

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **6/26/2014** – Approved 7/10/2014

Location: Ayer Town Hall, 1st Floor

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

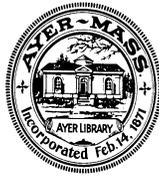
Not present: Lee Curtis (LC)

APAC taped: Yes

7:14 PM – Open Meeting

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

- **Public Hearing: NOI – Crabtree Development, Pingry Hill, 97 Holly Ridge Road (Lot 29), DEP # 100-0375**
 - Steve Mullaney, of S.J. Mullaney Engineering; and Rick Roper, of Crabtree Development, were present.
 - Mr. Mullaney gave CA proof of abutter notification, and a check for the running of the legal ads for this and the following NOI hearing for Lot 30.
 - It was noted that lots 29 and 30 are the only two house lots in Phase V that fall within the jurisdiction of ConCom because of proximity to wetlands.
 - For Lot 29, 11,998 sq. ft. of alternations within the buffer zone (BZ) to bordering vegetated wetlands is planned.
 - Work within the BZ entails construction of a new single-family house, retaining walls, a portion of a paved driveway, lawn, and associated grading and infrastructure.
 - The closest the work comes to the resource area is 16 ft.
 - No wetland alternations are proposed.
 - Work on detention basins 5508 and 5628, as authorized by ConCom's issuance of an OOC in May for Phase V infrastructure, will also take place at the back of this lot.
 - Stormwater drainage from the front of this lot will be directed toward the street drainage system, and from the rear will flow toward a detention basin at the back of lot 32.
 - Mr. Mullaney has been in contact with erosion control specialist Desheng Wang to discuss ways of mitigating concerns raised by the property owners of lot 32 (see later discussion).
 - Lot 32 property owners Michael Anuta and Jean Hoffman were present and requested this discussion be delayed until the arrival of their attorney.
 - Mr. Roper said that Desheng Wang would also be coming, and that Mr. Wang could address these issues on his behalf since he wouldn't be able to stay later.
 - Ms. Hoffman asked if property owners must be notified before ConCom members or contractors walk on their property.
 - CA explained that Lot 32 has an open OOC, which gives ConCom members the right to walk on the property.
 - Mr. Roper apologized for his contractors and surveyors not notifying Mr. Anuta and Ms. Hoffman before entering their property.
 - A site walk on Lot 29 was scheduled for 9 a.m. on Saturday, 6/28/14.
 - GB moved to continue the Public Hearing to 7/10/14; TT 2nd.



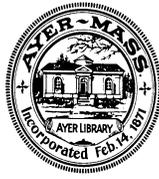
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- Motion approved unanimously.

- **Public Hearing: NOI – Crabtree Development, Pingry Hill, 113 Holly Ridge Road (Lot 30), DEP # 100-0376**
 - Steve Mullaney, of S.J. Mullaney Engineering; and Rick Roper, of Crabtree Development, were present.
 - Mr. Mullaney gave CA proof of abutter notification.
 - Work on a portion of the back of the house, retaining wall, lawn, and associated grading fall within the 100-ft BZ.
 - 9,898 sq. ft. of alterations with the BZ are proposed, with the closest point to the wetlands being 21 ft.
 - A site walk was scheduled for 9 a.m. on Saturday, 6/28/14.
 - GB moved to continue the Public Hearing to 7/10/14; TT 2nd.
 - Motion approved unanimously.

- **Public Meeting: RDA – 31 Central Avenue, John Hillier**
 - Professional Engineer John Field, of Nashoba Engineering, represented Mr. Hillier.
 - ConCom performed a site walk on 6/21/14.
 - Mr. Field distributed copies of the new and final plan for the RDA based on comments and requests made during the site walk.
 - The new plan includes detail regarding the equipment pad and the trench detail for the underground electrical wire conduit requested by the MBTA.
 - One of the two poles near the sidewalk will be removed after the trench is constructed.
 - Mr. Field said an additional 8x10' equipment pad for the transformer will be placed nearby.
 - Since this detail was not known at the time of the site walk, BD asked that the location of this pad be staked out for ConCom members to take a quick look at during their 6/28 site walks.
 - Mr. Field said the plan does not show a proposed soil stockpile area because all excess material will be taken off site.
 - BD asked Mr. Field to mark where on the plan soil could be stored overnight, outside of the 25-ft. BZ line, if it couldn't be removed that quickly.
 - The plan did not indicate where brush clearing, discussed during the site walk, would take place.
 - A condition will be added to the DOA allowing for brush-clearing up to 15 ft. from the side walk, with nothing larger than a 5-inch caliper measurement being removed.
 - It was noted for the record that, during the site walk, Mr. Hillier pointed out the area where the railroad made significant changes to the drainage conditions without permission from either ConCom or Mr. Hillier.
 - During this work, Mr. Hillier observed railroad workers hit a catch basin, and then respond by folding it over and closing it off from drainage.
 - Mr. Hillier said his concern was that stormwater flow has now been brought closer to his building.
 - Mr. Hillier is aware that he has to take this matter up directly with the railroad as ConCom does not have jurisdiction.
 - GB moved to issue a Negative Determination of Applicability with two conditions; TT 2nd.



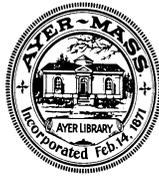
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- The two conditions are: 1) location of a soil pile; and 2) limitations on brush-clearing.
- Motion approved unanimously.
- BD asked Mr. Field to notify CA for haybale inspection before work commences.

- **Accounts Payable**
 - The Sun: \$112.77, legal ads for 114 Pleasant Street and 7 Wachusett Avenue.
 - CA has received payment from both applicants.
 - GB moved to approve payment of \$112.77; TT 2nd.
 - Motion approved unanimously.
 - The Sun: \$182.58 – legal ads for 25 Coolidge Rd., 31 Central Ave., and 8 Mountain View Ave.
 - CA has received payment from each applicant.
 - GB moved to approve payment of \$182.58; TT 2nd.
 - Motion approved unanimously
 - Staples: \$244.33, from office supply budget.
 - GB moved to approve payment of \$244.33; TT 2nd.
 - Motion approved unanimously.
 - Becky DaSilva-Conde: \$301.87, for mileage reimbursement for site walks.
 - CA determined this figure based on 539.05 miles @ \$0.56/mile.
 - GB moved to approve payment of \$301.87; TT 2nd.
 - Motion approved unanimously.
 - Takashi Tada: \$115.00, reimbursement for MACC Spring Conference fee.
 - TT needs to provide CA with receipt backup, even just a credit card billing statement.
 - GB moved to approve payment of \$115, pending receipt of backup; JG 2nd.
 - Motion approved unanimously.

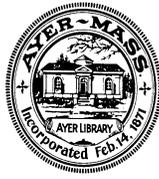
- **Discussion: Rock Meadow Pond Beaver Dam Management**
 - CA previously notified abutters to this dam regarding this discussion: Autumn Ridge, Ayer Gun & Sportsmen’s Club, Calvin Moore, and Steve Smith.
 - Mr. Smith and John Cadigan, of Autumn Ridge, were present.
 - BD summarized the reasons for ConCom’s interest in installing a beaver deceiver at this natural beaver dam.
 - When this dam breached in 2011, the sudden release of impounded water resulted in a portion of Oak Ridge Drive washing out, raising a public safety issue.
 - Installation of a beaver deceiver using a “Flexible Pond Leveler” would allow control over triggering beaver activity and enable the level of impounded water to be lowered and maintained.
 - Mr. Smith and TT both addressed the issue of limiting the lowering of the water level so that wildlife habitat was not destroyed in the process.
 - CA said that an earlier report from Mike Callahan, of Beaver Solutions, indicated that the flexible pipe system could lower water level by up to 2 vertical feet.
 - That report indicated that a 12-in. diameter pipe, 40 ft. long, would be used.
 - Mr. Smith, Mr. Cadigan, and Mr. Moore all indicated support for the installation project.
 - CA also heard separately from Conrad Donell, representing the Sportsmen’s Club, that they, too, supported the project.
 - Mr. Smith noted that the level of impounded water is high right now, flooding portions of the Habitat Trail.



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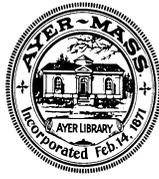
- He recommended that the level of the pond should be 8-12 inches lower, but not more than that.
 - Mr. Smith said his support was conditioned on that limitation.
 - This lower level would be in line with observations done in Mr. Smith's baseline report several years ago.
 - If the level was lowered down to 2 ft., Mr. Smith said this would expose beaver burrows.
- TT asked that a condition be put in place that specifies the maximum level of draw-down for this pond.
- BD asked CA to work with Mr. Callahan to ascertain the steps needed to determine a proper water level so that habitat was not harmed.
- Mr. Smith also asked about installing a beaver deceiver at a recreational area at Autumn Ridge, 'Smith Pond', where beaver damming is flooding the area and killing trees.
 - Mr. Smith was told how to contact Beaver Solutions directly, and also that, depending on the situation, he would need to get an emergency permit from the Board of Health, file an RDA with ConCom if a manmade culvert was involved, and contact Mass Wildlife if a natural beaver dam was to be impacted.
- **Public Hearing (cont'd.): NOI – Nashua Street Extension, Calvin Moore, DEP # 100-0363**
 - Calvin Moore and J.P. Connelly, of Goldsmith, Prest & Ringwall (GPR) were present.
 - Mr. Connelly detailed changes made to the proposed NOI over the course of the winter.
 - Since plans for a connecting road have been abandoned, an 8th lot has been added to the plan.
 - Grading changes have been made on some of the lots (1 and 8).
 - Two additional stormwater infiltration basins have been added, per ConCom's request.
 - The source of datum has been changed to Town of Ayer Elevation Datum.
 - Mr. Connelly confirmed that an easement for a Town water main has been planned between lots 5 and 6.
 - Detail for the culvert crossing to lot 7, and wetland replication, has not been done yet.
 - CA told Mr. Connelly that ConCom will need this detail.
 - A site walk was scheduled for 8 a.m. on Saturday, 6/28/14.
 - Mr. Connelly said that both the lots and the house corners have already been staked out.
 - GB moved to continue the Public Hearing to 7/10; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Field Changes to Phase V, Pingry Hill, Crabtree Development, DEP # 100-0369**
 - Present were: Erosion control specialist Desheng Wang; Lot 32 (187 Old Farm Way) owners Michael Anuta and Jean Hoffman; and their attorney, Roy Pastor.
 - Mr. Roper was no longer present but said earlier that the field changes to be discussed by Mr. Wang were consistent with Mr. Roper, and in agreement with Mr. Anuta and Ms. Hoffman.
 - Mr. Mullaney was no longer present but said earlier that any field changes have to retain the proper stormwater storage capacity approved by the Planning Board.
 - The original plans call for construction of a retention basin at the back of lot 32, for which there is an easement.
 - The house construction for lot 32 was done as part of Phase II.



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- The stormwater basin construction on this lot is part of Phase V, for which an OOC was issued by ConCom on 5/8/14.
 - This basin is designed to take stormwater runoff from lots 29, 30 and 31.
- The original plan registered and approved by the Planning Board calls for the clear-cutting of 5000-6000 sq. ft. of trees at the back of the lot.
- Mr. Wang described his proposed field changes.
 - These will reduce the number of cut trees.
 - The location of the berm will be shifted closer to the wetlands.
 - Taking down fewer trees will reduce runoff substantially.
 - Mr. Wang's calculations indicate that moving the berm toward the wetlands will increase the volume of storage capacity.
- Mr. Wang said that he would be producing a stamped plan to confirm the storage capacity would not be lessened.
- Mr. Anuta and Ms. Hoffman indicated that, at this point, the field changes would be acceptable to them.
- Mr. Anuta and Ms. Hoffman are contesting the easement and the basin and say that there is a discrepancy between these plans and their deed.
 - BD and CA explained the process by which the Planning Board approves plans and their registration at the Registry of Deeds.
 - ConCom references these plans in its OOCs.
 - If there is a discrepancy, this would be a matter for an attorney as ConCom does not have that jurisdiction.
 - They may file a records request with CA for copies of the plan that went with the NOI application.
- Moving forward, BD said that ConCom needs to make sure Mr. Wang's numbers for storage capacity are confirmed by Mr. Mullaney.
 - If so, and based on receipt of a stamped plan, ConCom could move forward with accepting field changes to the OOC.
- **Public Hearing (cont'd.): NOI – 8 Mountain View Avenue, Jessica Gugino, DEP # 100-0374.**
 - JG recused herself from ConCom; GB took over as temporary Clerk.
 - ConCom performed a site walk on 6/21/14.
 - Ms. Gugino submitted a revised drawing showing:
 - change in placement of the haybale line;
 - location of brush clearing;
 - and location of possible drainage pipe on north side of house, if necessary to keep stormwater runoff on the property.
 - GB moved to approve and issue and OOC; TT 2nd.
 - Motion approved unanimously.
 - GB moved to continue the Public Hearing to 7/10/14; TT 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 6/12/14 as written; TT 2nd.
 - Motion approved unanimously.
- **CA Updates**



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- CA is waiting for a revised contract from Geosyntec that provides an itemized list of work to be done for the comprehensive pond study.
- CA has not heard back from Mike Turgeon regarding the scheduling of a site walk by ConCom.

- **Member Updates**
 - GB noted the new hours for Town Hall, effective 8/4/14:
 - Monday, Wednesday, Thursday: 8 a.m. to 4 p.m.
 - Tuesday: 8 a.m. to 7 p.m.
 - Friday: 8 a.m. to 1 p.m.

- **9:50 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.