

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **3/13/2014** – Approved 3/27/2014

Location: Ayer Town Hall, 1st Floor

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

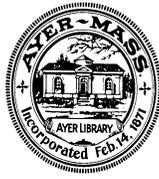
APAC taped: Yes

7:05 PM – Open Meeting

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

- **Accounts Payable**
 - The Sun: \$141.41 – legal notices.
 - \$64.44, Roger Kanniard, Oak Ridge Drive NOI, payment received.
 - \$76.97, Crabtree Development, Pingry Hill Phase V, payment received.
 - GB moved to approve payment of \$141.41 to The Sun; LC 2nd.
 - Motion approved unanimously.
 - Becky DaSilva-Conde: \$115, reimbursement for 2014 MACC Annual Conference.
 - GB moved to approve payment of \$115 to Ms. DaSilva-Conde; TT 2nd.
 - Motion approved unanimously.
 - Jessica Gugino: \$115, reimbursement for 2014 MACC Annual Conference.
 - GB moved to approve payment of \$115 to Ms. Gugino; LC 2nd.
 - Motion approved unanimously.

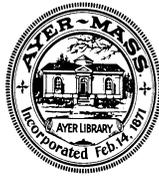
- **Public Hearing: RDA – Ayer DPW, 2014 sewer / water main improvements**
 - DPW Superintendent Mark Wetzel was present and described the planned work.
 - The project will replace approximately 4,500 feet of existing water and sewer mains on East Main Street.
 - Some work is within the buffer zone, in the vicinity of the East Main Street / Pond Street intersection.
 - The project also includes the installation of new sewer services to adjacent residences, 3 within the buffer zone.
 - A short section of improvements will also be done on Groton-Harvard Road, from the East Main Street intersection, but this area is outside of buffer zone.
 - The wetland resource area was delineated by Weston & Sampson on 11/14/2013.
 - The resource area in question, School House Pond, is to the north of East Main Street.
 - All of the work will be within existing roadway.
 - No new disturbances or new impervious areas will be created within the buffer zone area.
 - The new water and sewer mains will be installed in a trench adjacent to existing infrastructure within the road right-of-way.
 - During construction, temporary water/sewer services will be provided.
 - Approximately 100-200 feet of pipeline are expected to be installed per day.
 - Soil excavated from the trench will be stockpiled adjacent to the trench.
 - At the end of each day, the trench will be back-filled, with gravel spread on top.



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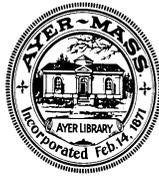
- At the end of each week of work, the trench will be paved over with temporary pavement.
 - BD asked Mr. Wetzel to inform ConCom if any excess soils needed to be hauled off.
 - Catchbasins will be protected using silt covers.
 - Existing curb is expected to contain runoff.
 - New services will be done within a single day, with soils restored and stabilized the same day.
 - BD asked that hay or mulch be spread over disturbed soils as well.
 - Mr. Wetzel said the project is expected to be funded at Spring Town Meeting.
 - If approved, the work will start in the summer and be completed during the fall.
 - CA will be notified when a preconstruction meeting is scheduled.
 - GB moved to issue a Negative Determination of Applicability with the condition that mulch be applied to all areas near School House Pond where soil has been exposed; LC 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – Randolph Realty, 17 Bligh Street (DEP #100-0370)**
 - Because of continuing snow cover, a site walk cannot be scheduled at this time.
 - JG moved to continue the Public Hearing to 3/27/14; LC 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to accept the meeting minutes for 2/27/14 as written; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI: Roger Kanniard, Oak Ridge Drive (DEP # 100-0368)**
 - Steve Sears, of David E. Ross Associates, was present.
 - A single-family dwelling is to be constructed from a subdivision of 24 Oak Ridge Drive.
 - The draft OOC was reviewed.
 - Condition 35, requiring notification every month if construction has stalled, was eliminated.
 - Mr. Sears said once work started, it would proceed right through to completion.
 - BD changed condition 49 to require bi-weekly rather than weekly construction reports.
 - Condition 39J was changed to require approximately 25 feet of sock wattle be maintained on site rather than 25 haybales.
 - Condition 39C was edited to note that erosion control barriers be replaced at the end of every work day to maintain a barrier between the work site and the resource area (Flannagan Pond) across the street.
 - Mr. Sears said Mr. Kanniard had not yet contacted DPW for permission to protect the catchbasins but would be doing so.
 - BD asked that condition 39D be rewritten to state that catch basins will be protected with filter fabric, such as a silt sack, and that DPW permission (written or verbal) is to be attained first.
 - BD asked CA to add a site-specific condition (#64) that “the street will be swept as necessary to contain any materials, including runoff, dirt from trucks, etc.”
 - JG asked about the utility pole (pole #7) in front of the property but outside of the erosion control barrier.
 - The pole is too low to accommodate additional services.



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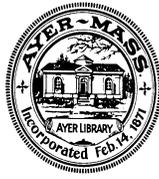
- BD asked that another site-specific condition (#65) be added to read that if pole 7 is replaced, the erosion control barrier would be altered to encompass the replacement work.
- GB moved to issue an OOC for DEP #100-0368 as amended; LC 2nd.
 - Motion approved unanimously.
- GB moved to close the Public Hearing for DEP #100-0368; LC 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – Crabtree Development, Pingry Hill Phase V (DEP #100-0369)**
 - Because of continuing snow cover, a site walk cannot be scheduled at this time.
 - GB moved to continue the Public Hearing to 3/27/14; LC 2nd.
 - Motion approved unanimously.
- **Discussion: Proposed DEP WPA Regulation changes**
 - It was decided to postpone this to another meeting.
- **Discussion (cont'd.): Comprehensive Pond Study update**
 - ConCom members (BD, GB, and JG) met with the Pond & Dam Committee on 3/30/14.
 - ConCom and the Pond & Dam Committee will be appearing before the BOS on 3/25/14.
 - Prior to this, BD will call Bob Hartzel, of Geosyntec, to update him on plans to pursue the study
 - BD will also ask Mr. Hartzel about the viability of doing Resource Management Plans (RMPs) for each pond.
 - At the 3/5 meeting of CPC to consider ConCom's application for additional CPC funding for this study, CPC member Beth Suedmeyer said it would be a missed opportunity to limit the recommended management of the ponds to only weed control and not to include this.
 - TT was thrilled to learn that the Pond & Dam Committee is changing its regular meeting to the second Wednesday of each month to accommodate his schedule.
 - TT will therefore remain ConCom's representative to the Pond & Dam Committee.
- **CA Updates**
 - The Willows
 - CA has been in contact with developer Mark O'Hagan, who will soon be delivering full-sized revised plans.
 - CA will be asking Mr. O'Hagan to appear before ConCom to present the plans when ready.
 - 5 Ledge way (DEP #100-0367)
 - Abutor Barbara Mack has officially filed an appeal to Mass DEP for review of ConCom's issuance of an OOC for 5 Ledge way.
 - CA noted that the bulk of the appeal relates to issues with the ZBA and does not state an appeal related to specific conditions of the Wetlands Protections Act.
 - The appeal notes that the applicant was not required to delineate the resource area.
 - ConCom did not require this because the top of the bank was the agreed upon delineation, and beyond that the resource area was self-evident.
 - The appeal noted that the cutting down of trees was detrimental to the pond.



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- While some members of ConCom would have liked to see fewer trees taken down, the lack of a Town By-Law to that effect was noted.
- The applicant's refusal to drill test holes for ledge and water table was noted in the appeal.
 - BD had noted at previous meetings that this was outside of ConCom's jurisdictional authority.
- Illegal docks on Sandy Pond
 - BD asked CA to send a letter to the residents on Ledgeway asking for proof of the licensure of their dock.
 - If there is no license, ConCom will ask for its removal by 4/30 or Mass DEP will have to be notified.
 - JG said incorporating Resource Management Plans into the comprehensive pond study would enable residents on the Town's Great Ponds (Sandy and Long) to obtain dock licenses in the future.
 - At the recent MACC Conference, JG noted that Andrea Langhauser, of Mass DEP, said individual residents should not be responsible for producing an RMP on their own because such plans are supposed to be independent.
 - This did not mean that residents could not be responsible for some of the cost involved.
- Nashua Street Extension (DEP #100-0363)
 - CA has received a request in writing from J. P. Connolly, of Goldsmith, Prest & Ringwall, on behalf of Calvin Moore, asking for a continuation of their Public Hearing until further notice.
 - CA noted that they may be required to post a new legal notice since the original Public Hearing was opened on 9/26/2013.
- Pingry Hill / Crabtree Development
 - CA is still not getting weekly construction reports as specified in recent OOCs.
 - BD asked CA to standardize a construction site form.
 - CA has not heard back from Joe Bellino, of Mass DEP, as to the legal status of the UAO against Crabtree Development.
- Pingry Hill / Crabtree Development Phase 5 Review
 - The consultant from Tata & Howard who will be doing the Phase 5 review is Matt St. Pierre.
 - The review should be complete by the end of the month.
- Medical Marijuana Dispensary, 31 Central Avenue
 - Both BD and JG have noted the presence of heavy equipment at this property.
 - CA was asked to drive by and have a look.
 - John Hillier, of Central Realty Trust, met with ConCom on 3/14/2013 over an Enforcement Order issued regarding improper clearing of land within a buffer zone.
 - Now that the dispensary has received a license, Mr. Hillier should be reminded that he will need to contact ConCom and file an NOI if he wishes to create and expand parking.
- Member Updates
 - JG said CPC is still awaiting receipt of a letter from Town Counsel addressing the crossing easement from Wright Road into Kohler Place.



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- JG said CPC will be holding a Public Hearing on 4/2/14 for ConCom's application for additional CPA funding for the comprehensive pond study.
- GB said a public input meeting will be held in Town Hall on 3/20 to discuss the possibility of curbside trash pickup in Ayer.

- **8:35 PM – Adjourn Meeting**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.