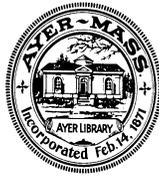
7:12 PM – Open Meeting

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

- **Meeting Minutes Approval**
 - GB moved to confirm the minutes of 5/22/14 as written; TT 2nd.
 - Motion approved unanimously.

- **Public Meeting: RDA – 31 Central Avenue, John Hillier**
 - Present were John Hillier; Attorney Christopher Lilly, of Lorden, Pastor & Lilly, P.C.; and Professional Engineer John Field, of Nashoba Engineering.
 - The RDA concerns proposed work to install a security fence as well as a concrete equipment slab at the back west corner of the building.
 - The installation of an underground utility conduit was added to the proposal.
 - All proposed work falls within the buffer zone of an intermittent stream.
 - A site walk was scheduled for Saturday, 6/21/14, at 9 a.m.
 - BD asked that the layout for the concrete pad and security fence be clearly marked, and that a paint marker be used to locate the proposed utility run.
 - Mr. Field gave CA a copy of the plans.
 - BD reminded Mr. Hillier that applicants are required to submit additional copies for each ConCom commissioner.
 - Mr. Hillier indicated that he would bring CA a check for \$59.07 on the following day to cover the cost of the legal ad.
 - GB moved to continue the Public Meeting to 6/26/14; TT 2nd.
 - Motion approved unanimously.

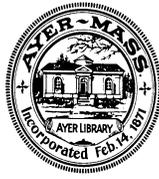
- **Public Meeting: RDA – 121 Oak Ridge Drive, Mark Miller**
 - Mr. Miller was present and described his plan to build a shed and install a fence for the keeping of 2 goats in his backyard.
 - His 1/3 acre property abuts Flannagan Pond.
 - Mr. Miller has previously received approval from the Board of Health (BOH) and ConCom for the keeping of chickens.
 - The proposed fence, added on to two sides of the backyard already fenced in, will extend to 15 ft. from the water's edge.
 - Manure and feed will be stored in cans near the shed area.



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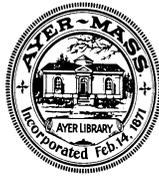
- Although most of the manure will be collected, part of the fenced in area is an undeveloped wooded area with heavy leaf litter that Mr. Miller said would also serve as a natural filter for any remaining manure.
 - BD asked that a condition be added to the DOA giving CA permission to visit the site in spring 2015 to confirm that manure is not passing through the wooded area and fence to reach the pond.
 - Mr. Miller agreed to this condition.
 - Mr. Miller proposes to do the work during this summer.
 - Mr. Miller has already been before the BOH, which deferred issuance of a permit until after ConCom made its ruling.
 - GB moved to issue Negative Determination of Applicability with condition noted above; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 25 Coolidge Road, Robert Pedrazzi, DEP # 100-0373**
 - A site walk took place on 5/17/14.
 - CA has since received a copy of the revised plan showing the addition of a staircase and retaining wall, both of which were discussed at the 5/17 site walk.
 - Material for the retaining wall will be either large concrete blocks or large rocks.
 - The OOC was reviewed and CA noted that it references the revision in the plan.
 - GB moved to issue and sign the OOC; TT 2nd.
 - Motion approved unanimously and the OOC was signed.
 - GB moved to close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
- **Public Meeting: RDA – Beaver Deceiver for New Long Pond Dam, Ayer Conservation Commission**
 - BD presented the RDA; GB temporarily took over as Chair.
 - The proposed beaver deceiver will have a domed intake fence that prevents beavers from hearing or feeling the flow of water, which in turn triggers their insatiable urge to dam.
 - The deceiver will also have an adjustable pipe outlet set to a specific elevation to control the water level.
 - The purpose of the deceiver is to eliminate beaver damming above the manmade spillway, and to let the spillway alone determine the maximum water level for Long Pond.
 - CA will coordinate with the BOH to facilitate the permit process for Mike Callahan, of Beaver Solutions.
 - TT moved to issue a Negative Determination of Applicability; JG 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): ANRAD – 114 Pleasant Street, Riley Jane Farm, LLC (DEP #100-0372)**
 - Calvin Moore was present.
 - The first half of the site walk took place on 5/10/14; the remainder of the property was walked by ConCom on 5/31, accompanied again by Nick Pauling, of Goldsmith, Prest & Ringwall; and Field Biologist Dave Crossman.
 - BD noted that some changes to the location of wetland flagging were made during the site walks, and that in addition some flags were found to be missing.
 - For abutters present, BD described the process for an ANRAD (Abbreviated Notice of Resource Area Delineation), and that ConCom's issuance of an ORAD (Order of Resource Area Delineation) confirmed agreement with the delineation.



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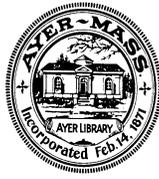
- An ORAD is good for 3 years, during which an applicant can use the agreed-upon delineation for other application submissions, such as an NOI, which would require their own Public Hearings.
- Resident Ruth Maxant indicated an area on the map that she was concerned about.
 - BD said that area was not walked because it was not part of this application.
 - If an application was submitted to do work in that area, ConCom would address it then.
- GB moved to issue an ORAD for 100-0372; TT 2nd.
 - BD added a friendly amendment that the ORAD indicate some wetland flags were missing and some were relocated.
 - Motion approved unanimously.
- GB moved to close the Public Hearing for 100-0372; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – Nashua Street Extension, Calvin Moore, DEP # 100-0363**
 - CA distributed an updated site plan to ConCom members.
 - A site walk was tentatively scheduled for Saturday, 6/28, at 9 a.m.
 - BD asked Mr. Moore to have the 4 corners of each proposed house staked and the road re-staked as well.
 - GB moved to continue the Public Hearing to 6/26/14; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – 8 Mountain View Avenue, Jessica Gugino, DEP # 100-0374**
 - JG recused herself from ConCom; GB took over as temporary Clerk.
 - Ms. Gugino described the urgent need for outside drainage work around the foundation of her house to mitigate water damage occurring inside from groundwater seepage through the slab.
 - New trenching, waterproofing, and drainage structures will be used on the uphill-facing south and east walls of the foundation.
 - Drainage swales will also be constructed.
 - A site walk was scheduled for Saturday, 6/21/14 at 10 a.m.
 - GB moved to continue the Public Hearing to 6/26; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Proposed field changes, MBTA Railroad Improvements, DEP #100-0336**
 - Mike Turgeon, of Jacobs Engineering, represented the MBTA.
 - Mr. Turgeon said the plan changes proposed by the MBTA were triggered by the possibility of a realignment of Macpherson Road by another party.
 - Because of this, the MBTA has shifted the location of some signal towers and signal houses further east.
 - In one area, the soils have been found to be inadequate to support one of the signal towers so timber retaining walls will need to be added to protect the base of this structure.
 - The shifting of the signal house and the addition of retaining walls will result in an increase in fill within the flood plain.
 - Mr. Turgeon also indicated that plans to plow for fiberoptic cable for the whole route have been dropped.
 - The MBTA proposes cable duct work to each tower instead.
 - GB asked to confirm that ConCom's OOC requires a post-construction survey.
 - Mr. Turgeon said the MBTA will be submitting as-builts at the completion of the project.



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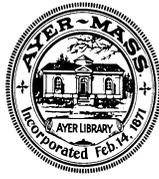
- After discussion, ConCom members were in agreement that the changes described could be handled as field changes rather than require an amendment to the OOC.
 - The changes are detailed in the revised plans T194 – T210, dated 4/22/14, submitted and distributed by Mr. Turgeon to ConCom members.
- GB moved to accept the changes noted above as field changes; TT 2nd.
 - Motion approved unanimously.
- A request for a Certificate of Compliance was also raised by Mr. Turgeon.
 - A site walk for an area in the vicinity of Willow Road was tentatively scheduled, pending availability of a flagger, for 8 a.m. on Saturday, 6/12/14.
- **Discussion: Rock Meadow Pond beaver dam management plans**
 - CA is in the process of contacting abutters to this natural beaver dam, including Autumn Ridge, Ayer Gun & Sportsmen's Club, Steve Smith, and Calvin Moore.
 - The collapse of this dam in summer 2011 triggered a catastrophic flood that washed out a portion of Oak Ridge Drive.
 - Because of public safety concerns, ConCom plans to have Beaver Solutions install a beaver deceiver at this dam which would adjust and maintain a specific water level to reduce impoundment / flooding risks.
 - In discussing the plan for a deceiver at the Long Pond Dam, TT had raised the issue of the impact on habitat of an adjusted water level, and how that level was to be determined.
 - The Long Pond Dam is a manmade spillway, and the use of a deceiver at that location would eliminate beaver damming and allow the spillway alone to determine the maximum water level.
 - In contrast, the Rock Meadow Pond dam is a natural beaver dam.
 - BD asked CA to contact Mike Callahan, of Beaver Solutions, to address questions raised by TT as to how the right water level is to be determined as well as its impact on wildlife and habitat.
 - BD also asked CA to also inquire about longterm maintenance needs for beaver deceivers.
- **Discussion: Comprehensive Ponds Study**
 - Robert Hartzel, of Geosyntec, has forwarded a copy of their contract to ConCom.
 - BD asked CA to have Geosyntec provide a detailed itemization of the work covered by the contract.
 - CA will also contact Town Administrator Robert Pontbriand to determine who signs the contract, the BOS or ConCom.
 - CA will also ask about the proper procedure for ConCom to access money from the various funding sources (DPW, CPC, BOS) in paying Geosyntec's contract as work proceeds.
- **CA Updates**
 - 5 Ledge way, DEP #100-0367
 - CA received a phone call from the Turners indicating that they would be withdrawing their plan to purchase this property, raze the existing structure, and then rebuild.
 - ConCom's issuance of an OOC was upheld by Mass DEP, but Mass DEP's ruling is now being appealed to the court system by abutters.
 - As a result, the Turners no longer wish to pursue the project.
 - MassDEP also informed the abutter who filed the appeal that materials for the appeal must be circulated to involved parties by the abutter, not by ConCom.



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- Pingry Hill, Crabtree Development
 - CA has received a variety of emails and/or phone calls complaining of issues at the Pingry Hill subdivision.
 - An email, dated 6/11/14, was received from Jean Hoffman-Anuta, of 187 Old Farm Way (Lot 32), complaining that developer Rick Roper had begun work in preparation to putting a drainage basin on the back portion of her property without prior notification.
 - In addition, the homeowner noted substantial runoff onto her lot from erosion on Lot 31 during heavy rain events.
 - CA responded the same day and informed Ms. Hoffman-Anuta that her letter had been forwarded to Desheng Wang, the erosion control specialist mandated by MassDEP.
 - With regard to the drainage easement for a basin at the back of the property, CA said this was outside of the purview of ConCom and recommended that the homeowner review her deed and/or consult her closing attorney.
 - CA has also received complaints from other residents about tree-clearing, and about the improper placement of haybales to divert runoff by another resident.
 - CA also contacted Mr. Roper and Steve Mullaney because work has begun on Phase V without 1) CA having received notification of the OOC having been recorded at the Registry; and 2) without CA having been notified for inspection of the erosion controls.
 - Mr. Mullaney promptly sent a copy of the Registry recording.
 - Mr. Roper contacted CA to say he had forgotten to notify her in advance of clearing, and to schedule a site visit by CA so that work, temporarily halted as per CA's request, could continue.
 - CA distributed two new NOI packets for Pingry Hill lots 29 and 30, scheduled for the 6/26/14 meeting.
 - ConCom members noted that, when site walks take place on these two lots, the only tree-clearing that should have been done by that time should be associated solely with detention basins, not housing development.
 - With regard to the Tata & Howard third-party review of Phase V:
 - GB moved to approve billing Crabtree Development \$3000 for the third-party Phase V stormwater management review; TT 2nd.
 - Motion approved unanimously.
- MBCR Right-of-Way
 - CA received notification that ownership of the MBCR ROW has been transferred to Keoils Commuter Services.
- Contamination at Cains Foods, 114 East Main Street
 - CA received a notification letter from Mass DEP that Cains Foods reported contamination of water on their site by cadmium.
 - The source of the contamination has been determined to be migration of material from off-site.
 - BD asked CA to ask MassDEP what effects excess cadmium could have on Balch Pond.
 - Geosyntec should also be informed of this in case it has an impact on their comprehensive ponds study.
- End of FY 2014
 - CA reviewed the remaining balance in ConCom's FY 2014 budget.



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- CA will be filing for mileage reimbursement and will also be using some of the remainder for the purchase of office supplies at Staples.

- **Member Updates**
 - JG brought up the letter from Town Counsel addressing the crossing easement for Kohler Place.
 - The letter was stamped received at Town Hall on 3/17/14 but was only recently forwarded to members of CPC, and forwarded from there by JG to ConCom.
 - ConCom members agreed that the letter appeared to adequately address the crossing easement.
 - Given the time it has taken to receive this letter, BD asked why a chain of title report wasn't undertaken a year ago when this letter was most recently requested.
 - In addition, why did Town Counsel hire a different firm to perform this research, and how was this to be funded?

- **Accounts Payable**
 - The Lowell Sun / Media One: \$57.28.
 - With the upcoming closing of FY 2014, CA noted that payment has still not been received from the applicants at 37 Groton-Harvard Road for the legal ad notification of a Public Hearing for their ANRAD.
 - The ANRAD was subsequently withdrawn, but the Lowell Sun bill for \$57.28 has yet to be paid.
 - GB moved to temporarily accept the expense of \$57.28 for the legal ad, with the intent that the cost be recovered from the applicant; TT 2nd.
 - Motion approved unanimously.
 - The Lowell Sun / Media One: \$64.44, for the legal ad for 17 Bligh Street, payment already received from the applicant.
 - GB moved to approve payment of \$64.44; TT 2nd.
 - Motion approved unanimously.

- **10:05 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.