Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for **10/12/2017**

Location: Ayer Town Hall, 1st Floor
Present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Bonnie Tillotson (BT, Member), Jessica Gugino (JG, Member/Clerk), Jo-Anne Crystoff, (CA, Conservation Administrator)
Not Present: (Vacancy Member)

APAC taped: Yes

7:05 PM – Open Meeting

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

- **Approval of Meeting Minutes**
  - GB moved to accept the minutes for 9/28/2017 as written; BT 2nd.
    - Motion approved unanimously.

- **Accounts Payable**
  - DEP Reporter Electronic Subscription
    - ConCom did not knowingly order this; CA will look into and cancel if necessary.
  - Kait Rimol: $38.15, mileage reimbursement (70 miles, field inspections).
    - GB moved to approve payment of $38.15; BT 2nd.
      - Motion approved unanimously.
  - Solitude Lake Management: $32,500, remaining tasks (through task 5) except for final report.
    - The final report is not due until November.
    - BD reviewed details in the contract referencing booster treatments.
    - Solitude has not billed for the final $1000 of the contract, pending submission of the final report.
    - When ConCom issues its next RFP for weed treatment, the language should be amended to hold back 10% of the total cost until receipt and approval of the final report.
    - GB moved to approve payment of $32,500; BT 2nd.
      - Motion approved unanimously.

- **Discussion: Conservation Fund**
  - Present were Town Administrator Robert Pontbriand and Chair of the Community Preservation Committee (CPC) Janet Providakes.
  - Mr. Pontbriand described Articles 6 and 7 that are on the Warrant for Fall Town Meeting, 10/23/2017.
    - Article 6 seeks Town approval to create a Conservation Fund for the purpose of conservation and open space land acquisition, including passive recreation use, in accordance with MGL Ch. 40, section 8c.
    - Article 7 seeks Town approval to transfer $500,000 from CPC's Open Space account into the Conservation Fund, if passed in the previous article.
  - Per State law, the Fund would operate under the purview of the Conservation Commission, while the Town Treasurer would be the custodian of the Fund.

Town of Ayer Conservation Commission

Town Hall, One Main Street * Ayer, MA 01432 * 978-772-8240
Minutes for 10/22/2017

Location: Ayer Town Hall, 1st Floor

Present: Bill Lindsay (BL) Chair; Jeffrey Johnson (DJ), Vice-Chair; Nancy Wilson (BT), Members; Jessica Giglio (JG), Member; Kelly Jones, Conservation Agent; Alan Cunningham, Administrative Assistant

Not Present: Vacant Member

Absent: Jared Yee

7:00 PM – Open Meeting

- Confirmation of Agenda
  - BL asks to confirm the agenda as amended; DJ 2nd.
  - Motion approved unanimously.

- Approval of Meeting Minutes
  - DJ moved to accept the minutes for 9/28/2017 as written; JG 2nd.
  - Motion approved unanimously.

- Accounts Payable
  - DEP Reports Electronic Distribution
    - Confirm DJ has authority to sign order this Conservation Agent to do so and carbon if necessary.
  - Kim Rinaldi: 53 Jackson Street Restoration Account (70 Jackson Street) – Release request
    - JG moved to approve release of $28,113.81; BT 2nd.
    - Motion approved unanimously.
  - Solmuc Lake Management – 2017 remaining weeks (through week 37) except for final report. The final report is due April 30th.
    - BL reviewed the invoices against contract deliverables and monitoring requirements.
    - Motion to release the Final $1000 of the contract, pending submission of the final report.
    - Motion Conservation Commission approve $[illegible] for weed monitoring. The language should be amended to add back 10% of the total cost until receipt and approval of the final report.
    - JG moved to approve payment of $22,300; DJ 2nd.
      - Motion approved unanimously.

- Discussion: Conservation Fund
  - Present were Town Administrator Robert Pontbriand and Town Public Community Preservation Committee (CPC) Chair Jim Kelleher.
  - Mr. Pontbriand discussed Article 5 and 7 that are on the Warrant for Fall Town Meeting, 10/23/2017.
    - Article 5 seeks Town approval to increase a Conservation Fund for the purpose of conservation and preservation and acquisition including passive recreation use, in accordance with MGL Ch. 40, section 8c.
    - Article 7 seeks Town approval to transfer $500,000 from CPC's Open Space account into the Conservation Fund, if passed in the previous article.
  - Per State law, the Fund would operate under the purview of the Conservation Commission, while the Town Treasurer would be the custodian of the Fund.

        - Once the Fund is created, the Commission would be expected to develop its own internal 'policies and procedures'.
            - Mr. Pontbriand is seeking sample policies from Town Counsel.
    - The purpose of creating such a Fund is to enable the Town to react quickly and competitively when open space purchase possibilities present themselves.
        - Mr. Pontbriand described it as a 'rapid response mechanism'.
        - This would include land being brought out of Ch. 61 tax protection, for which the Town has 'right-of-first-refusal'.
    - The current process requires finding a funding source -- usually CPC which would have to hold at least one regular meeting, then a Public Hearing, followed by a Town Meeting vote.
        - The fact that Town Meeting is held twice a year puts a very real obstacle into the Town moving quickly when land purchase possibilities arise.
        - It was noted that some parcels recently were brought out of Ch. 61 and the Town was not able to even consider its right-of-first-refusal within the legal time-frame established by Ch. 61 because there was no funding source readily available and time was a factor.
    - A Conservation Fund – established by Town Meeting vote and funded by Town Meeting vote – provides a mechanism that frees the Town from the constraints of the Town Meeting calendar.
        - It was stressed that the use of a Conservation Fund is already well regulated by State statutes under the Wetland Protection Act (MGL Ch. 40) as well as, where use of CPC money is concerned, Community Preservation Act (MGL Ch. 44B) restrictions for purchase of open space.
        - Both State statutes provide a framework of criteria which the Commission would have to meet in order to justify approval of an open space purchase.
            - Any decisions regarding potential purchase opportunities would be considered by ConCom during meetings open to the public.
        - ConCom and the Town Administrator's office would handle due diligence requirements (e.g. appraisal, environmental reviews); Mr. Pontbriand, as the Town's procurement officer, would have a large role in negotiating purchase prices and drawing up a Purchase & Sale with Town Counsel; the Commission via the Fund would then have final authority to approve a purchase.
    - Ms. Providakes said that CPC was holding a Public Hearing on the transfer article at a 7 p.m. meeting on 10/18.
    - If the Fund is created by Town Meeting, Mr. Pontbriand stated his intention to:
        - convene a land-use working group to put together an overall plan and identify a list of priority parcels should they become available;
            - this could include outreach as well as information on estate and will planning;
        - the Fund could NOT be used for anything involving Eminent Domain acquisitions;
        - see to this Fund being augmented regularly via Town Meeting votes from the transfer into it of CPC or other Town funds;
    - Except for gifts, the deposit of any new monies into the Fund (eg. transfer from CPC) would always require a new Town Meeting vote.
        - It is only after this that the Commission could use the Fund for purchases without having to return to Town Meeting for a specific purchase approval.
    - ConCom members were in strong support of both Articles.

- **Public Hearing (cont'd.): Notice of Intent (NOI) – 231 Snake Hill Road, White Horse Builders LLC, MassDEP # 100-0412**

Town of Ayer Conservation Commission

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- Once the Fund is created the Commission would be expected to develop its own internal policies and procedures.
  - Mr. Pontbriand is seeking simple policies [illegible] commonsense.
- The purpose of creating such a Fund is to enable the Town to act quickly and competitively when open space purchase opportunities present themselves.
  - Mr. Pontbriand [illegible] it as a "rapid response mechanism".
  - This would include land being brought out of Chapter 61 protection, for which the Town has "right-of-first-refusal".
- The current process requires funding a funding source [illegible] CPC which would have to hold at least one regular meeting, then a Public Hearing, and finally a Town Meeting vote.
  - The fact that Town Meeting is held twice a year [illegible] a real obstacle into the Town moving quickly when land purchase [illegible].
  - It was noted that [illegible] projects currently [illegible] of Ch. 61 and the Town was not able to even consider its right-of-first-refusal [illegible] real time-frame established by Ch. 61 because there was no funding source readily available and time was a factor.
- A Conservation Fund established by Town Meeting vote and funded by Town Meeting vote provides a mechanism to [illegible] the town from the uncertainty of the Town Meeting calendar.
  - It was proposed that the use of a Conservation Fund is already well regulated by State statute under the Wetland Protection Act (MGL Ch. 131 as well as, where use of CPC money is concerned, the Community Preservation Act (MGL Ch. 44B) restrictions for purchase of open space.
  - Both these statutes provide a framework within which the Commission would have to meet in order to justify approval of an open space purchase.
    - This decision regarding proposed purchases [illegible] would be considered by [illegible] open to the public.
  - Conservation and the Town's Administrator's office would handle the diligence requirements (e.g. financial, environmental review) [illegible] as the Town's procurement officer would have a large role in negotiating purchase price and drafting purchase & sale with Town Counsel, the Commission, as the Fund, would then have final authority to approve a purchase.
- Mr. Pontbriand noted that CPC was holding a Public Hearing on a transfer article at its [illegible] meeting on 11/14.
- The Fund is created by Town Meeting. Mr. Pontbriand stated his intention to
  - convene a land-use evaluation group to put together a [illegible] plan and identify a list of priority projects should they become available.
    - This would include outreach [illegible] on sellers and will prioritize
  - the [illegible] be used for anything involving [illegible] Domain acquisitions;
  - see [illegible] Fund being augmented regularly [illegible] Town Meeting votes from the transfer [illegible] CPC [illegible] other Town funds;
- Except for gifts, the deposit of [illegible] revenues into the Fund [illegible] Transfer from CPC) would always require [illegible] Town Meeting vote.
  - It is [illegible] the Commission could use the Fund for purchases without having to return to Town Meeting for a specific purchase approval.
- Commissioners were in strong support of both Articles.

- Assessors Map 21, Parcel 11
- Rob Oliva, of David E. Ross Associates, and Gary Shimmel, of White Horse Builders, were present.
- Mr. Oliva submitted a revised plan dated 10/4/2017 that added in landscaping features, including a berm and a proposed 10' x 15' beach area, following comments made at the ConCom Hearing on 9/28.
  - The 3 ft. wide mulched landscape berm to discourage future encroachment of the yard into the bordering vegetated wetlands would include:
    - native evergreen and ornamental shrubs;
    - a line of boulders placed minimum 20 ft. on center;
    - 4" x 4" pressure-treated posts, at least 36" tall, with conservation area placards attached, and installed minimum 20 ft. on center at edge of clearing.
  - Mr. Oliva subsequently submitted an additional revised plan dated 10/12/2017 that added a 12' x 12' permeable paver patio and a paver walkway to the beach.
- Regarding the parcel designated floodplain on the FEMA map, Mr. Oliva said that Box 2 ("bordering land subject to flooding") should have been checked.
- All work will be done at grade; no fill is proposed.
- The only earthwork proposed is for the foundation area.
- Questions were asked about preserving larger trees but Mr. Oliva did not know that detail.
  - He did say the entire lot was not going to be clear-cut.
- GB moved to approve the project for 100-0412 and move forward with preparing a draft OOC for review; BT 2nd.
  - Motion approved 3-1, with JG voting nay.
- GB moved to continue the Public Hearing to 10/26 for review/approval of a draft OOC; BT 2nd.
  - Motion approved unanimously.

- **Public Meeting: Request for Determination of Applicability (RDA) – 2 Sandy Way, Joseph and Kerry McGuane**
  - Assessors Map 15, Lot 42
  - Mr. and Mrs. McGuane were present for the Meeting and provided a reimbursement check for the legal ad.
  - The RDA seeks permission for the removal of 2 large (125') trees, for safety concerns, located between 15 and 80 ft. from Sandy Pond.
    - At the Meeting, Mr. McGuane amended this request to include a 3rd tree for trimming or possible removal, citing the concern of a neighbor.
    - They also seek permission for the removal of approximately 30' of rock, concrete and earth berm around 10-12' from the pond.
      - Mr. McGuane said this berm is dangerous for kids to climb around on in getting to the shore of the pond.
  - Previously, Interim CA Kait Rimol had given CA her opinion that this was a reasonable clean-up request.
    - The yard slopes at an easy grade down to the pond.
    - Mr. McGuane said he would re-use rocks from the berm elsewhere on his property, and wanted to resurrect a beach area by the water.
      - Given that this is a pond with a sandy bottom, this was not deemed to be a problem.

- BD said it was okay for Mr. McGuane to proceed with the tree removals now, but that he wanted a better definition of the berm area, especially detail as to what portion would be re-loamed and seeded versus the extent of a resurrected beach.
  - The tree stumps were okayed for grinding, but not being pulled from the ground.
  - BD asked for a more detailed plan of the lawn/beach area after the berm is pulled, and asked CA to meet with Mr. McGuane to review the site.
- GB moved to continue the Public Meeting to 10/26; BT 2nd.
  - Motion approved unanimously.

- **Public Meeting: RDA – 121 Oak Ridge Drive, Mark and Valeta Miller**
  - Assessors Map 28, Lot 44
  - Mr. and Mrs. Miller were present for the Meeting and provide a reimbursement check for the legal ad.
  - The 1/3 acre lot with a split-level house abuts Flannagan Pond.
  - The RDA seeks permission to:
    - detach an existing 8' x 12' deck from the house;
    - construct a 14' x 21' sunroom addition to the house;
    - the sunroom will have a cellar underneath, dug to a depth of 4';
    - reattachment of the existing deck to the sunroom, with 3 new concrete sonotube supports.
  - This would move the existing deck 14' closer to the pond.
    - At completion of the project, the closest point of the sunroom to the pond would be over 80', while the closest new footing for the deck would be at least 71'.
  - Mr. Miller described the topography of the backyard as a relatively level grassed area until a 'break' after which the grade drops off steeply for 45' to the pond.
    - CA said this portion of the yard wasn't quite level and had more of a pitch to it.
    - The area beyond the 'break' is wooded with heavy brush and this area will not be touched by the project.
    - In addition, about 15' from the water's edge is an old 4' high coated-wire fence, put in several years ago at ConCom's request when the applicant was planning to get some miniature goats.
      - Leaves have blown up against this fence to a height of approximately 1-1/2'.
      - This informal 'compost fence' provides an additional barrier to material flowing downhill into the pond.
  - From the excavation, some of the excess soil will used to backfill around the new foundation or spread around the woodshed; the rest will be trucked offsite.
  - Equipment access to the backyard will be on the side between the house and the woodshed.
  - BD said that while ordinarily this much work would require a NOI, the plans were complete enough that he was comfortable with proceeding with an RDA.
  - GB moved to issue a Negative Determination of Applicability (DOA) with two conditions:
    - plan A-1 to be marked to indicate the location of the erosion controls (haybales or silt socks);
    - CA to be notified for inspection and approval of the erosion controls prior to commencement of construction.
      - BT 2nd.
        - Motion approved unanimously.

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- BD said it was okay for Mr. McGuire to proceed with the tree removals now, but that he wanted a better definition of the berm area, especially detail as to which trees would be removed and seeded versus the extent of a removed beach.
  - The tree stumps were okayed for grinding, but not being pulled from the ground.
  - BD asked for a more detailed plan of the lawn beyond once after the berm is pulled, and asked CA to meet with Mr. McGuire to review the site.
- GB moved to continue the Public Meeting to 10/20/2014.
  - Motion seconded unanimously.

- Public Meeting: RDA – 23 Oak Bluffs Drive, Mark and Karen Miller
  - Assessors Map 29, Lot 11
  - Mr. and Mrs. Miller were present for the Meeting and provide a rendering of the deck, for the legal ad.
  - The 100 zone for work is right-level house abuts Flannagan Pond.
  - The MD A seeks permission to:
    - detach an existing 8' x 12' deck from the house;
    - construct a 14' x 21' screened addition to the house;
    - the screened will have a cedar underneath, 3 ft to height of 4';
    - replacement of the existing deck to the screened, with new concrete sonotube supports.
- This would move the existing deck 14' closer to the pond.
  - Upon completion of the project, the closest point of the screened to the pond would be only 40', where the closest new dwelling to the pond would be at least 77'.
- Mr. Miller described the topography of the lot as a steep, heavily forested area until a beach after which the gradle drops off steeply for 40' to the pond.
  - Cut and fill portion of the work would be [illegible] and bar stone of a pitch to it.
  - The area beyond the beach is wooded with [illegible] and this area will not be touched by the project.
  - In addition, about 12' from the water is a [illegible] 12' high cedar trees, put in several years ago at Town and a repeat of that [illegible] was planning to get some more [illegible].
    - [illegible] blown up during this [illegible] approximately 1-1/2'.
    - This informal "[illegible] fence" prevents additional beach erosion by [illegible] flowing downhill into the pond.
- From the cross section [illegible] the existing and will need to [illegible] around the new foundation or spread around the wooded [illegible] the [illegible] will be treated offsite.
- Equipment access to the backyard will be on the side from [illegible] the house and the woodshed.
- BD said the work ordinarily this much work would require a NOI, the plans were complete enough that he was comfortable with proceeding with an ATD.
- GB moved to issue a Negative Determination of Applicability (DO) with the conditions:
  - plan has to be revised to indicate the location of the [illegible] concrete ([illegible] or silt socks);
  - CA to be notified for inspection and approval of the erosion control prior to [illegible] commencement of construction.
  - [illegible]
- Motion approved unanimously.

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for **10/12/2017**

- **Public Hearing: NOI – 114 Pleasant Street (Riley Jayne Farm), Restoration Plan, Onyx Corporation, MassDEP # (TBD)**
  - Nick Pauling, of Goldsmith, Prest & Ringwall (GPR), was present on behalf of the applicant.
  - Mr. Pauling provided CA with a reimbursement check for the legal ad and the green card abutter notifications.
  - The NOI is filed in response to an Enforcement Order (EO) issued in March 2017.
    - At that time, during a site walk, it was discovered that Onyx Corp. had mistakenly cleared portions of buffer zone (12,400 sq. ft.) adjacent to BVW and beyond the approved limits of clearing for the subdivision under MassDEP # 100-0389 as well as under the newly-filed NOI for Lot 13 of the subdivision, under MassDEP # 100-0400.
      - Lot 13 was in the process of being separated from 100-0389 for work on that specific lot.
    - This deviation from the approved plans resulted in the EO and the requirement for the filing of a restoration plan NOI.
  - Several areas were identified by GPR as suitable for restoration, the largest located at the edge of the hayfield.
    - The NOI included a plan entitled "Buffer Zone Restoration Overall Development Plan, Riley Jayne Farm, 114 Pleasant Street, Ayer, MA", prepared by GPR and dated September 2017.
    - Its proposed list of plantings included red maples, serviceberry, dogwood, bayberry, and New England wildflower mix.
  - A site walk with Mr. Pauling was scheduled for 8 a.m. on Saturday, 10/14/17.
  - GB moved to continue the Public Hearing to 10/26/17; BT 2nd.
    - Motion approved unanimously.

- **Discussion: Enforcement Order, 29 Jonathan Drive, Maple Sugar LLC, MassDEP # 100-0395**
  - Attending the meeting was Robert Pace Sr., the builder and current owner of the property.
    - The OOC was initially issued to Maple Sugar LLC but Mr. Pace subsequently purchased the property for development.
      - (ConCom was not previously notified of the transfer in ownership.)
  - Also in attendance was Rob Oliva, of David E. Ross Associates, whose engineered plans formed the basis of the OOC when issued.
  - ConCom was alerted to problems with the site by the Mitchells, whose property directly abuts this one.
  - On inspection by CA and former Interim CA Kait Rimol at the end of September, a number of significant issues were discovered, leading to the issuance of an EO to Maple Sugar LLC and then Mr. Pace, dated 10/5/2017.
  - Among the issues identified:
    - The finished grade levels were raised by the builder after the excavator encountered water while digging the foundation hole.
      - The foundation was subsequently raised approximately 4' but ConCom was not notified.
      - This kind of change would have necessitated an Amendment to the OOC and it is uncertain whether ConCom would have approved a change of this magnitude directly abutting wetlands..

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for 10/3/2017

- Public Hearing: NOI – 114 Pleasant Street (Riley Joyce Farm), Restoration Plan, Open Corporation, MassDEP # [illegible]
  - Nick Partridge of Guidebrook Prod & Engineering (GPE) was present on behalf of the applicant.
  - Mr. Partridge provided CC with a rainbow-colored check for the lawn and the green and abutter notifications.
  - The NOI is filed in response to an Enforcement Order (EO) issued in March 2017.
    - While there, during a site walk, it was discovered that Open Corp. had mistakenly cleared portions of the fire zone (12,000 sq. ft.) adjacent to RWW and beyond the approved limits of clearing for the subdivision under MassDEP # 100-0389 as well as under the newly-filed NOI for Lot 15 of the subdivision, under MassDEP # 100-0400.
      - Lot 15 was in the process of being separated from 100-0389 for work on this specific lot.
    - This deviation from the approved plan resulted in the EO and the requirement for the filing of a restoration plan NOI.
  - Several areas were identified by GPE as suitable for restoration, the largest located at the edge of the hayfield.
    - The EO in fact had a plan entitled "Buffer Zone Restoration Overall Development Plan, Riley Joyce Farm, 114 Pleasant Street, Ayer, MA", prepared by GPE and dated Sept. 2017.
    - The proposed list of plantings included red maples, serviceberry, dogwood, bayberry, and New England aster/flow-ers.
  - A site walk with Mr. Partridge was scheduled for 9 a.m. on Saturday, 10/14/17.
  - CH moved to continue the Public Hearing to [illegible] 2017.
    - Motion approved unanimously.

- Discussion: Enforcement Order, 29 Jonathan Hall, Maple Sugar LLC, MassDEP # 100-0395
  - Attending the meeting were Robert Fox, Sr., the owner and current owner of the property.
    - The COC was initially issued to Maple Sugar LLC but Mr. Fox subsequently purchased the property in his own name.
      - (Information was not provided to CC of the transfer in ownership.)
  - Mr. Fox introduced his Rob Oliver of Field & Home Associates, who prepared plans formed the basis of the COC when issued.
  - Conservation Commission problems with the use by the Fitchburg, whose property directly abuts this one.
  - Complication by Commonwealth Forest Inventory (CFI) Stat Board in the end of September, a number of additional issues were discovered. CFI filed to the [illegible] Maple Sugar LLC and Mr. Fox, dated 10/5/2017.
  - Among the issues identified
    - The diversion pipe, which was placed by the landowner after the accumulation occurred, was not adequate, causing the flooding on [illegible].
    - The inundation was subsequently [illegible] approximately 4' but Conservation was not notified.
    - This kind of change would have necessitated an Amendment to the COC and it is important whether Conservation would have approved a change of this magnitude [illegible] flooding was found.

- On the east side of the property, the side abutting the wetlands, the initial plan for a walkout basement was abandoned because of the change in the elevation of the foundation.
    - A planned small retaining wall at the corner of the house was also abandoned here for the same reason.
    - CA said the bank down to the wetlands on this side is steep.
    - Mr. Pace said the bank has started to grow in and is fairly stable.
        - CA said it is steep, with a couple of washout areas in the slope.
        - While no material has breached the erosion control barrier at the bottom of the bank right up against the wetlands, material has accumulated against the barrier in some spots.
- The rain garden at the back corner of the house on the east side has not been constructed according to the approved plans, nor is it as big or deep as it was intended to be.
    - Mr. Pace said his contractor had assured him that the rain garden, while pushed back, was constructed adequately and that all drains had been tied in correctly.
- BD said the original plan showed 2 roof drains but he only saw one pipe indicated.
    - Mr. Pace said there were downspouts on each corner of the house, all tied into 1 drainpipe.
    - CA said the foundation drain daylights to the edge of the erosion controls/limit of work (LOW) but did not appear to be tied into anything.
    - Mr. Oliva said his plan did now show the foundation drain as daylighting.
- Mr. Pace asked if ConCom could approve his removing a stockpile of brush that people have been dumping at the front corner of the property, next to the wetlands.
- On the west side of the property, the finished grade also does not match the grade approved on the OOC plans.
    - In addition, there is a sharply pitched 3-4 ft. slope from the Mitchell's yard to this yard.
    - The Mitchell's have communicated their concern with this sharp pitch, including erosion concerns, to CA.
    - Mr. Mitchell asked to address the Commission.
        - Mr. Mitchell said that Mr. Pace had verbally made an agreement with him to leave intact the wooded/shrubbed strip, also with some large stones, in between the properties, both to stabilize the slope from erosion and maintain a visual buffer.
        - However, when the excavator began working on the site, all of this vegetation was cleared to the property line, eliminating any vegetated buffer between the two properties.
        - He added that there had been no supervision by the builder during the excavation.
    - Looking at the approved plans, BD noted that this vegetated area was beyond the approved limit of clearing.

- A site walk by the Commission was scheduled for Saturday, 10/14, at 9 a.m.
- Mr. Pace asked if ConCom could sign off on the project so that he could get the Occupancy Permit from the Building Inspector.
    - He indicated it was his understanding that the Building Inspector might be waiting on ConCom before his signing off with the Permit.

        - He is not asking for a Certificate of Compliance, closing out the OOC, at this time.
        - Mr. Pace said the urgency had to do with plans to close the sale of the property to a new homebuyer on the following Thursday, 10/19.
        - The prospective Buyer was in the audience.
        - ConCom was puzzled by this request as the inspection sign-off sheet from the Building Inspector does not include any box for ConCom input.
    - BD said ConCom did not want to make things difficult for the Buyer, but would need to hold on any further comments until after the Saturday site walk.
        - ConCom would be looking for the best ways to correct things and move forward.

- **Public Meeting (cont'd.): Request for Determination of Applicability (RDA) – 153 Woodland Way (Lot 70B, Pingry Hill), Ridge View Realty Trust**
    - Assessors Map 36, parcel 112
    - No one was present for this application.
    - GB moved to continue the Public Meeting to 10/26/2017; BT 2nd.
        - Motion approved unanimously.

- **Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 150 Woodland Way (formerly 193, Lot 135B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0279**
    - Assessors Map 36, parcel 178
    - No one was present for this application.
    - GB moved to continue the Public Hearing for 100-0279 to 10/26/2017; BT 2nd.
        - Motion approved unanimously.

- **Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 166 Woodland Way (formerly 159, Lot 136B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0274**
    - Assessors Map 36, parcels 178 & 179
    - No one was present for this application.
    - GB moved to continue the Public Hearing for 100-0274 to 10/26/2017; BT 2nd.
        - Motion approved unanimously.

- **Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 186 Woodland Way (formerly 123, Lot 137B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0280**
    - Assessors Map 36, parcel 180
    - No one was present for this application.
    - GB moved to continue the Public Hearing for 100-0280 to 10/26/2017; BT 2nd.
        - Motion approved unanimously.

- **Public Hearing (cont'd.): NOI – 169 Woodland Way (Lot 71A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0413**
    - Assessors Map 36, parcels 112 & 113
    - No one was present for this application.
    - GB moved to continue the Public Hearing for 100-0413 to 10/26/2017; BT 2nd.
        - Motion approved unanimously.

Town of Ayer Conservation Commission

Town Hall – One Main Street – Ayer, MA 01432 – (978) 772-8220
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- Motion to approve Certificate of Compliance, filing on the COC for this item.
- Motion with the property owner with plans to notify the sale of the property to a new owner on the following Thursday, 10/19.
- The prospective Buyer was in the audience.
- Conditions were received by the request is the inspection department. Building inspector does not include, for the Conservation.
- HD and Conservation did not want to make things difficult for the Buyer, but would need to hold on any further comments until after the Saturday site walk.
- Commission would be looking for the best way to correct things and move forward.

- Public Hearing (cont'd.): Request for Determination of Applicability (RDA) – 153 Westford Way (Lot 2B), Energy Hill, Ridge View Realty Trust
  - Assessors Map 36, parcel 112
  - No one was present for this application.
  - CD moved to continue the public hearing to [illegible]
  - Motion approved unanimously.

- Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 150 Westford Way (forecourt), 125, Lot 130B, Energy Hill, Ridge View Realty Trust – Wetlands Protection
  - Assessors Map 36, parcel 125
  - No one was present for this application.
  - CD moved to continue the Public Hearing to [illegible] BT 2nd
  - Motion approved unanimously.

- Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 150 Westford Way (forecourt), 125, Lot 130B, Energy Hill, Ridge View Realty Trust – Wetlands Protection
  - Assessors Map 36, parcel 130
  - No one was present for this application.
  - CD moved to continue the Public Hearing to [illegible] BT 2nd
  - Motion approved unanimously.

- Public Hearing (cont'd.): NOI – 169 Westford Way (Lot 2A, Energy Hill), Ridge View Realty Trust, Based [illegible]
  - Assessors Map 36, parcels 112 & 113
  - No one was present for this application.
  - CD moved to continue the Public Hearing to [illegible] BT 2nd
  - Motion approved unanimously.

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for **10/12/2017**

- **Public Hearing (cont'd.): NOI – 207 Woodland Way (Lot 74A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0414**
  - Assessors Map 36, parcels 115 & 116
  - No one was present for this application.
  - GB moved to continue the Public Hearing for 100-0414 to 10/26/2017; BT 2nd.
    - Motion approved unanimously.

- **Conservation Commission Office Updates**
  - Field Inspections
    - CA has been inspecting various sites, including Rosewood Avenue Extension/Solar I; Willows; Pingry Hill; Pleasant Street (Riley Jayne Farm); Kohler Place; and Nashua Street Extension.
    - Regarding increased beaver damming near the Rosewood Avenue Extension, BD asked CA to check with Town Accountant Lisa Gabree to ascertain what funds remain in ConCom's 'beaver' line item.
    - While she's talking to Ms. Gabree, CA should also inquire as to the balance of funds remaining for weed treatment on the ponds.
  - Eagle Scout Project – Robert Houde
    - BD has attempted unsuccessfully so far to contact Scott Houde.

- **10:20 PM – Adjourn Meeting**
  - GB moved to adjourn; BT 2nd.
    - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission: 10/26/2017

Signature Indicating Approval: Jessica G. Gugino

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220
Minutes for 10/12/2017

- Public Hearing (cont'd.): NOI – 37 Woodland Way (Lot 74 in Nagog Hill), Kathryn Ann Beasley Trust, Map11B/P * 100-0414
  - Assessors Map 6c, parcels 115 & 116
  - No one was present for this application.
  - CR moved to continue the Public Hearing for 100-0414 to 10/26/2017 at 7:30 PM.
    - Motion approved unanimously.

- Conservation Commission Office Updates
  - Field Inspections
    - CA has been in the Ayer Village area, including a proposed Avenue D Extension Solar 1; Willowdale Estates; Hill Pleasant Street Subdivision; Family Kohler Trust; and Nashua Street Industrial.
    - Regarding proposed new driveway near the Groton Road Avenue D extension, CD asked CA to check with Town Accountant Lisa Fabrea to search in what lot is remain in Conservation Commission fine zone.
    - While she is talking to Mr. Cabral, CA should also inquire as to the balance of funds remaining for road improvement on the pond.
  - Eagle Scout Project: K. Ann Hardy
    - HD has approved Ann's ability to fix to Conservation Hands.

- 10:30 PM – Adjourn Meeting
  - CB moved to adjourn at 8:12 PM.
    - Motion approved unanimously.

Minutes Recorded and Submitted by Joanna C. Cardoso Clerk

Date Minutes Approved by Conservation Commission: 11/9/2017

Signature Indicating Approval: _____