

RECEIVED
TOWN CLERK
TOWN OF AYER

2017 JUL 17 PM 12:48



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249

Minutes for 6/22/2017

Location: Ayer Town Hall, 1st Floor

Present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT, Member), Bonnie Tillotson (BT, Member), Jessica Gugino (JG, Member/Clerk)

Not Present: (Vacancy CA, Conservation Administrator)

APAC taped: Yes

7:08 PM – Open Meeting

- **Confirmation of Agenda**

- Discussions of mitigation work at The Willows; the draft 'Goals' section to the Open Space & Recreation Plan draft; and CA job description, were added.
- GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd.): Notice of Intent (NOI) – Wright Road Cross-Country Water Main Extension, Wright Road to Sandy Pond Road, Ayer DPW, MassDEP # 100-0401**

- At the request of the applicant, GB moved to continue the Public Hearing to 7/13/2017; TT 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd.): NOI – Ayer Solar II, 0 Washington Street, Rohit Garg, Ayer Solar II LLC, MassDEP # 100-0403**

- At the request of the applicant, GB moved to continue the Public Hearing to ConCom's Special Meeting on 7/12/2017; TT 2nd.
 - It was noted that the outside consultant, Matt Schweisberg of Wetland Strategies & Solutions, was unable to attend ConCom's 7/13 meeting, leading the Commission to add a Special Meeting to its schedule.
 - Motion approved unanimously.

- **Public Hearing: NOI – James Brook Riverfront Restoration, Ayer Solar I, Rohit Garg / Prometheus Power Group, 0 Rosewood Avenue, MassDEP # 100-0404**

- At the request of the applicant, GB moved to continue the Public Hearing to 7/13/2017; TT 2nd.
 - Motion approved unanimously.

- **Discussion: Request for Certificate of Compliance (COC) – Nicholas Thalheimer, 22 Robbins Road, MassDEP # 100-0135**

- Assessor's Map 37, parcel 21
- A June 14, 2017 letter from Attorney Thalheimer was reviewed.
- GB moved to issue a full COC for 100-0135; TT 2nd.
 - Motion approved unanimously.

- **Discussion: Request for COC – Nicholas Thalheimer, 22 Robbins Road, MassDEP # 100-0073**

- Assessor's Map 37, parcel 21
- GB moved to issue a full COC for 100-0073; TT 2nd.
 - Motion approved unanimously.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249

Minutes for 6/22/2017

- **Public Meeting: Request for Determination of Applicability (RDA) – Gerald Croteau, Jr., 8 Hemlock Drive**
 - Assessor's Map 36, parcel 101
 - Neighbor Mike Loiselle, of 120 Littleton Road, was present on behalf of the applicant.
 - Mr. Loiselle will be doing the work with Mr. Croteau.
 - The RDA seeks permission for installation of a retaining wall and aesthetic improvements to the lawn and slope.
 - A 4-5 ft. tall dry-stacked large boulder retaining wall is planned, with smaller stone used as fill.
 - BD noted that on previous site walks, ConCom had had concerns about the edge of the driveway sloughing off into the wetland.
 - Mr. Loiselle said they planned to use hand-packed riprap with fabric or loam and hydroseed.
 - BD said the Commission preferred riprap.
 - BD will do a site walk to review plans on Saturday morning, 6/24, at 7:30 a.m.
 - GB moved to continue the Public Meeting to 7/13; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Mitigation Update, The Willows, MassDEP # 100-0288**
 - George Gallagher, of Willow Road Development, LLC, was present.
 - The Commission had expressed concern that with the development near completion, the two required mitigation areas would be left undone.
 - Mr. Gallagher said they will not complete the last building for another 6 months and expect that they will not have sold the last unit until next year.
 - After discussion, it was decided that the best time for new plantings, now that spring has passed, will be late August to mid-September.
 - This will still be within the time-frame during which the developer is still active on site.
 - A June 20, 2017 letter from Desheng Wang, of Creative Land & Water Engineering, LLC, outlining plans for mitigation in the two areas, was reviewed.
 - Mr. Gallagher said they had hoped to do the plantings for these areas this past spring but with all the rain, this project got away from them and was not started.
 - Area 1 involves 6896 sq. ft., of which 2488 ft. are within the inner riparian zone (100 ft.), and 4408 ft. are within the outer riparian zone (100-200 ft.) to Bennett's Brook.
 - This area is located up the construction access road, next to Building units 95-97.
 - Dr. Wang's letter indicated that Area 1 is already well-established with wetland species plants and it would be overkill to do more plantings within the first 100 ft. to the brook.
 - The 4408 sq. ft. in the outer riparian zone needs the planting of trees and shrubs as well as the establishment of ground cover.
 - BD said that a portion of this mitigation area along the road is being used for parking by nearby residents and that this needs to stop.
 - The stone that has been put down for parking also has to be removed.
 - Boulders need to be put in along this area to prevent parking in the future.
 - Area 2 involves 8794 sq. ft., of which 3325 ft. are within the outer riparian zone (200 ft.) to Bennett's Brook.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249

Minutes for 6/22/2017

- This area is located behind 46 Longview Circle, near the pond.
 - Dr. Wang's letter indicated the mitigation area extends almost to the back of nearby Building 46.
 - He recommends leaving a mowed 5 ft. strip behind the building for operation and maintenance purposes.
 - Mr. Gallagher said that Dr. Wang had also recommended staking the mitigation areas now and ceasing all mowing inside those areas.
 - BD asked that the Commission be contacted for a site visit at the end of August, prior to new plantings going in.
 - ConCom has a meeting scheduled for August 24 and could do a site visit on Saturday, August 26, at 9 a.m.s
 - Mr. Gallagher is to contact ConCom, via email, by the 24th to confirm that site visit.
- **Request for COC: Orion Realty Trust, Orion Park Drive, MassDEP # 100-0222**
 - Assessor's Map 7, parcels 5 & 7
 - GB moved to issue a full COC, to be signed at ConCom's 7/13 meeting; TT 2nd.
 - Motion approved unanimously.
- **Discussion: 'Goals' section of Open Space & Recreation Plan (OSRP) draft**
 - JG, who is the ConCom representative on the OSRP Committee, asked the Commission to review this 5 page section.
 - The Conservation Commission is listed as a "Responsible Party" numerous times throughout and JG wanted to give accurate feedback from ConCom to OSRP.
 - The Commission opted to not be listed as a "Responsible Party" in several instances, especially those where there was no jurisdictional authority.
 - Overall, the Commission said it was a great list of goals but noted that many of them involved substantial financial costs or involved property ownership issues.
 - The Commission does not have a budget for many of these costs.
- **Discussion: Conservation Administrator Job Description**
 - Brian Colleran has left his position as Conservation Administrator.
 - A June 22, 2017 memo from DPW Superintendent Mark Wetzal to Town Administrator Robert Pontbriand was reviewed.
 - The subject line was "Potential Stormwater Management Responsibilities – Conservation Agent."
 - The memo was accompanied by a same-day email from Mr. Pontbriand indicating his support for this and for discussing this further with the Commission.
 - BD said the Conservation Administrator could assist with monitoring, as there is an overlap in interests between DPW and ConCom, but did not want the CA to be responsible for enforcement.
 - ConCom will plan to have Mr. Pontbriand and Mr. Wetzal attend a future meeting to discuss this further.
 - The job description used two years ago was reviewed and edited for changes now that the position is full-time with benefits.
 - BD planned to contact Lindsay Martucci, of MACC, and Lee Curtis, of BSC Group, to see if there were possibilities for temporary help while ConCom seeks to fill the position.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249

Minutes for 6/22/2017

- JG will submit the revised job description to Mr. Pontbriand the following day (6/23) for required internal posting of the job.
- GB volunteered to be present in the ConCom office from 6-7 p.m. on Tuesday evenings, when Town Hall offices are open until 7.
- **Thank You to Takashi Tada**
 - TT has assumed a new job with the Town of Groton, where he has been working as their CA.
 - After more than 10 years on the Ayer Commission, TT is stepping down due to time conflicts with his new schedule.
 - BD and the rest of the Commission thanked Mr. Tada for his excellent service to the Town over those years.
 - He will be missed.
- **9:42 PM – Adjourn Meeting**
 - TT moved to adjourn; GB 2nd.
 - Motion approved unanimously.

Documents Referenced During This Meeting:

June 14, 2017 letter from Attorney Nicholas Thalheimer, of the Law Office of David R. Rocheford, Jr., P.C., to the Commission;

June 20, 2017 letter from Desheng Wang, of Creative Land & Water Engineering, LLC, to the Commission;

June 22, 2017 memo from DPW Superintendent Mark Wetzel to Town Administrator Robert Pontbriand re “Potential Stormwater Management Responsibilities – Conservation Agent”;

RDA, Gerald Croteau, 8 Hemlock Drive.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission: 7/13/2017

Signature Indicating Approval: Jessica G. Gugino