

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/9/2015** – Approved 4/23/2015

Location: Ayer Town Hall, 1st Floor

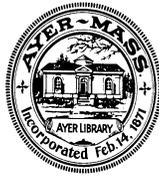
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT), Lee Curtis (LC), Jessica Gugino (JG, Clerk)

Not present: Vacancy: CA, Conservation Administrator

APAC taped: Yes

7:06 PM – Open Meeting

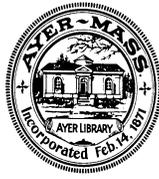
- **Confirmation of the Agenda**
 - Discussion of recent conversations with MassDEP about the complaint made by Jean and Michael Anuta regarding an OOC reissued for their property was added to the agenda.
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - GB moved to confirm the minutes for 3/26/15 as written; TT 2nd.
 - Motion approved unanimously.
- **Office Updates**
 - 19 Fitchburg Road, Family Dollar
 - Stephen Dumont, of TPD Construction, contacted JG asking for a pre-construction site inspection of erosion controls on Tuesday, April 14.
 - BD will perform the inspection on Tuesday evening, by 7 p.m.
 - Willows Appeal
 - In talking with Maryann DiPinto of MassDEP, JG learned that the Willows appeal has been given to Joe Bellino to handle and ConCom should hear more within the next month.
- **Committee Updates**
 - There were no committee updates to report.
- **Member Updates**
 - TT will be attending a Univ. of Mass. Keystone training workshop in woodland forest management on the following weekend.
- **Discussion: Update of 5-Year Baseline Monitoring Report for Autumn Ridge Conservation Restriction**
 - Steve Smith, volunteer Steward for the Autumn Ridge CR, presented his annual report.
 - Updated photos, as per CR Guidelines, were included in Mr. Smith's documentation submitted to ConCom.
 - The 48 photos were taken on 1/10, 1/17, 3/6, and 3/7 of this year.
 - Very few changes have taken place, indicating that the conservation restriction is functioning as it should.
 - The complete report is attached at the end of these minutes



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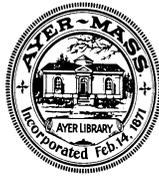
- BD thanked Mr. Smith and the volunteers who assisted him for their excellent work.
- Mr. Smith gave ConCom 2 separate invoices for reimbursement:
 - \$19.89 for the cost of making 3 sets of color copies of the photos used in the Baseline Update;
 - \$290 for the cost of reprinting the Greenway Committee brochure/trail map for the Pine Meadow Pond Conservation Area (500 copies).
 - Mr. Smith stocks 4 locations with these brochures:
 - The trailhead on Groton-Harvard Road;
 - The trailhead on Oakridge Drive;
 - The kiosk in Town Hall;
 - The library.
 - Mr. Smith said the brochures stocked on Oakridge Drive see the greatest use.
- **Public Hearing (new): NOI – 5 Fourth Street, Mark Adams & Jennifer Walker (MassDEP #100-0384)**
 - The NOI proposes the demolition of the existing house and construction of a new single-family house.
 - A continuance was requested by the applicant via email earlier in the week.
 - GB moved to continue the Public Hearing to 5/14/15; TT 2nd.
 - Motion approved unanimously.
- **Public Meeting (new): Amendment to Order of Conditions, Pingry Hill, Crabtree Development, Snake Hill Road (MassDEP # 100-0257)**
 - Steve Mullaney, of S.J. Mullaney Engineering, was present on behalf of Rick Roper, Crabtree Development.
 - Mr. Mullaney gave ConCom a check for \$85.92 as reimbursement for the cost of the legal ad.
 - The original OOC for changes to Snake Hill Road, in the area within the Pingry Hill subdivision, was issued in 2005.
 - A portion of Snake Hill Road was relocated within the subdivision to conform to the plan design for construction of new homes.
 - The wording of the original OOC is unclear requires walking easements along both the relocated and original Snake Hill Road.
 - Mr. Mullaney asked that the wording be amended to remove this requirement on the original location of the road so that the easement is only required on the relocated roadway.
 - This removes the easement requirement from what are now private backyards for homes constructed on the original roadway.
 - In response to a question from Mike Anuta, Mr. Mullaney said the deeds for those houses do not include mention of an easement.
 - GB moved to approve the amended language to the OOC; TT 2nd.
 - Motion approved unanimously and the amended OOC signed by ConCom.
- **Public Hearing (new): NOI – JAR Realty, for Catagna Spagna Corp., 1 Nemco Way (MassDEP # 100-0383)**
 - Present were Paul Hutnak, of Andrews Survey & Engineering, Joe Basile and Dan Bracket, of Catagna Spagna, and Arthur Allen, wetland scientist from EcoTec Inc.



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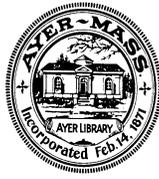
- A reimbursement check for the legal ad and proof of abutter notification were given to JG.
- The NOI proposes the construction of a 35,000 sq. ft. building expansion and two additional rail spurs.
 - Catagna Spagna receives only food-grade oils, no petroleum-based oils.
 - The company will coordinate with the Ayer DPW for the sewer tie-in to the adjacent Stony Brook pump station.
 - The Ayer DPW is proposing to upgrade this pump station in the coming year.
 - The worked proposed for the Catagna Spagna facility will not generate an increase in impervious surfaces.
 - The roof expansion will produce only clean run-off and this will be channeled via leader pipes off the roof and under the nearby railroad track.
 - It will then be extended, buried in a shallow trench, across a flat grassed field and into a wooded area before discharge into the nearby wetland system.
 - Mr. Hutnak said they are working with the railroad on plans to direct this pipe underneath the tracks.
 - The method for going under the track will be via trench and back fill.
 - At the discharge point, the pipe will dip down to riprap, bordered by concrete cutoff walls.
 - This will create a level spreading area for the clean water discharge.
 - No flooding impact is anticipated.
 - Once work is complete, the area will be allowed to naturalize although the growth of trees directly over the pipe location will be discouraged.
- Because it is a priority habitat area, Mr. Hutnak said they have applied to NHESP (Natural Heritage and Endangered Species Program) for streamlined review and anticipate a response soon.
- Work is planned to commence late summer or fall.
- Erosion controls will use straw wattle and silt fencing.
- The building expansion foundation will use both poured concrete and interior piers.
- BD asked for detail as to plans for soil storage during construction.
 - Mr. Hutnak said Catagna Spagna has a good working relationship with its neighbor, Horizon Mills, and may be able to store soils on their property, away from the wetlands.
- A site walk was scheduled for 9 a.m. on Saturday, 4/11.
 - BD asked to see the path of the drainage pipe staked down to the wetlands, corner stakes for the building addition, and readiness to discuss soil storage locations on site.
- GB moved to continue the Public Hearing to 4/23; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – Ayer Department of Public Works, Stony Brook Pump Station (MassDEP # 100-0382)**
 - An upgrade of the existing sewer pump station off Westford Road, and its access way and security fencing, has been proposed.
 - A letter has been received from NHESP indicating it sees no adverse impact from this proposal.
 - DPW Superintendent Mark Wetzel has indicated by email that the requested staking of the project has been completed.
 - A site walk was scheduled for Saturday, 4/11, immediately following the one at Catagna-Spagna.
 - GB moved to continue the Public Hearing to 4/23; LC 2nd.



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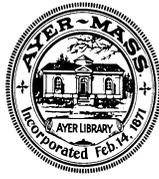
- Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 141 Snake Hill Road, Christopher Valentine (MassDEP 3100-0381)**
 - Proposed addition, including deck, to existing single-family home.
 - A site walk was scheduled for 10 a.m., Saturday, 4/11.
 - GB moved to continue the Public Hearing to 4/23; TT 2nd.
 - Motion approved unanimously.
- **Conservation Administrator Job Interview**
 - Elissa Brown was interviewed for the CA vacancy.
- **Accounts Payable**
 - Steve Smith: \$19.89, reimbursement for 3 sets of color copies of photographs updating the Autumn Ridge CR Baseline Report.
 - GB moved to reimburse Steve Smith for \$19.89, to be paid from ConCom's 'supplies' line item; TT 2nd.
 - Motion approved unanimously.
 - Steve Smith: \$290.00, reimbursement for a 500-copy reprinting of the Greenway Committee brochure by Printing Solutions.
 - GB moved to reimburse Steve Smith for \$290, to be paid from ConCom's 'other charges' line item; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Anuta OOC complaint, 187 Old Farm Way (MassDEP #100-0337)**
 - JG summarized several recent conversations with Maryann DiPinto, of MassDEP, and Marielle Stone, Deputy Regional Director of Water Resources for MassDEP's Central Regional Office.
 - Ms. DiPinto had left a phone message the previous week suggesting ConCom issue a Certificate of Compliance (COC) for the open OOC on the Anuta's property in order to remove the Order from their deed.
 - With the work long completed, the Order cannot be appealed.
 - JG passed on that ConCom had not been allowed on the property last fall for a COC inspection and therefore had not issued one in response to a Request for COC made by Pingry Hill developer Rick Roper.
 - Ms. Stone called shortly thereafter to seek more information so that MassDEP can suggest a resolution that would satisfy the Anuta's objection to ConCom's reissuance of an unrecorded OOC in 2014.
 - The Anuta's object to being bound to the terms of an OOC, originally issued in 2010 but never recorded at the Registry of Deeds.
 - Because it was not recorded by the developer, its conditions were therefore unknown, and unavailable, to the Anutas at the time of their purchase of the property.
 - Ms. Stone will get back to ConCom after MassDEP decides on a recommendation.
 - Ms. Stone also suggested it might be beneficial for ConCom to meet with the regional MassDEP Circuit Rider, Judy Schmitz, to discuss the wording of some of its Special Conditions.



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- When asked what he thought, Mr. Anuta suggested this be a posted item for discussion at ConCom's 4/23 meeting, provided MassDEP has made a recommendation by that time.
- ConCom will include this as an agenda item on 4/23 but if MassDEP has not yet responded, will postpone the discussion to the following meeting.
- **9:35 PM – Adjourn Meeting**
 - GB moved to adjourn; LC 2nd.
 - Motion approved unanimously.



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Autumn Ridge Farm Conservation Restriction and Trail Easement, Ayer, MA, Established March 31, 2005

Monitoring Visit Report and Baseline Update Completed March 15, 2015

I am the volunteer Steward of this Conservation Restriction. Baseline documentation was completed in the winter/spring of 2010. This year is the 5 year anniversary of the baseline, so we are updating all the photos per Guidelines.

In the first 5 years of the CR's life, no documentation was done; however, activity on the land was consistent with the terms and intent of the CR. These activities included trail building, habitat study, bird and animal inventories, and introduction of the new conservation land to the citizens of Ayer. A formal

Baseline study was completed in May of 2010.

Now, another five years have passed. Annual monitoring and reporting has been done each year and reports submitted to the Ayer Conservation Commission.

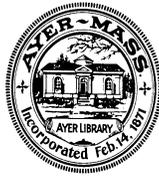
A short summary of changes over the five years since 2010 is as follows:

- a. Deer Run Trail and Deer Run Connector were built.
- b. The Rock Meadow beaver dam was breached emptying the pond and doing significant downstream damage. After one year, the beavers rebuilt the dam and refilled Rock Meadow Pond.
- c. Squatters built fires and one forest fire burned ~2 acres of ARF land. The forest has now returned to normal health.
- d. The Great Blue Herons left Rock Meadow Pond, and then the Osprey pair left, too. A Red-tailed hawk has been a constant resident.
- e. The loam pile was removed and haying restored.
- f. Beavers have been active in Rock Meadow Pond, restoring the dam after the big breach; the lower dam, however, was not rebuilt. Smith Pond has seen increasing beaver presence and now it looks permanent.
- g. The Autumn Ridge Farm construction has been completed.

On January 10&17 plus March 6/7, 2015, I conducted field work to update all 48 baseline photos. I was accompanied by Autumn Ridge Farm Board members and residents, who assisted with the work.

Changes/Highlights:

1. No squatters or fire builders were noted on ARF land during 2014. Signs at both former sites remain intact.



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2. The “upper beaver dam” which backs up Rock Meadow Pond appears to be in good shape. No damage was observed and the beavers did their annual “maintenance”. This year the beavers have continued occupation of Rock Meadow Pond and have done brush and tree cutting further north to get some fresh material.
3. At Smith Pond, the beavers are not so welcome; this year they set up permanent residence and did a lot of work on the dam. In both the spring and again in autumn, the pond level was raised; the total may be over one foot. Significant tree damage is in progress; ARF folks are looking into ways to return the pond to its original level.
4. The Osprey pair, whose nesting tree and nest was destroyed in Hurricane Sandy late in 2012, returned in 2013 and built their 4th nest in Rock Meadow Pond. However, in 2014, this pair was not observed in Rock Meadow Pond. It is sad to not see them anymore; probably habitat changes forced them to move.
5. The Great Blue Herons were absent again in 2015, except for an occasional fly-over or pond visit.
6. A hunter’s blind has been constructed on Moore land adjacent to ARF land on the eastern shore of Rock Meadow Pond. Shooting from this site is potentially hazardous to hikers on the western side and Porcupine Hill.
7. The Autumn Ridge Farm Board of Trustees has had some turnover recently. The Chair is Peg Pfeiffer. Five ARF residents, including 2 Board members, accompanied me on one or more of the field trips. They were Peg Pfeiffer, Bill Clements, Sandy Jones, Keith Frederick, and Martin Cohen.
8. Trail work on Autumn Ridge Trails is done by a resident crew. Sandy Jones leads this ARF volunteer effort. Spring clean-up was done in April along with joint effort on Pine Meadow Pond trails. At the current time, some large blowdowns are blocking trails and chain saw work will be needed in the spring. Some budget money has been set aside by the ARF Board for trail improvements, including a kiosk, in 2015.
9. Haying of the fields in Zones B and C was again conducted by David Eliades and Richard Smith.
10. Occasional motorcycles and ATV’s are noticed on ARF CR land; motorcycle or mountain bike tracks were noted in 2014.
11. The Autumn Ridge Farm development is done. The finishing touches were completed in 2014; including some drainage upgrades and finish paving. I think most residents are very happy with their surroundings, and appreciate the conservation land.

Respectfully submitted, Steven H. Smith, March 15, 2015.