

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for 7/10/2014 – Approved 7/24/2014

Location: Ayer Town Hall, 1st Floor

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

APAC taped: Yes

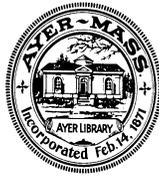
7:18 PM – Open Meeting

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

- **Public Hearing: NOI – 97 Holly Ridge Road (Lot 29), Pingry Hill, Crabtree Development, DEP # 100-0375**
 - Steve Mullaney, of SJ Mullaney Engineering, and Rick Roper, of Crabtree Development, were present.
 - A site walk was conducted by ConCom, with Mr. Mullaney, on 6//28/14.
 - The issue of how to define the limit of work at the rear of the property, to prevent future homeowners from extending lawn into the resource area, was discussed.
 - Mr. Mullaney said a permanent deed restriction would be in place.
 - Mr. Roper agreed to the use of permanent boulders and signs for demarcation of the limit of work.
 - GB moved to issue an Order of Conditions (OOC), with a Special Condition requiring the use of boulders and signs, for DEP # 100-0375; TT 2nd.
 - Motion approved unanimously.
 - GB moved to continue the Public Hearing to 7/24/14; TT 2nd.
 - Motion approved unanimously.

- **Public Hearing: NOI – 113 Holly Ridge Road (Lot 30), Pingry Hill, Crabtree Development, DEP # 100-0376**
 - Steve Mullaney, of SJ Mullaney Engineering, and Rick Roper, of Crabtree Development, were present.
 - A site walk was conducted by ConCom, with Mr. Mullaney, on 6//28/14.
 - The same demarcation using boulders and signs, as was required for Lot 29, was added as a Special Condition for Lot 30.
 - BD noted that, had this lot not been cleared by the developer prematurely, ConCom would have required leaving part of a vegetative buffer intact.
 - GB moved to issue an Order of Conditions (OOC), with the Special Condition as noted above, for DEP # 100-0375; TT 2nd.
 - Motion approved unanimously.
 - GB moved to continue the Public Hearing to 7/24/14; TT 2nd.
 - Motion approved unanimously.

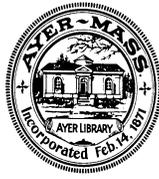
- **Discussion: Field Changes to Phase V – Pingry Hill, DEP #100-0369**
 - Steve Mullaney, of SJ Mullaney Engineering, and Rick Roper, of Crabtree Development, were present.



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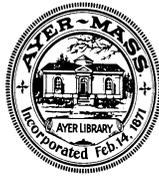
- The homeowners, Michael Anuta and Jean Hoffman, for Lot 32 (187 Old Farm Way), to which these field changes would apply, were present.
- Stamped plans detailing these field changes, from erosion control specialist Desheng Wang, have not yet been turned in.
 - However, the homeowners said they were pleased with the drainage changes proposed by Mr. Wang.
- ConCom, however, cannot proceed further without the stamped plan and confirmation of the drainage calculations.
- CA took the opportunity also to request Mr. Roper:
 - Provide CA with a Phase V construction schedule and updated contacts list;
 - Make sure that both Desheng Wang and Project Manager Lori Scanlan have been given copies of this OOC, as well as any others issued by ConCom.
- **Public Meeting (cont'd.): RDA – 31 Central Avenue, John Hillier**
 - Mr. Hillier was present.
 - BD said that ConCom had confirmed the location of the additional 8' x 10' equipment pad for a transformer, as discussed at ConCom's 6/26 meeting, during its 6/28 site walks.
 - The two conditions attached to the Negative Determination of Applicability vote on 6/26 were reviewed:
 - Specified limitations on brush-clearing;
 - Location of a temporary soil pile, if required.
 - BD indicated for Mr. Hillier a location on the plan where such a soil pile would be acceptable and CA said she would include this in the final DOA.
 - ConCom members signed the Negative Determination of Applicability, as approved on 6/26.
- **Public Hearing (cont'd.): NOI – Nashua Street Extension, Calvin Moore, DEP # 100-0363**
 - Calvin Moore, and J. D. Connelly, of Goldsmith, Prest & Ringwall (GPR), were present.
 - ConCom conducted a site walk, with Mr. Connelly, on 6/28/14.
 - Concerns were raised at that time about the adequacy of the stormwater drainage and infiltration system.
 - Written comments from DPW Superintendent Mark Wetzel, dated 7/1/14 and received by Mr. Connelly and CA, were briefly discussed.
 - Because of DPW maintenance issues, Mr. Wetzel indicated he would not approve of some of the details in the plan, including the proposed stormwater management system.
 - Mr. Connelly said he had just received the comments the previous day and not yet had a chance to review them.
 - BD said ConCom would not act without DPW approval.
 - BD suggested that, given the new design, GPR consult directly with Mr. Wetzel to see if the issues he raised could be resolved.
 - Depending on that outcome, ConCom would consider whether it would require a third party review of the stormwater system, under the Town's Consultant Bylaw.
 - GB moved to continue the Public Hearing to 7/24, pending resolution of the issues raised by Mr. Wetzel; TT 2nd.
 - Motion approved unanimously.
- **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.



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- GB moved to sign and issue the OOC; TT 2nd.
 - Motion approved 3-0 (LC abstained).
- GB moved to close the Public Hearing; TT 2nd.
 - Motion approved 3-0 (LC abstained).
- **Committee Updates**
 - Community Preservation Committee
 - JG said CPC did not meet in July, but had made Town Administrator Robert Pontbriand aware of the timing issues involved if the Town wants to go forward with putting a purchase of Kohler Place onto the Warrant for Fall Town Meeting.
 - CPC needs time to hold a Public Hearing, which cannot take place until an appraisal, environmental review, and satisfactory price negotiations are concluded.
 - Greenway Committee
 - GB said the Committee has scheduled a nature walk on the Habitat Trail, to be led by Steve Smith, at 9 a.m. on 7/19.
 - Members of the public interested in attending should meet at the trailhead on Groton-Harvard Road.
- **CA Updates**
 - MBTA site walk
 - Mike Turgeon has indicated that a site walk on 7/19 is not possible.
 - CA will contact Mr. Turgeon to see if 7/26 is an option.
 - Comprehensive Ponds Survey – Geosyntec
 - BD reviewed the revised contract from Geosyntec.
 - GB moved to approve the scope of work and proposal submitted by Geosyntec; LC 2nd.
 - Motion approved unanimously.
 - CA will forward the contract on to the Board of Selectman for signing.
 - PACE request for ConCom letter regarding Plow Shop Pond
 - LC volunteered to write a letter to the Army Corps of Engineers, from ConCom, requesting more extended follow-up post-construction vegetation monitoring for invasives.
- **Accounts Payable**
 - CA noted for the record that TT provided the receipt backup needed for reimbursement of MACC Spring Conference attendance, as approved by ConCom on 6/24.
 - MACC: \$67.80, for field guides and manuals.
 - GB moved to approve payment of \$67.80; TT 2nd.
 - Motion approved unanimously.
 - Ben Meadows (outdoor equipment): \$42.8, for bug jackets for ConCom members.
 - TT moved to approve payment of \$42.89; GB 2nd.
 - Motion approved unanimously.
- **Discussion: Commencement of work at Stratton Hill**
 - JG reported the use of earth-moving equipment, starting 7/7/14 and continuing, to substantially widen and smooth the rough loop roadway at Stratton Hill.



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- CA suggested ConCom issue an Enforcement Order (EO), to be sent to Moulton Construction’s attorney, Robert Collins.
 - The OOC issued by ConCom several years ago was conditioned on the receipt of a wetland replication plan, and this plan has never been received.
 - In addition, ConCom’s OOC requires CA be notified at least 72 hours in advance for inspection of haybales and erosion controls before any work can commence.
- GB moved to issue an EO and a Cease & Desist based on work started without a valid OOC and proper notification; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Stormwater washouts at Pingry Hill**
 - Residents Michael Anuta and Jean Hoffman asked how citizens can go about expressing concerns over stormwater wash-outs.
 - Recent torrential downpours led to some heavy sedimentation wash-outs onto Hemlock and Hickory Way at Pingry Hill.
 - BD told them the development is currently under an EO issued by Mass DEP, because of previous repeated failures to control stormwater runoff during construction.
 - Mass DEP required that the developer, Rick Roper, secure the services of an erosion control specialist, in this case Desheng Wang.
 - CA said ConCom now also adds this as a requirement in new OOCs issued for this site.
 - BD said that while this development failed recently, and yet again, to prepare for forecasted severe storms, they did clean up the roads satisfactorily within a day.
 - CA said she was waiting to hear back from Joe Bellino, of Mass DEP, regarding the continuing problems at this site.
 - Mr. Bellino had indicated earlier that Mass DEP was made aware of the most recent washouts at Pingry Hill because a resident had called DEP’s “Strike Force.”
 - BD noted that even the best protected construction sites can’t account for all extreme weather events.
 - Mr. Anuta also asked advice on protecting a vernal pool within the Pingry Hill development.
 - TT described the difference between a potential vernal pool and a certified vernal pool.
 - TT noted that the WPA doesn’t protect vernal pools unless they are certified, and even then vernal pools are underprotected.
 - BD suggested Mr. Anuta contact the Greenway Committee directly to discuss how to go about certifying a vernal pool.
- **Meeting Minutes Approval**
 - GB moved to approve the meeting minutes for 6/26/14 as corrected; TT 2nd.
 - Motion approved 4-0 (LC abstained).
- **8:30 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.