

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **8/14/2014** – Approved 8/28/2014

Location: Ayer Town Hall, 1st Floor

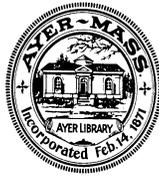
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT), Lee Curtis (LC), Jessica Gugino (JG, Clerk)

Not present: Becky DaSilva-Conde (CA, Conservation Administrator),

APAC taped: Yes

7:09 PM – Open Meeting

- **Confirmation of Agenda**
 - Per the applicant's request, the Public Hearing for 100-0363 (Nashua Street Extension) was reopened for the purpose of continuation.
 - GB moved to continue the Public Hearing to 8/28/14; TT 2nd.
 - Motion approved unanimously.
 - This item was removed from the agenda.
 - BD read an email from the Town Administrator's office saying that Dave Moulton and Attorney Bob Collins would be unable to attend tonight's meeting to discuss the Enforcement Order (EO) issued to the Stratton Hill development.
 - Mr. Collins will call CA the following week to reschedule.
 - This item was removed from the agenda.
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to accept the minutes for 7/24/14 as written; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Pingry Hill – Noncompliance with Special Conditions requirements**
 - Rick Roper, of Crabtree Development, and Steve Mullaney, of SJ Mullaney Engineering, were present.
 - BD read from CA's memo regarding lapses on the part of Crabtree Development.
 - These lapses include:
 - several OOCs found to have not been recorded at the Registry;
 - failure to apply for Certificates of Compliance in a timely manner;
 - failure to provide a construction sequence schedule, as requested by CA and DPW;
 - an up-to-date contact list;
 - missing weekly status reports;
 - lack of signed and notarized Affidavits demonstrating that new homeowners have been made aware of Special Conditions lasting in perpetuity for their lots.

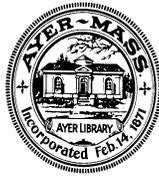


Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **8/14/2014** – Approved 8/28/2014

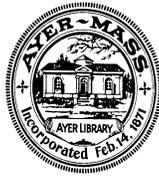
- BD said that Joe Bellino, of Mass DEP, suggested ConCom could follow two courses of action:
 - issue an EO with a Cease & Desist for all current work;
 - withhold issuing current OOCs until all lapses have been corrected.
- Mr. Mullaney said the three OOCs that were not recorded were also not received at his office.
 - According to the green card record, the OOCs were sent to his office's physical address, rather than the P.O. box, and were signed for by someone Mr. Mullaney never heard of.
 - Mr. Mullaney asked that ConCom reissue original OOCs for 100-0337, 100-0338, and 100-0339.
 - Mr. Mullaney also said that, following his own file review, the OOC for 100-0330 was not received and asked for the reissue of an original OOC for it as well.
- Mr. Mullaney said that requests for COCs would be forthcoming for completed lots in the near future.
- Regarding the lot owned by resident Nick Mancini, 45 Partridge Run, BD suggested Mr. Roper file for the COC for work performed by Crabtree under the approved plan.
 - BD also suggested Mr. Roper meet with Mr. Mancini to work out unresolved issues between them regarding Mr. Mancini's expectations of future regrading.
- Mr. Mullaney said Phase II work is complete and they are in the process of preparing as-builts for street acceptance, perhaps as early as Fall Town Meeting.
 - When the as-builts are complete, they will then request a COC.
- Mr. Mullaney admitted that Mr. Roper had been remiss in following the requirement for Affidavits signed by new homeowners.
 - This was a new requirement ConCom began adding to its later OOCs.
 - Mr. Roper has now forwarded the material to his attorney for proper handling.
- Regarding the requirement of a construction sequence schedule, as requested by DPW Superintendent Mark Wetzel as well, Mr. Roper said he had never had to provide this before.
 - He has forwarded the material to Powell Project Manager Lori Scanlan.
 - Mr. Roper assumed that whatever is given to Mr. Wetzel would then be passed on to CA.
 - It was clarified for Mr. Roper that whatever he sends to Mr. Wetzel, he – Mr. Roper – should also send to CA.
 - It is not Mr. Wetzel's job to forward required information for Mr. Roper on to ConCom.
- Regarding weekly status reports, Mr. Roper said that Erosion Control Specialist Desheng Wang sends out weekly reports and asked why he should have to duplicate this.
 - BD clarified that Mr. Wang's status report pertains to work that has happened, whereas the status reports CA has requested are to alert ConCom to what work would be coming up.
 - Mr. Mullaney agreed, suggesting Mr. Roper find middle ground by regularly providing CA with a range of activities that may be worked on, weather and conditions permitting, in the immediate future.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **8/14/2014** – Approved 8/28/2014

- BD added that ConCom was simply looking for guidance as to what areas of the project are being, or will soon be, actively worked on.
- Mr. Mullaney suggested that Mr. Roper also let CA know when a lot has been sold, as that will alert ConCom that work will soon be proceeding on that lot.
- Given the previous discussion, Mr. Mullaney asked if the entire project was going to be shut down until the lapses had been corrected.
 - BD said no, that only the OOCs for existing NOIs would be delayed.
- **Public Hearing (cont'd.): NOI – 97 Holly Ridge Road (Lot 29), Pingry Hill (DEP # 100-0375)**
 - Mr. Mullaney provided BD with a copy of the supplemental plan showing the relocation of a stormwater basin entirely onto the back of this lot and lot 30, as discussed at ConCom's previous meeting.
 - A PDF copy was also sent to CA.
 - GB moved to continue the Public Hearing for 100-0375 to 8/28/14, with acknowledgement of receipt of Plan Sheet L 12406; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 113 Holly Ridge Road (Lot 30), Pingry Hill (DEP # 100-0376)**
 - GB moved to continue the Public Hearing for 100-0376 to 8/28/14, with acknowledgement of receipt of Plan Sheet L 12406; TT 2nd.
 - Motion approved unanimously.
- **Request for Partial Certificate of Compliance (COC): 32 Pingry Way (DEP #100-0073)**
 - CA's notes indicated she had performed a site visit and recommended ConCom approve a COC.
 - GB moved to issue a Partial COC; TT 2nd.
 - Motion approved unanimously and ConCom signed the document.
- **Request for New Original OOC: 2 Patriot Way (DEP # 100-0343)**
 - Ed Cornelier was present.
 - Mr. Cornelier said that the original OOC, issued to John Giamo, was never recorded.
 - Mr. Cornelier is requesting a new original OOC so that he can record it and then proceed with selling the property.
 - CA's notes recommended ConCom do this.
 - ConCom members signed the new OOC.
 - Mr. Cornelier was told to contact CA the following week, after she had had a chance to copy the newly-signed OOC for ConCom files.
- **CA Updates**
 - BD went through CA's notes.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **8/14/2014** – Approved 8/28/2014

- Nothing further has been heard from Mike Turgeon regarding an MBTA site walk.
 - ConCom was awaiting work from Geosyntec as to when it would start its pond survey.
 - CA would be preparing the emergency BOH certification forms on her return so that Mike Callahan, of Beaver Solutions, could begin work when his schedule opens up in a few weeks.
 - CA has mailed out LC's "well-drafted" letter to the Army on behalf of PACE.
- **Committee Updates**
 - JG said that the Community Preservation Committee would be holding two Public Hearings on 9/10/14, both for consideration at Fall Town Meeting:
 - one for an Open Space purchase of Kohler Place;
 - the other for a Habitat for Humanity duplex construction on Central Avenue.
- **Member Updates**
 - TT said that Steve Smith has been acting as de facto head of the Greenway Committee but is looking to move on and allow someone else to take over.
- **8:07 PM – Adjourn Meeting**
 - GB moved to adjourn; LC 2nd.
 - Motion approved unanimously.