

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 1/8/2015 – Approved 1/22/2015

Location: Ayer Police Station, Community Room

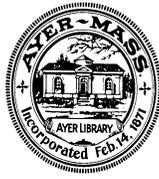
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT), Lee Curtis (LC), Jessica Gugino (JG, Clerk)

Not present: Vacancy: CA, Conservation Administrator

APAC taped: Yes

### **7:08 PM – Open Meeting**

- **Confirmation of Agenda**
  - Two discussions were added to the agenda after 9 PM:
    - letter from Attorney Robert Casey on behalf of Rosalie Bucci, 8 Hickory Way (DEP #100-0338);
    - letter from MassDEP regarding Nashua Street Extension (DEP #100-0378).
  - GB moved to confirm the agenda as amended; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Approval of Meeting Minutes**
  - GB moved to approve the meeting minutes for 12/18/2014 as written; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): Request for Amended Notice of Intent (NOI) – The Willows Subdivision, Willow Road Development LLC, DEP # 100-0288**
  - LC was not present, having recused herself.
  - Desheng Wang, of Creative Land & Water Engineering LLC, was present.
  - Also present was Duncan Brown, representing the ad hoc Homeowners Association.
  - BD apologized to Dr. Wang that the draft OOC was not ready.
    - JG could be heard humbly muttering *mea culpa, mea culpa, mea maxima culpa*.
  - BD noted that he had re-visited the site to look for the drainage pipe Mr. Brown has previously referred to but could not find it, nor had it been staked.
    - BD will drive by on Saturday, 1/10, to see if Mr. Brown has staked the pipe's location.
  - Dr. Wang presented revised SK-drawing 513731, as requested by ConCom at its 12/18/14 meeting, that shows:
    - the location of a drip-line trench;
    - proposed building 56-58 moved over an additional 4 feet, as requested by the resident in the adjacent / existing unit 95, to provide a 17 ft. separation of the buildings rather than 13 ft.;
    - water and sewer line locations for the proposed building (other utilities, such as gas, electric or phone, were not marked as these are outside of the purview of the developer).
  - Mr. Brown made a request for another file review.
    - JG will meet him at the ConCom office on the following day, 1/9, at 10:30 a.m.
  - GB moved to continue the Public Hearing to 1/22/2015 for the purpose of reviewing and signing the OOC; TT 2<sup>nd</sup>.
    - Motion approved unanimously.



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **1/8/2015** – Approved 1/22/2015

- **Announcements**

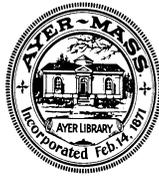
- The MACC's annual meeting will be held on 2/28/2015 at the College of the Holy Cross in Worcester.
- Sovereign Consulting provided documentation and a CD of the proposed remedial action alternatives that will be the subject of a Public Hearing on 1/15/15 at 7 p.m. at the Devens Conference Center.
  - TT took the material for review.

- **Accounts Payable**

- Lowell Sun: \$132.46, for legal ads run for the Woodland Way ANRAD (\$60.86) and the Cains NOI (\$71.60).
  - GB moved to approve payment of \$132.46; TT 2<sup>nd</sup>.
    - Motion approved unanimously.

- **Public Hearing (cont'd.): NOI – Borrego Solar Systems, Inc. / New England Power Co., right-of-way off Park Street, DEP # 100-0379**

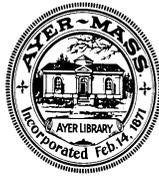
- LC was not present, having recused herself.
- Briony Angus, Project Manager from Tighe & Bond, was present along with Brian Huntley, also of Tighe & Bond.
- Abutters Paul and Sherry Richards, of Pearl Street, were present as well.
- Borrego Solar Systems proposes to install a solar photovoltaic installation on 4 parcels, totaling 33 acres, owned by New England Power Co./National Grid off of Park Street.
  - The total limit of work (i.e. clearing) involves 10.4 acres.
  - 4.7 acres will be used for the actual panel installation, to be surrounded by a security fence.
  - The rest of the clearing is for shade minimization.
- BD and TT performed a site walk on 12/20/14.
- Minor modifications have been made to the plans in response to the site walk, comments from Ayer DPW dated 11/25/14, and comments dated 12/12/14 from the Natural Heritage and Endangered Species Program (NHESP).
- Modifications include:
  - Per conditions imposed by NHESP regarding Massachusetts Endangered Species Act (MESA) review, the following conditions, as read by BD, must be added to avoid a prohibited Take of state-listed species:
    - “1. Prior to April 1, the applicant shall erect a silt fence as a turtle barrier around the entire limit of work, as shown on the Site Plan sheet 4. Prior to the commencement of construction, the applicant shall provide the Division with an inspection report and photographs depicting proper installation of the silt fence. Said fence shall be maintained in good condition throughout construction. All access points must be closed off at the end of each work day with a weighted barrier so as to prevent turtles from accessing the work zone. If construction occurs during the turtle active season (April 1 - October 31), the fence shall be inspected on a weekly basis. If the fence is found to have a breach, all work must cease until it is repaired and a qualified Division-approved biologist has conducted a search within the limits of work to ensure no turtle has moved into the work-zone. Upon completion of the project, the silt fence shall be removed.



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 1/8/2015 – Approved 1/22/2015

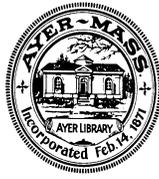
- 2. The proposed security fence surrounding the array shall be raised off of the ground at least 6 inches, as shown on the “CHAINLINK FENCE” and “ACCESS GATE” details of Sheet 7 of the Site Plans.”
- These conditions will be referenced in ConCom’s Special Conditions to the OOC.
- TT asked that the NHESP conditions also be referenced on the Site Plans, which will require a new revision.
- Regarding the timing of the construction in reference to the NHESP concerns, Ms. Angus said the concern will be moot because the installation should be completed prior to April 1<sup>st</sup>.
- Per ConCom, two additional lines of erosion controls will be added in certain areas for additional control; and a small table has been added to the Site Plans showing the LOW, buffer zone impacts, and the fence line.
  - Ms. Angus provided ConCom with a Spec sheet for the screw racking system, as requested.
  - Mr. Huntley said a tracking pad to capture dust and dirt will be used at the access point off Park Street.
    - This detail could not be found on the plans and will be added to the planned revision.
- Per comments made by DPW Superintendent Mark Wetzel, contours are now labeled on the plans.
  - Overall grading and stormwater flow will not change adversely from existing conditions.
  - Additional comments raised by the DPW are best addressed by the Zoning Board of Appeals.
    - The project will be reviewed by the ZBA on 1/14/15.
- In response to questions asked by Paul and Sherry Richards, Ms. Angus and Mr. Huntley provided the following clarifications:
  - the length of the construction period to interconnection should be 2 months;
  - work is only being done on one side of the Rail Trail;
  - water runoff after the installation is complete should not be a problem as the project does not propose creating an extensive amount of new impervious surface;
    - instead of concrete pads, the panels will be mounted on driven screws;
    - the change from wooded to grassy surface in the LOW should actually increase the ability of the ground to absorb stormwater/recharge from existing conditions;
  - the height of the security chainlink fence will be 6 ft. and a gate will be installed at the entrance to the array;
  - the access road will not be paved but improved using stone;
  - if the project were to fail, questions about the removal of the array should be referred to the ZBA.
- The revised plans will be provided to ConCom prior to its 1/22/15 meeting.
- BD asked for a motion to issue an OOC for DEP # 100-0379 with notes to include on the plans the conditions imposed by NHESP and detail regarding a track pad for dust and dirt control at the bottom of the access road.



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 1/8/2015 – Approved 1/22/2015

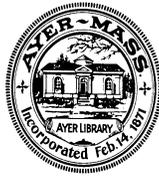
- GB so moved; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- GB moved to continue the Public Hearing to 1/22/15; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Discussion: MassDEP response to Appeal to OOC issued for Nashua Street Extension (DEP # 100-0378)**
  - LC rejoined the meeting.
  - MaryAnn DiPinto, of MassDEP, visited the site on 12/22/14, accompanied by J. P. Connelly, of Goldsmith, Prest & Ringwall and JG.
  - A letter dated 12/30/14, from Section Chief Phil Nadeau of MassDEP, issued a denial of the OOC and a Superceding Order.
    - MassDEP's denial was based on the infiltration basin not being set back a minimum of 50 feet from surface waters / BVW.
    - MassDEP provided a copy of the "Structural BMP Specifications for the Massachusetts Stormwater Handbook."
  - BD will confer with DPW Superintendent Wetzal for his comment on the DEP ruling.
    - BD will also ask if the consultant by-law should be invoked for projects like this in the future.
  - The project applicant, Calvin Moore, must now file a new NOI with ConCom if work is to proceed in the buffer zone or within resource areas.
- **Public Hearing: NOI – Family Dollar, 19 Fitchburg Road, Hunt Real Estate, DEP # 100-0380**
  - Present were Phil Henry, of the Civil Design Group; wetland scientist Nicole Hayes of Goddard Consulting LLC, and Doug Murray, of Hunt Real Estate.
  - Paul and Sherry Richards were present as concerned area residents.
  - A check for \$66.23 as reimbursement for the legal ad, and the green cards proving abutter notification, were presented.
  - The project site plan was reviewed and approved by the Planning Board earlier in the evening.
  - The applicant proposes to construct an 8300 sq. ft. building for a Family Dollar store, with a single entrance from Fitchburg Road.
    - The existing parcel contains mostly impervious surface from an abandoned carwash.
    - Mr. Henry said there would be no adverse impact on adjacent wetlands.
    - The parcel was delineated by Goddard Consulting on 8/1/14.
      - An isolated wetland system classified as nonjurisdictional was identified on the SE corner of the parcel.
    - Mr. Henry said that existing conditions show 2 RPC drainage pipes conveying water from south to north.
    - Four catchbasins, some of them clogged, collect and discharge water into the wetlands.
      - Mr. Henry said the intent is to rip out these drainage structures and install new ones.
    - Regarding grading and drainage, conditions for the existing watershed will be mirrored using a Stormceptor, riprap, and small retaining walls.
      - At the south end, the existing drainage culvert will be extended to a new headwall.
      - At the other end, a Stormceptor and headwall will be used.



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 1/8/2015 – Approved 1/22/2015

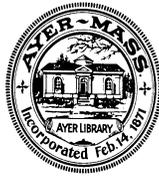
- The project proposes a reduction in impervious surface by .102 acres.
- All of the work will be outside of resource areas and buffer zone except for the proposed installation of 120-feet of erosion control wattle.
- Mr. Henry said it would be a single-phase project, the LOW delineated within existing disturbance.
  - Wattles will be used for erosion control and will outline the entire LOW, with redundancy at inlet and outlet areas.
  - A construction fence will surround the project and riprap will be used for tracking at the construction entrance.
- BD asked for further detail on the headwalls: the means and methods of their construction, location, depth, etc.
- Mr. Murray asked if the existing culverts were found to be heavily damaged, would they need to come back before ConCom in order to replace them.
  - BD said ConCom should be notified regardless, but if culvert replacement was done within the approved LOW and no large soil piles were kept nearby, there should be no problem.
  - BD asked that a Special Condition be added that, in such case, excess material would be hauled off-site as soon as possible since the parcel area is very small.
- DPW Superintendent Wetzel's comment letter of 12/29/14 was reviewed.
  - The DPW has asked for description and delineation of public safety features.
    - Mr. Henry has asked for further clarification from DPW on this point.
  - The DPW is requiring a new manhole where the proposed sewer connects to the existing sewer.
  - The DPW noted that existing utility connections were not depicted on the plans.
    - BD suggested the applicant have the area Dig-Safed and add this detail to the plans.
  - Mr. Henry noted that the existing tree line at the back will not be disturbed by the project.
  - Mr. Henry also noted that the plan needs to be modified to show the addition of a fire line from Isaacs Lane.
- Sherry Richards said that this lot gets very wet in the spring and drains onto their property.
  - In response Mr. Henry said the project will reduce the peak grade of stormwater runoff as well as open and improve on existing (and clogged) drainage structures.
    - This should improve on existing conditions as all asphalt stormwater runoff is being designed to be captured on site.
  - At the back of the building, where there is currently a dumpster, a ridge line will be created as a drainage divide.
- ConCom scheduled a site walk for 9 a.m. on Saturday, 1/17/15.
  - BD asked that the LOW be staked, especially for the proposed headwalls.
- BD summarized details that need to be added to revised plans:
  - new sewer manhole;
  - Dig-Safe markup of existing utilities;
  - water service from Isaacs Lane;
  - headwall information.
- GB moved to continue the Public Hearing to 1/22/15; TT 2<sup>nd</sup>.
  - Motion approved unanimously.



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 1/8/2015 – Approved 1/22/2015

- **Public Meeting: Request for Partial Certificate of Compliance (P-COC) – 8 Amandrey Way, MassDEP # 100-0152**
  - ConCom reviewed the definitive subdivision plan L3420.
  - BD will swing by the site on Saturday, 1/10, for an inspection.
- **Discussion: FY2016 Budget Preparation**
  - BD increased the Conservation Administrator salary line item to bring the position up to 19 hours/week.
    - JG will submit this form to Town Accountant Lisa Gabree.
  - ConCom meets with FinCom to review its budget at 7 p.m. on 1/15.
- **Discussion: Fixed Assets**
  - ConCom received a request from the Town Accountant to confirm its Fixed Assets.
  - Currently ConCom is listed as holding 3 assets:
    - Groton-Harvard Road (121.5 acres)(aka Pine Meadow Pond Conservation Land);
    - Oak Ridge Drive;
    - Sandy Pond Road (.4 acres), abutting Flannagan Pond.
  - JG will look into the status of Pingry Hill Parcel H2, conveyed to the Town to satisfy an EPA violation.
    - TT recalled that the paperwork for this parcel may have been lost at some point by the Town.
    - JG will bring the drawings for this portion of Snake Hill Road to ConCom's next meeting.
  - BD asked that ConCom contact the Assessors Office to look into small Town parcels that could be deeded over to the Conservation Commission for protection from development.
- **Discussion: Letter from Attorney Robert Casey on behalf of Rosalie Bucci, 8 Hickory Way (DEP #100-0338)**
  - Attorney Casey's letter requested that ConCom revise its OOC to:
    - approve improvements made by Ms. Bucci (gravel parking area, shed, retaining wall);
    - require that entry onto the easement on Ms. Bucci's property be with reasonable advance notice of the date and scope of work.
  - Because the OOC has already been issued ConCom cannot change it.
  - In addition, ConCom issued a COC for this lot, closing out the OOC, at its 11/20/14 meeting.
  - BD said the issuance of the COC signifies that ConCom tacitly approved the improvements made.
  - JG will contact Steve Mullaney, of S.J. Mullaney Engineering, for an update on the status of as-built.
  - BD will contact Attorney Casey to say that ConCom cannot alter the OOC at this point.
    - BD will also reiterate his advice to Ms. Bucci, that she or her attorney contact the developer and the DPW, parties who may need to access the easement, and put in writing her request for advance notification.
- **Office Updates**
  - Planning Board request for comments



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **1/8/2015** – Approved 1/22/2015

- ConCom reviewed a Planning Board request for comments on a project planned by New England Power Company for 39 Westford Road.
- ConCom had no comments or concerns and checked the ‘approved’ box.
- 272 Old Farm Way (DEP # 100-0349)
  - JG received a phone call from homeowner Scott Pezza asking that the public record reflect that the conditions by which the issuance of a COC for his property was denied were not his doing.
  - The OOC specifies that an earthen berm demarcating the rear yard limit be constructed by developer Rick Roper.
    - ConCom’s site walk observed the absence of the earthen berm and also noted that rhododendrons had been planted on the other side of the erosion controls.
  - Mr. Pezza said these had been planted by the developer prior to his purchasing the property.
- Geosyntec’s Grove Pond Risk Assessment draft
  - JG forwarded this draft to members of the Pond & Dam Committee and to PACE, via Laurie Nehring, for comment.
  - With respect to this draft, resident Mike Anuta said he had read a copy of the report, provided him by ConCom on 12/18/14.
    - He noted an inconsistency in the report’s use of particulate measures switching back and forth between decimal form and scientific notation.
- **Member Updates**
  - BD will perform a site walk to inspect the fence line flagging and erosion controls for EPIC Enterprises (DEP # 100-0365) at 11 Copeland Drive, prior to the beginning of construction of the security fencing.
- **9:43 PM – Adjourn Meeting**
  - GB moved to adjourn; TT 2<sup>nd</sup>.
    - Motion approved unanimously.