

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **5/28/2015** – Approved 6/11/2015

Location: Ayer Town Hall, 1st Floor

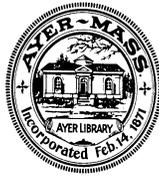
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT),
Jessica Gugino (JG, Clerk)

Not present: Lee Curtis (LC), Vacancy: CA, Conservation Administrator

APAC taped: Yes

7:07 PM – Open Meeting

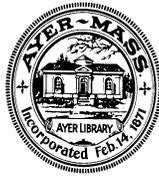
- **Confirmation of Agenda**
 - TT moved to confirm agenda as posted; JG 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - TT moved to accept the minutes for 5/14/15 as written; JG 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - The Sun: \$139.62, for legal ads (\$66.23 for 5 Fourth St. NOI; \$73.39 for DPW/Stony Brook Pump Station NOI).
 - TT moved to approve payment of \$139.62; JG 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 5 Fourth Street, Mark Adams & Jennifer Walker (DEP # 100-0384)**
 - Rob Oliva, of David E. Ross Associates, represented the applicant.
 - Mr. Oliva thanked the Commission for its patience in continuing the Public Hearing numerous times and submitted a revised site plan along with the green card abutter notifications.
 - A check paying for the legal ad has already been received by ConCom.
 - Since the original submission of the NOI, the plans for constructing a new single-family house at 5 Fourth Street, fronting Grove Pond, have been significantly revised.
 - The original house has already been demolished and only its foundation remains.
 - In the revised plans, the new house has been reduced in size and moved back to the area of the original foundation.
 - The work planned on the new house no longer falls within the buffer zone to Grove Pond and nearby Bordering Vegetated Wetlands (BVW).
 - A new driveway, grading, and drywells for roof runoff are all outside the buffer zone.
 - The only work within the buffer zone will involve the relocation of an existing sewer line running from the house toward the shore of the pond to connect to the sewer line through an already-existing manhole.
 - During work on the sewer line, staked wattles / filter socks will be used for erosion controls.
 - No new clearing on the property will be done and everything will be restored to its original condition upon completion of construction.
 - No flood plain alteration or change in grade will be done.



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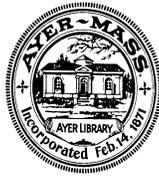
- A site walk was scheduled for 9 a.m. on Saturday, 5/30.
- TT moved to continue the Public Hearing to 6/11; JG 2nd.
 - Motion approved unanimously.
- **Public Meeting: RDA – 31 Willow Road, Peter Central, LLC**
 - Cal Goldsmith, of Goldsmith, Prest & Ringwall, represented the applicant.
 - The project proposes the construction of a 26,600 sq. ft. addition on the southern side of an existing building, along with additional associated parking and loading areas.
 - The construction area is in a light industrial zone.
 - BVW, associated with a stream tributary to Bennett’s Brook, lies to the north of the property line.
 - The property is also across the street to BVW on the other side of Willow Road.
 - The closest point of disturbance (grading, earthwork) to the northern BVW is approximately 10 ft. from the 100-ft. wetland buffer zone as well as from the 200 ft. riverfront buffer zone.
 - Currently a headwall with culvert discharges runoff into the Town sewer system.
 - An existing detention basin will be expanded to increase capacity.
 - A new outlet structure has been designed for the culvert.
 - It will be graded on top and have horizontal openings to maintain the current rate of water flow.
 - Two new headwalls will be added.
 - A very small portion of the work (primarily grading) in one area falls within the last 10 ft. of buffer zone to the wetland across the street.
 - Very little grading or construction activity will take place in this area.
 - All of the work on the building addition is outside of the buffer zone.
 - All new construction will be protected by erosion controls to prevent runoff and sediment from crossing Willow Road.
 - Mr. Goldsmith said that, because of these preparations and the limited amount of work, they were hoping for a Negative Determination of Applicability from ConCom.
 - Site plan approval is currently in process with other Town boards.
 - An Operations & Maintenance plan is also in development.
 - The project is subject to stormwater regulations and the design takes this into account.
 - Survey note 2 on the SKC-1 plan indicates the wetland delineation was done in 2005 but little has changed since then and the wetlands are well-defined.
 - Roof runoff will be directed via interior roof drains into the detention basin.
 - BD asked for an SK drawing showing this water being directed into the basin.
 - An existing septic tank indicated on the plans is no longer there and was removed when a connection was made to the Town sewer line.
 - BD asked that the note on the submitted plan regarding the septic tank be removed as no longer applicable.
 - GB moved to issue a Negative Determination of Applicability, based on receipt of a new SK plan showing the tie-in of roof drainage to the basin; TT 2nd.
 - Motion approved unanimously.
 - JG will prepare a DOA for ConCom signature at Saturday’s site walk (5/30).
- **Public Meeting: RDA – Woodland Way, Ridge View Realty Trust (Pingry Hill)**



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- Steve Mullaney, of S.J. Mullaney Engineering, Inc., was present.
 - Mr. Mullaney provided a check reimbursing the cost of the legal ad.
- Woodland Way was last walked by ConCom in fall 2014 when the Commission issued an Order of Resource Area Delineation (ORAD).
- The RDA proposes the installation of a temporary access way and water main to allow for the construction of a water tank further up the hill.
 - This work falls within Phase IV of the Pingry Hill development.
- The developer, Rick Roper, will submit an NOI for permanent infrastructure work at a later date.
- To construct the water tank this year, however, there is insufficient time to complete the full infrastructure design and go through the NOI process, therefore the RDA was submitted for the temporary access way.
 - The temporary access way will be a 14 ft. wide gravel strip to reach the water tank site.
 - Vegetated side slopes will be constructed as well.
 - A small portion of the access way falls within the outer 50 ft. buffer zone to BVW.
 - Engineering measures have been designed to prevent impact on the resource area.
 - 293 ft. of erosion controls will be used along the Limit of Work, as detailed on p. 3 of the plans.
 - The work is expected to take approximately 2 weeks for the access road.
 - Work on the water tank is expected to be completed by the end of this year.
 - The location of the steel tank itself is in an area nonjurisdictional to ConCom.
 - The water main will run down the center of the temporary gravel access way, and be at a minimum depth of 5 ft., below the frost line.
 - When the permanent road is constructed, the road will widen by 10 ft. toward the BVW.
- GB moved to issue a Negative Determination of Applicability; TT 2nd.
 - Motion approved unanimously.
 - JG will prepare a DOA for ConCom signature at Saturday's site walk (5/30).
- **Discussion: Extension of Orders of Conditions, Pingry Hill, Crabtree Development**
 - Mr. Mullaney said the original OOCs were issued by ConCom on June 9, 2005, and had been subsequently extended.
 - The wetlands in the area has remained pretty much the same.
 - The OOCs all fall within the area walked by ConCom last fall for the issuance of the ORAD.
 - None of the OOCs are affected by the planned realignment of Woodland Way.
 - GB moved to extend the OOCs for the following 9 lots; TT 2nd.
 - 50 Snake Hill Road (Lox X), MassDEP # 100-0269
 - 138 Littleton Road (Lot O), MassDEP # 100-0272
 - 248 Woodland Way (Lot R), MassDEP # 100-0273
 - 159 Woodland Way (Lot 137), MassDEP # 100-0275
 - 221 Woodland Way (Lot 135), MassDEP # 100-0273
 - 196 Woodland Way (Lot 70A), MassDEP # 100-0278
 - 193 Woodland Way (Lot 136), MassDEP # 100-0279
 - 123 Woodland Way (Lot 138), MassDEP # 100-0280
 - 38 Woodland Way (Lot 79), MassDEP # 100-0282
 - Motion approved unanimously.
 - The OOC Extensions were signed by ConCom.



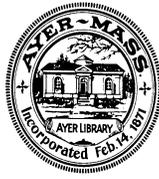
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- JG will hand-deliver the signed originals of the OOC Extensions to Mr. Mullaney, after copying, during Saturday morning's site walks.

- **Discussion: Request for Certificate of Compliance (COC), 120 Littleton Road, Pingry Hill, Crabtree Development, MassDEP # 100-0271**
 - ConCom will conduct a site walk to inspect the completed work at 9:30 a.m. on Saturday, 5/30.

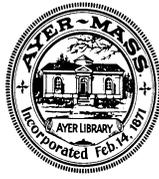
- **Discussion: COC updates, Pingry Hill**
 - Mr. Mullaney reviewed the status of 4 lots denied COCs during ConCom's 11/8/14 site walk:
 - 45 Partridge Run (Lot 35), MassDEP # 100-0268
 - Mr. Mullaney said he had been informed by Powell Construction Project Manager Lori Loughlin (formerly Scanlan) that no further work needs to be done on homeowner Nick Mancini's property.
 - Ms. Loughlin indicated that water leakage into Mr. Mancini's basement was likely coming through a window.
 - JG received a phone message earlier in the day from Mr. Mancini, in response to a ConCom letter notifying him of an upcoming site walk.
 - Mr. Mancini said at that time that he still had issues and was not ready for a COC to be issued.
 - 272 Old Farm Way (Lot 50A), MassDEP # 100-0349
 - Mr. Mullaney said Ms. Loughlin indicated that a natural berm, as required on the OOC, has now been constructed.
 - ConCom will inspect on 5/30.
 - 32 Deer Run (Lot 88), MassDEP # 100-0263
 - No further work by the developer needs to be done for this lot.
 - On Saturday, ConCom will review work possibly done within the buffer zone by homeowner Lillie Wilson.
 - Ms. Wilson was notified by letter of ConCom's upcoming site walk.
 - 37 Hemlock Drive (Lot 62), MassDEP # 100-0355
 - Ms. Loughlin indicated to Mr. Mullaney that she is awaiting an answer as to whether fencing or boulders are to be used to demarcate the limit of backyard, as required by the OOC.
 - Mr. Mullaney will hand this decision back to Mr. Roper as it is his decision, not ConCom's.
 - COCs approved and signed in the fall but awaiting confirmation of erosion control removal:
 - Mr. Mullaney said that Ms. Loughlin indicated that erosion controls have now been removed from the following lots:
 - 26 Fox Run (Lot 113), MassDEP # 100-0265
 - 50 Deer Run (Lot 87), MassDEP # 100-0262
 - 58 Hemlock (Lot 56), MassDEP # 100-0267
 - 214 Old Farm Way (Lot 84), MassDEP # 100-0339
 - 31 Partridge Run (Lot 34), MassDEP # 100-0347
 - 282 Old Farm Way (Lot 49A), MassDEP # 100-0348)
 - 74 Hemlock (Lot 55), MassDEP # 100-0353
 - 67 Hemlock (Lot 64), MassDEP # 100-0357
 - 116 Hickory Way (Lot 82), MassDEP # 100-0360



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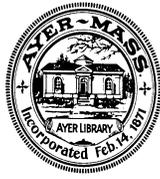
- ConCom will site walk each of these lots to confirm removal on Saturday, 5/30.
- **Conservation Administrator Job Interview**
 - Michele Grenier was interviewed for the CA vacancy.
 - Ms. Grenier is a professional wetland scientist and soil scientist and has previous experience working for conservation commissions.
 - Following completion of the interview, ConCom members later continued discussion of the vacancy.
 - BD said Jeff Legros, interviewed on 5/14, had not returned his phone calls and was assumed to no longer be interested in the position.
 - JG will contact Ms. Grenier for references.
- **Public Hearing (cont'd.): NOI – 1 Nemco Way,, JAR Realty Corp. for Catania Spagna Corp., MassDEP # 100-0383**
 - Paul Hutnak, of Andrews Survey & Engineering, contacted JG by email with a request to alter two of the Special Conditions in the draft OOC.
 - Mr. Hutnak asked that the wording of Condition #46, regarding the prohibition on direct discharge of stormwater to wetlands, include the phrase “except as shown on the approved plans.”
 - ConCom members reached a consensus that this change was acceptable.
 - Mr. Hutnak asked that Condition #59, prohibiting the use of sodium chloride for de-icing, be removed as no new paved areas are being constructed.
 - ConCom members agreed to delete Condition #59 from the draft OOC.
 - JG will make the agreed changes to the OOC.
 - ConCom members signed the signature page.
 - GB moved to issue the OOC as revised and close the Public Hearing for #100-0383; TT 2nd.
 - Motion approved unanimously.
 - In a related discussion, the brush cutting being considered by Ardent Mills, adjacent to the Catania Spagna project, was discussed.
 - ConCom will perform a site walk to look at the area on Saturday, 5/30, at 8:30 a.m.
 - JG will contact Joe Kochan, of Ardent Mills, with the time.
- **Office Updates**
 - ZBA Requests for Comments
 - 4 Pierce Avenue
 - The property is uphill from Sandy Pond but outside the buffer zone.
 - A comment was added asking the owner to ensure that runoff doesn't leave the site during construction.
 - 4 Nashua Street
 - ConCom had no issues with a variance setback request.
 - 8 Amandrey Way
 - JG visited this property, owned by James Avery, on Friday, 5/22.
 - Mr. Avery wants to cut down several trees close to, and leaning toward, his house.
 - He indicated he had no problem with leaving the stumps intact.
 - BD asked that Mr. Avery provide ConCom with a simple plot plan marking the approximate location, size, and number of trees he would like to cut down.



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- Mr. Avery also asked about the feasibility of removing a rotting wood retaining wall put in by the previous homeowner.
 - Because of proximity to wetlands and nearby James Brook, ConCom members said this would require the area to be flagged and a detailed work plan provided along with submission of an RDA or NOI, depending on the scope of work.
- 115 Hickory Way
 - The homeowner plans to construct a shed near the left side of the house.
 - When inquiring about a building permit for construction of a shed on the left side of the house, the homeowner was advised to check with ConCom because of the existence of a drainage easement on the right / back side of the property.
 - Work constructing the house on this lot was not jurisdictional to ConCom, therefore no file exists.
 - JG will convey to the homeowner that ConCom has no issues.
- Christine Laggis-Wood
 - ConCom received a phone call from Ms. Wood asking for input as to the Town's possible interest in purchasing a 36-acre parcel owned by the Wood family adjacent to the Rail Trail.
 - This parcel was reviewed back in 2011 and ConCom members decided against pursuing this for possible purchase.
 - A Phase I review of the parcel would trigger a more costly (\$10,000-\$100,000) Phase II review because of the power lines, previous use by the railroad, and Town easements.
 - CPC also thought the potential liability issues for the Town recommended against a purchase.
 - Neither ConCom nor the Town can give advice to the Wood family for how to make this property more salable.
- Cains RDA
 - John Mabon sent an update and photos on the work, now nearly complete, at Cains, approved in December, 2014.
- Geosyntec / Comprehensive Pond Survey
 - Bob Hartzel, of Geosyntec, indicated via email dated 5/19/15 that Geosyntec will have a preliminary report ready for ConCom by 6/5 and wanted to schedule a meeting date with ConCom to discuss and receive feedback.
 - BD asked that ConCom put discussion of a preliminary report on its 6/25 agenda, and after that would then arrange to meet with Mr. Hartzel for discussion, hopefully at its next meeting in July.
- **Committee Updates**
 - Open Space & Recreation Plan
 - OSRP prepared a draft letter of support for the Commission to consider sending to the Board of Selectmen.
 - The letter asks the BOS to develop a policy and procedure for dealing with Ch. 61 land situations and the Town's right of first refusal when lands are brought out of tax protection.
 - BD thought it was a great idea.
 - JG will put the letter onto ConCom letterhead for BD to sign on behalf of the Commission.



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- Greenway Committee
 - The Nashua River Watershed Association (NWRA) is sponsoring several free upcoming “Tick Talks” on the prevention of tick bites and Lyme disease for people and their pets:
 - Tuesday, June 2, 7 p.m., Lunenburg Public Library
 - Tuesday, June 9, 7 p.m., Pepperell Public Library
 - Tuesday, June 23, 7 p.m., Harvard Public Library
 - The NWRA is also sponsoring a Rail Trail Walk, on Saturday, June 27, from 2-4 p.m., leaving from the beginning of the Rail Trail in Ayer.
- **10:05 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.