Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for **10/26/2017**

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: No

7:13 PM – Open Meeting

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

- **Public Meeting (cont'd.): Request for Determination of Applicability (RDA) – 2 Sandy Way, Joseph and Kerry McGuane**
  - Assessors Map 15, Lot 42
  - Joseph McGuane was present for the Meeting.
  - The RDA requested permission for the removal of a concrete/stone/dirt berm near the shore of the pond and 3 trees (2 in the application, verbally amended to 3 at the 10/12 ConCom meeting).
  - CA met with Mr. McGuane during a site visit on 10/24 and documented the visit with photos.
    - In CA's opinion, the work observed extends beyond the parameters of the RDA.
      - A black tarp is covering the cattails in the pond, in an attempt to kill them.
      - In addition, soils have been dug out and removed from within the pond at the shoreline.
      - There are also two soil piles that CA said need to be removed from close proximity to the pond.
  - BD said this excavation next to, and in, the pond has to stop and the tarp over the cattails needs to be removed.
  - A rickety dock is also in the water and Mr. McGuane has purchased new lumber to build a new dock.
    - Mr. McGuane said in his recollection he had received permission from Kait Rimol, when she was Interim CA, to put in a dock.
    - BD explained the history of Ch. 91, the law that the State implemented enforcement of back in 2008-9, requiring licenses for docks and floats in "Great Ponds" within ACECs (Areas of Critical Environmental Concern).
      - Sandy and Long ponds are in the Petapawag ACEC.
      - The State declared a time period (ending 12/11/2009) during which licenses for temporary docks could be applied for through the RDA process via local conservation commissions.
      - After the expiration of that deadline, the only way to get new licenses would be via creation of a costly Resource Management Plan.
      - BD recalled the suggestion being made at the time that this might be best done through formation of a private pond association, something which has not been pursued by residents.

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * [illegible]
Minutes for 10/26/2017

Location: Ayer Town Hall, 1st Floor
Present: Bill Lucas (BL) Chair, Glenn Dunn (GD), Vice-Chair, Bonnie Hilton (BH), Marilyn Madsen (MM), Joseph McNamara (JM), Jim Fay (JF) (Ayer Conservation Administrator)
Not Present: (Vacancy Member)

Quorum: Yes

7:15 PM – Open Meeting

- Confirmation of Agenda
  - GD moved to confirm the agenda as posted. BH 2nd
    - Motion approved upon roll call

- Public Meeting (cont'd.): Request for Determination of Applicability (RDA) – 3 Sandy Way, Joseph and Karen McCanne
  - Assessors Map 15, Lot 42
  - Joseph McCanne was present for the Meeting
  - The ACA requested permission for the removal of a concrete cinder block near the shore of the pond and 3 trees (as in the application, verbally amended to in the 10/12 Conservation meeting)
  - ACA met with Mr. McCanne during a site visit on 10/24 and discussed the visit with photos
    - In ACA's opinion, the work shown of exists beyond the jurisdiction of the ACA.
      - A black lab is covering the cattails in the pond in an effort to kill them.
      - In addition, stalks have been dug out and removed from within the pond at the shoreline.
      - There are also two soil piles that ACA said used to be removed from close proximity to the pond.
  - BL said this concrete must be removed in the pond has to stop and the trap over the cattails needs to be removed.
  - A rickety dock is also in the water and Mr. McCanne has purchased new lumber to build a new dock.
    - Mr. McCanne said in his recollection he had received permission from Ken Kimball when he was in the ACA to put in a dock.
    - BL explained the history of Ch. 91, the law that the State implemented enforcement of docks in 2007 (A requiring licenses for docks and it was in "inland ponds" within ACEC's (Area of Critical Environmental Concern).
      - Docks and floating pontoons are in the Petapaw-ug ACEC
      - The State declared a time period (ending 12/31/2020) during which licenses for temporary docks could be applied for through the MEA process via local conservation commissions.
      - After the expiration of that deadline, the only way to get new licenses would be via creation of a Long Resource Management Plan.
      - BH recalled the suggestion being made at the time that this might be been done through formation of a private pond association, something which has not been pursued by residents.

        - JG will check ConCom records from the time to ascertain whether the previous owner of the property had secured a dock license.
    - CA presented the logbook kept by Ms. Rimol and BD read the entry for 9/14/2017, when Ms. Rimol met on site with Mr. McGuane.
        - The logbook records that Ms. Rimol asked Mr. McGuane to remove the tarp and halt the pulling of cattails and removal of wetland soils as well as to remove a soil pile nearby to the pond.
        - The logbook indicated Ms. Rimol also told Mr. McGuane about the need for a dock license, as well as the need for a permit through ConCom for any earth work near the pond.
            - This included the removal of the pine trees referenced in the RDA subsequently submitted.
    - Mr. McGuane complained that he had tried to come in to the ConCom office at various points but that no one was in.
        - This would have been during the period when ConCom was interviewing job applicants for the full-time position, with Ms. Rimol providing temporary support on Tuesdays and Thursdays.
    - BD reiterated that the tarp needs to be removed and that excavation work needs to stop, but that the work described in the RDA (removal of 3 trees and removal of concrete-rock-dirt berm) could be voted on.
    - In response to Mr. McGuane's question regarding re-establishment of a beach area (as discussed on 10/12), BD said there was a clear difference between work to create a beach area on land versus the kind of excavation work Mr. McGuane has been doing "in the pond."
    - GB moved to issue a Negative Determination of Applicability for the RDA, with a note added in stating that any additional work beyond that described in the RDA would require going through the Notice of Intent (NOI) process; BT 2nd.
        - Motion approved unanimously and the DOA signed.
    - BT then brought up the issue of the area where the tarp has covered the cattails.
        - CA said this area had been primarily cattails, but had some invasives (phragmites, purple loosestrife) present as well.
        - BT said now that this area has been cleared and disturbed, it is highly likely that the invasives will take over.
            - This affects both surrounding properties and the pond as a whole.
            - She said she would like to see this area restored with native plants.
        - BD asked CA to contact DEP Circuit Rider Judy Schmitz for advice on how to handle this kind of situation.
        - Once ConCom has a sense of what has to happen to fix the area, it can move forward with an Enforcement Order (EO) to handle this situation.

- **Public Hearing (cont'd.): Notice of Intent (NOI) – 231 Snake Hill Road, White Horse Builders LLC, MassDEP # 100-0412**
    - Assessors Map 21, Parcel 11
    - Rob Oliva, of David E. Ross Associates, and Gary Shimmel, of White Horse Builders, were present.
    - In working on the draft Order of Conditions (OOC), CA and JG said there were a number of details that needed to be addressed by the Commission:
    - <u>Dewatering</u>

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8240
Minutes for 10/26/2011

- Mr. Wallbrook Chair, on records from the time to ascertain whether the previous owner of the property had secured a dock license.
- CA presented the logbook kept by Mrs. Rimol and CO and the entry for 9/14/2011, when Ms. Rimol met on site with Mr. McClintock.
  - The logbook records that Mrs. Rimol asked Mr. McClintock to remove the tarp and halt the pulling of sand and removal of wetland soils as well as to remove a soil pile in danger to the pond.
  - The logbook indicated Mrs. Rimol also told Mr. McClintock about the need for a dock license as well as the need for a permit through Conservation for any earth work near the pond.
  - This included the removal of the pine trees to licensed in the RDA subsequently submitted.
- Mr. McClintock complained that he had tried to come in to the Conservation office at various points but no one was in.
  - This would have been during the period when Con. Com was interviewing job applicants for the full-time position with Mrs. Rimol providing temporary support on Tuesdays and Thursdays.

BD reminded that the tarp was removed and that conservation staff needs to verify that the work described in the RDA consisted of 3 trees and not a half acre. Additional work could be stopped.

In response to Mr. McClintock's question regarding re-vegetation of a beach area (as discussed on 10/12/11), BD said there was a fine distinction between work to create a beach and work in a beach. BD suggested the kind of conversation with Mr. McClintock has been during "in the pond."

CO moved to issue a Negative 3 determination of applicability for the RDA, with a note added to continue that any additional work beyond that described in the RDA would require coming through the Notice of Intent (NOI) process. [illegible]

- Motion approved unanimously as [illegible] Tom A signed.

BD then brought up the issue of the area where the tarp has covered the cattails.

- CA said this area had been primarily cattails, but had some invasives (phragmites, purple loosestrife) occasionally as well.
- BD said now that the area has been cleared and disturbed, it is highly likely that the invasives will take over.
  - Hikers from both surrounding properties and the pond as a whole.
  - She said she would like to see this area replanted with native plants.
- BD asked CA to contact DEP's Invasive Species Coordinator for advice on how to handle this kind of situation.
- Once Conservation has a sense of what has to happen to fix the area, it can move forward with an Enforcement Order (EO) to handle this situation.

- Public Hearing (continued): Notice of Intent (NOI) – 231 Snake Hill Road, White Horse Building LLC, Map 32, Parcel 11
  - Attorney Mary M. Ryan, Attorney at Law
  - Rob Odell, of Odell & Associates, and Greg Shimmel of White Horse Building, [illegible] present.

In working on the draft Order of Conditions (OOC), CA and BD said there were a number of details that needed to be dealt with by the Commission.

- Description

- There is nothing in writing on the plans that indicates where dewatering will take place.
- It is highly likely that water will need to be pumped out while excavating for the foundation.
- CA noted that the elevation of the pond in the spring was indicated as 234', while the plans indicate a basement floor elevation of 231'.
    - Pumped out water cannot be discharged directly into the pond or wetlands – just 14' away at the closest point.
- After review, it was decided that dewatering would best be done in the area where the old cottage – to be demolished – is currently located on the S/SE corner of the lot.
    - BD also stipulated that if dewatering is required, CA be contacted before implementing this action.
- These dewatering specifications will be put in writing in the OOC as well as memorialized in these minutes.
- BT asked if too much water was encountered to solve by dewatering, would the contractor want to raise the elevation?
    - BD said if the elevation on the plans cannot be maintained, then the applicant must come back to ConCom before making any such changes.
    - A Special Condition will be put into the OOC that will require an engineer's certification confirming that the completed foundation elevation matches the elevation on the plan, with the top of the concrete at 231.5'.
        - Typically confirmation of the foundation elevation would be done through the as-built plan required for a Certificate of Compliance to close out the OOC.
        - However, in this case ConCom is asking for a letter of confirmation during the construction process itself.
- Given the roughly 2' difference in elevation between the pond (as measured in April) and the basement (below the pond level), CA asked what will happen to water that eventually is likely to wind up in the basement?
    - Mr. Oliva said they haven't decided on a method to handle this, such as a sump pump.
    - CA said the concern is where would a sump pump direct such water to, given no direct discharge into the resource areas (pond or wetlands) is permitted.
    - BD said something like a french drain would need to be used to prevent water from directly entering the resource areas – or the neighbor's yard.

- <u>Soil Storage</u>
    - Although previously verbally mentioned, there is nothing in writing on the plans that indicates where excavated soil would be stored on the very small lot.
    - Mr. Oliva and BD agreed that the best area for soil storage, farthest from the pond, would be the N/NW corner of the lot, closest to the property owned by Mr. Flynn.
        - Mr. Oliva indicated that there would not be a lot of soil stockpiled on site, perhaps just top soil.
- <u>Potential for abandoned septic system on site?</u>
    - Neither Mr. Oliva nor Mr. Shimmel thought there was a septic system or well attached to the abandoned cottage.
    - CA said if someone had once lived in the cottage, it would be expected that there was some kind of water service as well as a cesspool.

Town of Ayer Conservation Commission

Town Hall – 25 Main Street * Ayer, MA 01432 * 978-772-8240
Minutes [illegible]

- There is nothing in writing on the plans that indicates where dewatering will take place.
- It is highly likely that water will need to be pumped out during excavation for the foundations.
- CA noted that the elevation of the pond is approximately [illegible] located at 224', while the plans indicate a basement floor elevation of 221'.
  - [illegible] dewatering directly into the pond or wetlands [illegible] (e.g. [illegible] close [illegible])
- After review, it was decided that [illegible] be done in the area where the old [illegible] demolished [illegible] the SW corner of the lot.
  - [illegible] be contacted before [illegible] this action.
- These dewatering specifications will be part of writing in the COC as well as [illegible] in these minutes.
- BT asked if [illegible] water [illegible] to [illegible] wetlands, would the [illegible] waive the notification?
  - [illegible] the elevation on the plans cannot be maintained, then the applicant must come back to Conservation [illegible] any changes.
  - [illegible] will be put into the COC and will require an [illegible] and [illegible] monitoring [illegible] monthly and [illegible] elevation monitors the elevation on the plans, so the [illegible] at 221'.
    - Typically confirmation of the found elevation would be done in [illegible] plan required [illegible] compliance to close out the COC.
    - However, in this case, Conservation is asking for a letter of confirmation during the excavation process itself.
- Given the [illegible] difference in elevation between the pond (as surveyed in April) and the basement floor (below the pond level), CA asked what will happen to water that eventually is likely to build up in the basement?
  - Mr. Dias and Mr. Bennett decided on a method to handle this, such as a sump pump.
  - [illegible] the water is where would a sump pump direct such water to prevent direct discharge into the resource area (pond or wetlands) is permitted.
  - [illegible] said connecting this [illegible] drain would need to be used to prevent water from [illegible] the resource area [illegible] the neighborhood.

- Soil Storage
  - Although it was briefly mentioned, there is nothing in writing on the plans that indicates where excavated soil would be stored on the very small lot.
  - Mr. Dias and BD agreed that the best place for soil storage, farthest from the pond, would be the NW corner of the lot closest to the property owned by Mr. Flynn.
    - Mr. Dias indicated that there would not be a lot of soil needed on site, perhaps just enough.
- Potential for other Open Space on site
  - Noting [illegible] Mr. Schimmel mentioned that there was a septic system or well located in the abandoned cellar.
  - CA and BT [illegible] had once lived in the cottage, it would be expected that there was some kind of water source as well as a septic.

        - CA suggested that, rather than relying on a chance discovery, perhaps a definitive answer to whether there was some form of water/sewer structure needs to be looked for until found.
    - The property has also not been Dig-safed yet.
    - Mr. Oliva said he would check with the DPW on this.
    - BD said that, for example, if an old well is disturbed without care, this can force surface material down into the water table, thereby polluting it.
    - ConCom will add a Special Condition stipulating that the applicant is to identify what, if any, water and sewer connections were in place for the pre-existing cottage and to notify CA of these findings.
- Environmental Monitor?
    - BD said in this case this would be the site superintendent.
    - It was also noted that CA would be visiting this site regularly once work has begun.
- Tree removal
    - BT raised concern about some large deciduous trees at the edge of the pond that she said should not come down if possible.
        - Mr. Oliva didn't think trees, other than those marked, would be coming down.
    - BD asked for a Special Condition stipulating that no new trees within 25' of the pond are to be cut down without prior notification and approval by CA/Commission.
- Equipment storage on site
    - ConCon's boilerplate Special Conditions typically prohibits the overnight storage of fuel/oil-containing equipment in buffer zones in case there are leaks.
        - In this case, however, the entire construction site is within the buffer zone.
    - BD approved removing this requirement since CA will be inspecting daily to see if there is any such problem.
        - If there is any observed leakage, either a tarp can be placed under the equipment or the equipment will then have to be removed overnight.
- Resident questions
    - Carolyn McCreary, of Wachusett Avenue E, asked why approval to build on this lot had been issued in the first place.
    - Annie Reed, also of Wachusett Avenue E, questioned how State law can approve building within 100' of the water.
    - BD explained the terms of the Wetland Protection Act (WPA).
        - The WPA does not prohibit building within buffer zones but does require permitting for any such work.
        - ConCom can therefore apply Special Conditions, but cannot automatically block buffer zone projects.
    - BD also said ConCom had, in this case, reached out to MassDEP for advice.
        - Without a local bylaw that is more restrictive that the WPA – which Ayer has not succeeded in passing – the State indicated it was likely to uphold an application on appeal.
            - If a project then goes forward under a "Superceding OOC," the State can apply its own conditions – or not.
            - ConCom would then have little say in overseeing the project.
    - Other towns, like Harvard or Shirley, have 'no build' requirements in their local bylaw, i.e. within 50 or 35 or 25 feet of a resource area.

Town of Ayer Conservation Commission

Town Hall | 1 Main Street * Ayer, MA 01432 * 978-772-8240
Minutes for 10/20/2011

- CA suggested that, rather than relying on a chance discovery, perhaps a definitive answer to whether there was some form of wastewater structure needs to be looked for until found.
- The property has also not been flag-staked yet.
- Mr. Ohrn asked he would check with the DPW on this.
- BD said that, for example, if an old well is discovered while digging, he can force another material down into the water table, thereby polluting it.
- Conclusion will be a Special Condition stipulating that the applicant is to inform what if any water and sewer connections were in place for the pre-existing dwelling and to notify CA of their findings.

Environmental Monitor:

- BD said he felt CA's role should be the site supervision.
- It was also noted that CA would be visiting this site regularly anyway, so well ha[illegible]

Tree removal:

- BD raised concern about some large cottonwoods at the edge of the pond that the vote should not come down if possible.
  - Mr. Ohrn didn't think, offhand, those marked would be coming down.
- BD asked for a Special Condition stipulating that no new trees within 50' of the pond are to be cut down without prior notification and approval by CA / Commission.

Equipment storage on site:

- Conditions include a Special Condition requiring the owner to keep fuel oil-containing equipment in buffer zone in case there are leaks.
  - In this case, however, the entire [illegible] is within the buffer zone.
- BD approved waiving this requirement since CA will be inspecting daily to see if there is any such pollution.
  - If there is any observed leakage, [illegible] can be placed under the equipment or the equipment will then have to be moved [illegible]

Residential uses:

- Carolyn Mulcahey of Wachusett Avenue, [illegible] asked why approval to build in flood zone had been given in the first place.
- Annie Lord, also on Wachusett Avenue, questioned how State law can approve building within 100' of the water.
- BD explained the terms of the Wetland Protection Act (WPA).
  - The WPA does not prohibit buildings within critical zones but does require [illegible] for any such work.
  - Conservation therefore apply Special Conditions and cannot automatically block further zone projects.
- BD also said Conservation had, in this case, [illegible] out to vote 100' for addition.
  - Williams Local Bylaw that is more restrictive that the WPA – which Ayer has not succeeded in passing – the State is allowed [illegible] to uphold an application on appeal.
    - If a project then goes forward under a "Superseding Order of Conditions" the State can apply its own conditions, or not.
    - Conservation would then have no [illegible] in overseeing the project.
- Other towns, like Harvard or Shirley, have [illegible] build requirements in their local bylaws, i.e. within 50 or 75 or 25 feet of a resource area.

        - BD said it would be important for residents to show up to Town Meeting and vote when ConCom is next ready to attempt to revise its local bylaw.
    - CA will now move forward with preparing a draft OOC.
        - Unless there are issues with the draft OOC, Mr. Oliva will plan not to attend the 11/9 meeting.
    - GB moved to continue the Public Hearing to 11/9; BT 2nd.
        - Motion approved unanimously.

- **Public Hearing (cont'd.): NOI – 114 Pleasant Street (Riley Jayne Farm), Restoration Plan, Onyx Corporation, MassDEP # 100-0415**
    - CA has been corresponding with Nick Pauling, of Goldsmith, Prest & Ringwall (GPR), re details in the draft OOC.
    - Mr. Pauling objected to the boilerplate Special Condition requiring use of orange snow fencing (in addition to erosion controls) as a means of visually demarcating a Limit of Work.
    - This NOI was submitted in reference to an EO issued in March 2017 for unpermitted clearing because of mistakes made in the layout of erosion controls, deviating from the plans.
        - For this Restoration Project, BD said one good reason to insist on the orange fencing will be to protect new plantings from potential mistakes by excavators.
        - Therefore BD said the Commission is not inclined to give in on this Condition but could agree to some modifications.
    - At a minimum, orange fencing should be required for the first year, or until construction work is completed for an individual lot.
        - If the removal of the fencing is desired for, say, encouragement of house sales or a new homeowner, the fencing could be replaced after this by stakes in the ground next to each new planting.
        - The 3 ft.+ high stakes would be marked with yellow or orange flagging.
    - ConCom will also require a Condition requiring a 2 year growing season to confirm the success of the restoration plantings.
    - As a side note, BD noted that, in future boilerplates, ConCom should add a condition requiring that the location of erosion controls is certified by a surveyor prior to clearing and construction.
    - CA will continue working on the draft OOC with Mr. Pauling.
    - GB moved to continue the Public Hearing to 11/9 for signing; BT 2nd.
        - Motion approved unanimously.

- **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
    - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
    - ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
    - As a matter of interest, Mr. Mullaney gave ConCom a copy of MassDEP's Wetlands Program Policy 99-1 re WPA regulations for "Activities in the Buffer Zone."
        - This lot met the State criteria for an RDA submission because it proposed alteration of less than 5000 sq.ft. or 10% of buffer zone on the lot, whichever is less.
    - 977 sq. ft. of BZ alteration is proposed, which amounts to less than 7% of the lot area.
    - GB moved to issue a Negative Determination of Applicability; BT 2nd.

Town of Ayer Conservation Commission

Town Hall * 25 Main Street * Ayer, MA 01432 * 978-772-8220
Minutes for 10/26/2017

- [illegible] and it would be important for conservation [illegible] up to Town Meeting and [illegible] when Chris can is next year [illegible] as its local bylaw.
- [illegible] will not move forward with preparing a draft OOC.
  - Unless there are issues with the draft OOC, [illegible] will plan not to attend the 11/9 meeting.
- [illegible] moved to continue the Public Hearing to 11/9/17 [illegible].
  - Motion approved unanimously.

- Public Hearing (cont'd.): NOI – 114 Pleasant Street (Rolling Hills Estates) Restoration Plan, Cory Corporation, Applicant [illegible]
  - [illegible] has been corresponding with Mr. Paul [illegible] of Hildebrandt, Post & Ringwald (HPR) to clarify in the draft OOC.
  - Mr. Pooling objected to the tailpipe Special Condition requiring use of orange snow fencing in addition to orange construction fencing as a means of visually demarcating a limit of Work.
  - This NOI was submitted in reference to an EO issued in March 2017 for unpermitted clearing because of mistakes made in the layout of construction controls deviating from the plans.
    - Per this Restoration Project, [illegible] said one good reason to insist on the orange fencing will be to protect new plantings from potential mishaps by contractors.
    - Therefore, Mr. Pooling said the Commission is not inclined to [illegible] on this Condition but could agree to some modifications.
  - At a minimum, orange fencing should be required for the first year or until construction work is completed for an individual lot.
    - If the removal of the fencing is desired for, say, the commencement of home sales or a new homeowner, the fencing could be replaced after the [illegible] in the ground next to each new plantings.
    - The [illegible] place should be marked with notices or [illegible].
  - Conservation will also require a Condition requiring a 2 year monitoring period to confirm the success of the restoration plantings.
  - As a side note, Mr. Pooling noted that in future instances, Conservation should add a condition requiring that the location of Conservation controls is certified by a land surveyor to deeding and construction [illegible].
  - [illegible] will continue working on the draft OOC with Mr. Pooling.
  - [illegible] moved to continue the Public Hearing to 11/9/17 [illegible].
    - Motion approved unanimously.

- Public Hearing (cont'd.): Request for Determination of Applicability (RDA) – 153 Woodland Way (Lot 303, Phase III), Sidney Lane Realty Trust
  - Assessors Map [illegible] 12
  - Steve Mullaney of [illegible] Engineering, was present on behalf of the applicant.
  - Chris Cain, with Conservation, also walked with Mr. Mullaney on 9/30/2017.
  - As a matter of [illegible], Mr. Mullaney gave Chris a copy of his DEP's Wetlands Program Policy 90-1 [illegible] Alteration in the Buffer Zone.
    - This letter [illegible] for an RDA submission because it proposed alteration of less than [illegible] of buffer zone on the lot, which [illegible] is less.
  - [illegible] proposed which amounts to less than [illegible] of the lot area.
  - [illegible] Determination of Applicability [illegible].

- Box 2 was checked with the condition that any work that increases the area of work inside the buffer zone, or decreases distance to the resource area, requires notification of ConCom.
- Motion approved unanimously and the DOA signed.

- **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
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
    - No issues of concern were noted, nor the need for site specific Special Conditions.
  - GB moved to approve the project and issue a draft OOC for review for 100-0279; BT 2nd.
    - Motion approved unanimously.
  - GB moved to continue the Public Hearing for 100-0279 to 11/9/2017; 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
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
  - In response to concerns expressed at the site walk, Mr. Mullaney submitted a revision to the plans which shifts the location of the house 36' to the south.
    - The revision eliminates the need for a retaining wall.
    - It reduces the alteration of buffer zone from 9143 sq. ft. to 8502 sq. ft.
    - While the closest point of work to the resource area remains 15', more of the work has been moved further away.
    - The backyard is now directed to an area away from the wetlands.
    - ConCom members thought Revision Version #5, 10/11/2017, was great.
  - GB moved to approve the project based on the revised plan and issue a draft OOC for review for 100-0274; BT 2nd.
    - Motion approved unanimously.
  - GB moved to continue the Public Hearing for 100-0274 to 11/9/2017; 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
  - ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
  - BD expressed concern that, given the flatness of the lot between the wetlands and the proposed house, the eventual homeowner would wind up with a wet basement.
    - Mr. Mullaney said the topography of the lot ensures that water will flow in the other direction.
  - The foundation drain will be tied into the stormwater system on the street.
  - ConCom will ask for a site specific Special Condition stipulating placement of posts with signs to discourage the homeowner from expanding the yard into the resource area.
    - Posts are to be 50' on center, with a minimum of 3 required.

Town of Ayer Conservation Commission

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Minutes for 10/3/2017

- Item 2 was checked with the condition that any work that increases the area of wetland needs the full approval or a process variance. The resource area requires monitoring of conditions.
- Motion approved unanimously and the DEA signed.

- Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 150 Westland Way (formerly 124, Lot 1.27/2, Figure 11/8), Ridge View Realty Trust, Map/Parcel # 100-0279
  - Assessors Map 36, parcel 178
  - Steve Mullaney of S.L. Mullaney Engineering was present on behalf of the applicant.
  - ConCom with CA performed a site walk with Mr. Mullaney on 9/26/2017.
    - Violations of our care were noted, as the need for site specific Special Conditions.
  - CR moved to approve the project and issue a draft OOC for review for 10/3/2017, 10/17/2017.
    - Motion approved unanimously.
  - CR moved to continue the Public Hearing for 100-0270 to 11/7/2017, 11/21/2017.
    - Motion approved unanimously.

- Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 150 Westland Way (formerly 124, Lot 1.27/2, Figure 11/8), Ridge View Realty Trust, Map/Parcel # 100-0279
  - Assessors Map 36, parcel 178
  - Steve Mullaney of S.L. Mullaney Engineering was present on behalf of the applicant.
  - ConCom with CA performed a site walk with Mr. Mullaney on 9/26/2017.
  - In response to comments expressed at the site walk, Mr. Mullaney submitted a revision to the plans which shifts the location of the house 30' in the yard.
    - The revision eliminates the need for a variance.
    - It reduces the alteration of buffer zone from 11,[illegible] to 8502 sq. ft.
    - While the closest point of work to the resource area remains 15', most of the work has been moved further away.
    - The backyard is now directed to drain away from the wetlands.
    - The [illegible] stormwater drainage system (Version [illegible]) was given.
  - CR moved to approve the project based on the revised plan and issue a draft OOC for review for 100-0270: 10/17/2017.
    - Motion carried unanimously.
  - CR moved to continue the Public Hearing for 100-0274 to 11/7/2017, 11/21/2017.
    - Motion approved unanimously.

- Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 150 Westland Way (formerly 124, Lot 1.27/2, Figure 11/8), Ridge View Realty Trust, Map/Parcel # 100-0280
  - Assessors Map 36, parcel 178
  - ConCom with CA performed a site walk with Mr. Mullaney on 9/26/2017.
  - SLM approved concerns that, given the distance of the lot between the wetlands and the proposed house, the eventual homeowner would wind up with a wet basement.
    - Mr. Mullaney said the topography of the lot ensures that water will flow in the other direction.
  - The foundation drain will be tied into the stormwater system on the street.
  - ConCom will ask for a site specific Special Condition regarding placement of pets with regard to discourage the homeowner from expanding the yard into the resource area.
    - Pines are to be 30' on center, with a minimum of 6' required.

- GB moved to approve the project and issue a draft OOC for review for 100-0280; BT 2nd.
  - Motion approved unanimously.
- GB moved to continue the Public Hearing for 100-0280 to 11/9/2017; 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
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
  - A site specific Special Condition will stipulate boulders to be spaced 10' on center along the 'Limit of Yard' line.
  - BT asked about use of a rain garden in the back instead of a swale to capture nutrient runoff.
    - It was agreed that the use of a swale was better as a rain garden would require cutting down more trees to allow sunlight to reach the garden.
    - The homeowner would also have to maintain the rain garden and might be tempted instead to extend the yard.
    - A site specific Special Condition will be added to indicate that the area on the plan behind the boulder line is to be marked as a swale that will direct water to the north.
  - GB moved to approve the project and issue a draft OOC for review for 100-0413; BT 2nd.
    - Motion approved unanimously
  - GB moved to continue the Public Hearing for 100-0413 to 11/9/2017; BT 2nd.
    - Motion approved unanimously.

- **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
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
  - BT said she was concerned about the bifurcation of the wetland in this area.
    - Mr. Mullaney said the wetland area affected has already been removed and replicated in another area.
    - The retention basin in the back will be demarcated by a black vinyl chainlink fence and rosa rugosa.
  - GB moved to approve the project and issue a draft OOC for review for 100-0414; BT 2nd.
    - Motion approved unanimously.
  - GB moved to continue the Public Hearing for 100-0414 to 11/9/2017; BT 2nd.
    - Motion approved unanimously.

- **Public Meeting: Request for Determination of Applicability (RDA) – 252 Woodland Way (Lot 138B), Pingry Hill), Ridge View Realty Trust**
  - Assessors Map 36, Parcels 179 & 180
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - An Order of Resource Area Delineation (ORAD) was approved by ConCom on 11/6/2014.
  - 1653 sq. ft. of buffer zone activity is planned, amounting to less than 8% of the lot area.
    - This work is for portions of a lawn and associated grading connected to construction of a new single family house.

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Minutes for 10/26/2017

- CH moved to approve the project and issue a draft OOC for review for 100-0280; BT 2nd
  - Motion approved unanimously.
- CH moved to continue the Public Hearing for 100-0280 to [illegible] 2nd
  - Motion approved unanimously.

- Public Hearing (cont'd) for NOI – 169 Westford Way (Lot 7A, Fitzpatrick Hill), Ridge View Realty Trust, Map 31 P 8 Lot 0001
  - Assessors Map 30 parcels 112 & 113
  - Steve Mullaney of S. L. Mullaney Engineering was present on behalf of the applicant
  - Conl'Con with CA performed a site walk with Mr. Mullaney on 9/20/2017.
  - A site specific Special Condition will require bollards to be placed 10' on center along the Limit of Work line.
  - BT asked about use of a rain garden in the back instead of a swale to capture runoff.
    - It was agreed that the use of a rain garden was better as a swale would require cutting down more trees. It is also sufficient to catch the runoff.
    - The homeowner would also have to maintain the rain garden and might be tempted instead to extend the yard.
    - A site specific Special Condition will be added to indicate that the area on the plan labeled the bowl is not to be marked as a swale that will direct water to the north.
  - CH moved to approve the project and issue a draft OOC for review for 100-0113; BT 2nd
    - Motion approved unanimously.
  - CH moved to continue the Public Hearing for 100-0113 to 11/9/2017; BT 2nd
    - Motion approved unanimously.

- Public Hearing (cont'd) for NOI – 107 Westford Way (Lot 7A, Fitzpatrick Hill), Ridge View Realty Trust, Map 31 P 8 Lot 0001
  - Assessors Map 30 parcels 113 & 114
  - Steve Mullaney of S. L. Mullaney Engineering was present on behalf of the applicant
  - Conl'Con, with CA, performed a site walk with Mr. Mullaney on 9/20/2017.
  - BT said he was concerned about the influence of the wetland in this area.
    - Mr. Mullaney said the wetlands areas affected by invasives have been removed and replanted in another area.
    - The reforestation back in the back will be demarcated by a black vinyl chain link fence and rose bushes.
  - CH moved to approve the project and issue a draft OOC for review for 100-0114; BT 2nd.
    - Motion approved unanimously.
  - CH moved to continue the Public Hearing for 100-0114 to 11/9/2017; BT 2nd.
    - Motion approved unanimously.

- Public Meeting: Request for Determination of Applicability (RDA) – 257 Westford Way (Lot 13B), Fitzpatrick Hill, Ridge View Realty Trust
  - Assessors Map 30, Parcel 120
  - Steve Mullaney of S. L. Mullaney Engineering was present on behalf of the applicant.
  - An Order of Resource Area Delineation (ORAD) was approved by Conl'Con on 11/6/2014.
  - 1,053 sq. ft. of buffer zone activity is planned, amounting to less than 5% of the lot area.
    - This work is for portions of a barn and associated grading connected to construction of a new single family house.

- The closest point of work to the wetlands is 63 ft.
- BD asked why the buffer zone needs to be touched at all.
  - Mr. Mullaney said the plan calls for a 25' deep backyard, and that the grading has to be changed in order to blend into the detention basin in the back.
- This lot will drain into the stormwater basin; however, the foundation drain will tie into the street drain.
  - The stormwater basin was previously approved under an NOI as part of the road work /infrastructure and has been constructed.
  - See OOC for MassDEP # 100-0393, Woodland Way Subdivision Modification infrastructure.

- A site walk was scheduled for Saturday, 11/4/2017, at noon.
- GB moved to continue the Public Meeting to 11/9; BT 2nd.
  - Motion approved unanimously.

- **Public Meeting: Request for Determination of Applicability (RDA) – 273 Woodland Way (Lot 143A, Pingry Hill), Ridge View Realty Trust**
  - Assessors Map 36, parcel 182
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - An ORAD was approved by ConCom on 11/6/2014.
  - 1433 sq. ft. of buffer zone activity is planned, and includes portions of a foundation drain, lawn and associated grading connected to construction of a new single family house.
    - The house will have a walkout basement.
    - Mr. Mullaney said the side slope needs to be graded to catch the yard.
  - BD asked about use of a retaining wall instead, given the big drop.
    - With fill to level out, this would give the homeowner some usable backyard.
    - Two posts at 310' elevation could provide demarcation to a 'no mow' zone, and the area beyond would be allowed to go back to natural vegetation – grass, other species, eventually trees.
    - Mr. Mullaney will look into this.
  - A site walk was scheduled for Saturday, 11/4/2017, at noon.
  - GB moved to continue the Public Meeting to 11/9; BT 2nd.
    - Motion approved unanimously.

- **Public Hearing: NOI – 219 Woodland Way (Lot 75A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0416**
  - Assessors Map 36, parcels 116 & 117
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - An ORAD was approved by ConCom on 11/6/2014.
  - 10,844 sq. ft. of alteration within the buffer zone is planned, including construction of a new single family house, driveway, subsurface utilities, foundation drain, and portions of a roof drainage dry well, lawn and associated grading.
    - The entire project is within the buffer zone.
    - No alteration of wetlands is proposed.
    - The driveway for this lot has already been permitted and conditioned under a separate OOC for basin access.

Town of Acton Conservation Commission

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Minutes for 10/26/2011

- The closest [illegible] to the wetlands is [illegible]
- [illegible] asked if the traffic count needs to be [illegible]
- Mr. [illegible] discussed the plan with the [illegible] being backyard, and that the grading has to be changed in order to bend into the detention basin in the back.
- This lot is [illegible] drain into the storm water [illegible] the foundation drain will tie into the street drain.
- The stormwater basin was previously approved under an [illegible] as part of the road work. [illegible] and has been [illegible]
- See [illegible] the Modified Plan [illegible] and Stormwater Submittal for additional information.

- A site walk was scheduled for Saturday, [illegible] noon.
- CR moved to continue the hearing to [illegible]
  - Motion approved unanimously.

- Public Meeting: Request for Determination of Applicability (RDA) – 273 Westford Way (Lot 1A1A, Property PID), Ridge View Realty Trust
  - Attorney Alan [illegible], present.
  - Steve Mullaney of [illegible] presenting [illegible] on behalf of the applicant.
  - An OM-AD was approved [illegible]
  - 1,[illegible] sq. ft. of buffer zone activity is planned and includes portions of a foundation drain, lawn and associated grading [illegible] construction of [illegible] single family house.
    - The house will have [illegible] basement.
    - Mr. Mullaney said the side slope needs to be graded on [illegible] the yard.
  - RD asked about use of [illegible] wall instead, given the big drop.
    - Will fill to level out [illegible] would give the [illegible] usable backyard.
    - [illegible] a site [illegible] would provide [illegible] a [illegible] zone, and the area beyond [illegible] would go back to [illegible] grass, other [illegible] naturally [illegible]
    - Mr. Mullaney [illegible] back into [illegible]
  - A site walk was scheduled for Saturday, [illegible] noon.
  - CR moved to continue the Public Meeting to [illegible]
    - Motion approved unanimously.

- Public Meeting: NOI – 273 Westford Way (Lot 1A1A), Ridge View Realty Trust, DEP File [illegible]
  - Attorney Alan [illegible]
  - Steve Mullaney of [illegible] presenting [illegible] on behalf of the applicant.
  - An OM-AD was approved [illegible] on [illegible]
  - 10,8[illegible] sq. ft. of [illegible] in the buffer zone [illegible] a dwelling construction of a new single family house [illegible] subsurface utilities [illegible] foundation drain and portions of roof drainage [illegible] associated grading
    - The entire project is within the buffer zone.
    - No alternatives [illegible] proposed.
    - The driveway [illegible] also [illegible] and conditioned under a separate [illegible] the [illegible]

        - See OOC for MassDEP # 100-0393, Woodland Way Subdivision Modification infrastructure.
    - Given the anticipated lack of privacy between the eventual homeowner and the basin, BD said that the developer should consider putting in a line of trees and shrubs now, in front of the fenced basin area.
        - It is likely the homeowner would eventually want to do this, but it would be better if this work was done now while the area was already disturbed from construction.
        - Mr. Mullaney will talk to the developer and get back to ConCom.
    - Two recharge trenches are to be located in the front and rear yard.
    - The driveway is pitched so as to drain toward the basins.
  - A site walk was scheduled for Saturday, 11/4/2017, at noon.
  - GB moved to continue the Public Hearing to 11/9; BT 2nd.
    - Motion approved unanimously.

- **Public Hearing: NOI -- 237 Woodland Way (Lot 76A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0417**
  - Assessors Map 36, parcels 117 & 118
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - An ORAD was approved by ConCom on 11/6/2014.
  - 5214 sq. ft. of alteration within the buffer zone is planned, including a retaining wall and portions of a new single family house, driveway, foundation drain, lawn and associated grading.
    - No wetland alterations are proposed.
    - The closest point of work to the wetlands is 15'.
    - The 65' long retaining wall will be no higher than 4', and constructed out of on-site boulders..
    - The grading is primarily side slope grading to tie into the basin and road shoulder.
  - A site walk was scheduled for Saturday, 11/4/2017, at noon.
  - GB moved to continue the Public Hearing to 11/9; BT 2nd.
    - Motion approved unanimously.

- **Public Hearing: NOI -- 270 Woodland Way (Lot 139B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0419**
  - Assessors Map 36, parcels 178, 179 & 182
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - An ORAD was approved by ConCom on 11/6/2014.
  - 2121 sq. ft. of alteration within the buffer zone is planned, including portions of lawn and associated grading in connection with construction of a new single family house.
    - The closest point of work to the wetlands is 67 ft.
    - No alteration of wetlands is proposed.
    - This application is submitted as an NOI rather than an RDA because the amount of buffer zone alteration is greater than 10% of the lot area.
    - The topography on this lot generally slopes away from the wetlands.
    - Storm drains will tie into a catch basin on the street.
  - A site walk was scheduled for Saturday, 11/4/2017, at noon.
  - GB moved to continue the Public Hearing to 11/9; BT 2nd.
    - Motion approved unanimously.

Town of Ayer Conservation Commission

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Minutes for 10/26/2017

- [illegible] for MassDEP [illegible] Woodland Way Subdivision Modification Determination
- Given the unauthorized lock on a privacy barrier [illegible] homeowner and the basin, [illegible] said that the contractor should consult a professional [illegible] of trees and shrubs now, in front of the [illegible]
  - It is likely the homeowner would [illegible] want to do this, but it would be better if this work was done now while [illegible] was already disturbed from construction.
  - [illegible] Mahoney will talk to the developer and get back to Conservation.
  - Two [illegible] boulders are to be located in the front and rear yard
  - The driveway is planned so [illegible] the basins.
- A site walk was scheduled for Saturday, [illegible]
- OB moved to continue the Public Hearing to [illegible]
  - Motion approved unanimously.

- Public Hearing: NOI – 127 Woodland Way (Lot 12 of 78A, Phase 2B), Ridge View Realty Trust, Map 21/29 & 100-0017
  - Assessors Map 29, Parcel 117 & 118
  - Steve Mahoney, of S.J. Mahoney Engineering, was present on behalf of the applicant.
  - An OFAD was approved by Conservation on 11/[illegible]
  - 3,[illegible] sq. ft. of alteration within the buffer zone is planned, including a retaining wall and portions of a new single family home, driveway, footing [illegible] and associated grading.
    - No wetland alterations are proposed
    - The closest point of work to the wetland is 15'
    - The 6' long retaining wall will be [illegible] and constructed of [illegible] boulders.
    - The grading is primarily side slope grading to tie in the basin and rear shoulder.
- A site walk was scheduled for Saturday, 11/[illegible]
- OB moved to continue the Public Hearing to 11/[illegible]
  - Motion approved unanimously.

- Public Hearing: NOI – 70 Woodland Way (Lot 13B/2, Phase 2B), Ridge View Realty Trust, Map 21/29 & 100-0018
  - Assessors Map 29, parcels 120, 120 & 122
  - Steve Mahoney, of S.J. Mahoney Engineering, was present on behalf of the applicant.
  - An OFAD was approved by Conservation on 11/[illegible]
  - 2121 sq. ft. of alteration within the buffer zone is planned, including portions of new and associated grading in conjunction with a construction of a single family home.
    - The closest point of work to the wetland is [illegible]
    - No alterations to wetland are proposed
    - This application is submitted as an NOI rather than an RDA because the amount of buffer zone alteration is greater than 10% of the lot area.
    - The topography on this lot generally slopes away from the wetlands.
    - Storm drains will tie into a catch basin on the street.
- A site walk was scheduled for Saturday, 11/[illegible]
- OB moved to continue the Public Hearing to 11/[illegible]
  - Motion approved unanimously.

Town of Ayer Conservation Commission

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Minutes for **10/26/2017**

- **Public Hearing: NOI -- 259 Woodland Way (Lot 142A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0418**
  - Assessors Map 36, parcels 181 & 182
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - An ORAD was approved by ConCom on 11/6/2014.
  - A correction to the NOI was made by Mr. Mullaney.
    - 9348 sq. ft. of alteration within the buffer zone is planned (where the NOI mistakenly lists 7018 sq. ft.).
      - This alteration includes a foundation drain, roof drainage dry well, and portions of a new single family house, lawn and associated grading.
      - No alteration of wetlands is proposed.
      - BD noted that the elevation drops 30' across the lot.
        - The house will have a walkout basement.
      - A 100' line of boulders, 10' on center and constructed from on-site boulders, will run across the backyard at the bottom of the slope.
      - The foundation drain will discharge from the corner of the house downslope into a stormwater basin.
      - Signs to demarcate the limit of yard might be required.
  - BD asked about relocating the boulder line to the top of the slope rather than its bottom.
    - Mr. Mullaney will look into this.
    - The area would still need to be cleared in order to catch the slope, but then could be allowed to grow back naturally.
  - A site walk was scheduled for Saturday, 11/4/2017, at noon.
  - GB moved to continue the Public Hearing to 11/9; BT 2nd.
    - Motion approved unanimously.

- **Discussion: Request for Certificate of Compliance (COC) – 25 Coolidge Road, Robert Pedrazzi, MassDEP # 100-0373**
  - The COC request includes a 10/4/2017 letter from engineer Daniel B. Wolfe, of David E. Ross Associates, regarding compliance with the approved plans.
    - The letter noted several "minor changes," including changed orientation of the driveway and elimination or changes to retaining walls.
    - Areas disturbed by construction have been loamed and seeded, vegetation is now established and the area stable.
    - CA is to confirm that the OOC issued in 2014 only required a letter from an engineer and not an accompanying as-built plan.
  - CA performed a site walk.
    - While changes to the approved plans were perhaps more significant than just "minor," CA did not have any issues with most of what was done.
    - The one change that Chief Pedrazzi pointed out to CA, and that she thought should be of concern, is the addition of a drain that takes runoff from the driveway and discharges down a steep drop into the wetlands.
      - This drain is not indicated on the plans nor mentioned in the engineer's letter.
      - Access to the bottom of the drain pipe was not possible from this lot.

Town of Ayer Conservation Commission

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Minutes for 10/24/2017

- Public Hearings: NOI – 259 Woodland Way (Lot 16A, Phase 1B), Bldg. Alts. Finally Town, Map 36/Parcel 100-0019
  - Assessors Map 36, parcels 151 & 152
  - Steve Mullaney, PLS, of Mullaney Engineering, was present on behalf of the applicant.
  - An ORAD was approved by ConCom on 11/2/2016.
  - A correction to the NOI was made by Mr. Mullaney:
    - 9318 sq. ft. of alteration within the buffer zone is planned (where the NOI noted only 1,078 sq. ft.)
    - This alteration includes a foundation drain, roof drainage, dry well, and provisions of a new single family house, lawn and associated grading.
    - No alteration of wetlands is proposed.
    - MD noted that the alteration (now 30' instead of 15') is in the [illegible]. The house will have a walkout foundation.
    - A 100' line of buildable, 10' [illegible] and been on-site landlocks, will run across the backyard at the bottom of the slope.
    - The foundation drain will discharge from the corner of the house downslope into a [illegible] basin.
    - Signs to demonstrate the limit of grading might be required.
  - BD asked about reducing the length, the toe and top of the slope rather than its bottom.
    - Mr. Mullaney will look into this.
    - The toe would still need to be [illegible] in order to catch the slope, but then could be allowed to grow back naturally.
  - A site walk was scheduled for Saturday, 11/4/2017 at noon.
  - CB moved to continue the Public Hearing to 11/14/2017.
    - Motion approved unanimously.

- Discussion: Request for Certificate of Compliance (COC) – 25 Cutler Road, Robert Vedrani, Map 36/Lot # 100-0173
  - The COC request includes a 10/4/2017 letter from engineer David B. Wells of David B. Ross Associates regarding compliance with the approved plans.
    - The letter noted several "minor changes," including changed orientation of the driveway and elimination of changes to retaining walls.
    - Areas disturbed by construction have been loamed and seeded, vegetation is now established and the area stable.
    - CA is in receipt of the COC issued in 2011 but only required a letter from an engineer and not an accompanying as-built plan.
  - CA performed a site walk.
    - While changes to the approved plans were perhaps more significant than just "minor," CA did not have any issues with most of what was done.
    - The one change that Chief Fontanini pointed out to CA and the Conservation Commission as the addition of a drain that takes runoff from the driveway and discharges down a steep drop into the wetlands.
      - This drain is not indicated on the plans, nor mentioned in the engineer's letter.
      - Access to the bottom of the drain pipe was not possible from the [illegible]

- BD asked CA to let Chief Pedrazzi know that ConCom will want to do a site visit after leaves are off the trees, some time in November, and would need permission to access the bottom of the slope from Chief Pedrazzi's father's abutting property.

- **Approval of Meeting Minutes**
  - GB moved to accept the minutes for 10/12/2017 as written; BT 2nd.
    - Motion approved unanimously.

- **Accounts Payable**
  - BSC Group: $8512, for services rendered by Kait Rimol, Interim CA, through 10/5/2017.
    - It was noted that ConCom previously approved payment of $6080, for the period 7/10 to 8/17/2017, but that the invoice included both sums.
      - CA will confirm with Accounting that the previously approved sum of $6080 has been paid.
    - GB moved to approve payment of the remaining $8512 to BSC Group; BT 2nd.
      - Motion approved unanimously.
  - ConCom Budget
    - CA checked with Accounting regarding ConCom's balances.
      - For beaver funds, ConCom has $2666 remaining.
      - For weed control funds, ConCom has $25,000 in that account.

- **Conservation Commission Office Updates**
  - 29 Jonathan Drive, MassDEP # 100-0395
    - The Building Inspector did his final inspection and has issued an Occupancy Permit.
    - CA has visited the site multiple times regarding ConCom issues.
      - The front and side have been leveled out; a retaining wall has been added.
      - The stone trench area has been increased.
      - The side abutting the Mitchells has been planted and mulched and is looking much better.
      - The rain garden appears to be constructed now as originally designed.
      - The developer, Robert Pace Sr., has assured the new homeowner that he would come back and plant the rain garden as well as submit the Request for a Certificate of Compliance.
        - The sale of the house has been completed and the new homeowner has moved in.
  - Solitude Lake Management
    - CA spoke to them; they will be issuing their final report in November or December.
      - CA asked for the report to be issued sooner rather than later, given that ConCom will need that information in order to issue a Request for Proposals in December if treatments are necessary next year.
  - Robert Houde Eagle Scout Bridge Project
    - BD has been in email contact with Mr. Houde and he is planning to be at ConCom's 11/9 meeting.
  - Rosewood Avenue Extension replication area

Town of Ayer Conservation Commission

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Minutes for 10/24/2017

- BD asked CA to let Che Fedorazzi know that ConCom will want to do a site visit after hours – to see if the trees were sure in Nancy's and would need permission to access portions of the slope from Chief Fedorazzi's father's abutting property

- Approval of Meeting Minutes
  - GB moved to accept the minutes for 10/12/2017 as written. RT 2nd.
    - Motion approved unanimously.

- Accounts Payable
  - BSC Group: $8512. for services rendered by Kim Ronol, Interim CA, through 10/20/2017
    - It was noted that ConCom previously approved payment of $6080. for the period 7/10 to 8/17/2017. So, this invoice included both sums.
      - CA will confirm with Accounting that the previously approved sum of $6080 has been paid.
    - GB moved to approve payment of the remaining $8512.? to BSC Group. RT 2nd.
      - Motion approved unanimously.
  - ConCom Budget
    - CA checked with Accounting regarding ConCom's balances.
      - For beaver funds, ConCom has $2,000 remaining
      - For wetland revolving funds, ConCom has $24,000 in that account.

- Conservation Commission Office Updates
  - 20 Longley Drive, Ayer (DEP # 100-0195)
    - The Building Inspector did his final inspection and has issued an Occupancy Permit.
    - CA has visited the site multiple times regarding ConCom issues.
      - The front and side lawns have been leveled out, raking work has been added
      - The stone trench area has been improved
      - The side abutting the Hodgkin's has been planted, mulched and is looking much better.
      - The rain garden appears to be constructed as it was originally designed.
      - The developer, Robert Pace Sr., has contacted the new homeowner that he would come back and plant the rain garden as soon as he submit the Request for a Certificate of Compliance
  - The sale of the house has been completed and the new homeowner has moved in.
  - Solitude Lake Management
    - CA spoke to them; they will be issuing their final report in November or December.
      - CA asked for the report to be emailed rather than later, given that ConCom will need their information in order to issue a Request for Proposals in December if monitoring is necessary next year
  - Robert Lowell Eagle Court Judge Ruling
    - GB has been in email contact with Mr. Lowell and he is planning to be at ConCom's 11/7 meeting.
  - Rosewood Avenue Culvert replacement

        - Mike Lotti has held off on doing this work while waiting for word from DPW Superintendent Mark Wetzel as to water levels in light of renewed beaver damming activity downstream.
            - CA will follow up with Mr. Wetzel.
    - Beaver Deceiver Maintenance
        - CA accompanied Mike Callahan, of Beaver Solutions, on his annual maintenance to the Long Pond Dam and Rock Meadow Pond beaver deceivers.
    - Office cellphone
        - Previously Town Administrator Pontbriand has advised ConCom that its CA should have a work cellphone so that the Town can reach the CA when in the field.
        - The iPhone itself will be free, but will cost $611.88 annually for connection charges.
        - GB moved to have CA proceed with securing an iPhone for work use in the field; BT 2nd.
            - Motion approved unanimously.
        - BD asked CA to make a note to ensure this cost is included in ConCom's annual budget each year.
    - Other CA Updates
        - Briefly reviewing CA's written updates, ConCom will discuss the mitigation work at the Willows at its next meeting.
            - If residents Duncan Browne or Sheila Schwabe want to be present, they may.
                - Both have contacted CA recently with questions about this work.
        - Solar I, James Brook Restoration
            - CA will contact GPR to say that it is still not too late to install these plantings.

- **10:45 PM – Adjourn Meeting**
    - JG moved to adjourn; GB 2nd.
        - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

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

Signature Indicating Approval: Jessica G. Gugino

Town of Ayer Conservation Commission

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Minutes for 02/09/20

- Mike Lott has held off on doing this work while waiting for word from DPW
  Commissioner Mark Wetzel as to water levels in Bull Brook beaver damming
  activity downstream
  - CA will follow up with Mr. Wetzel
- Beaver Deceiver Maintenance
  - CA accompanied Mike Talbot of Beaver Solutions on his annual maintenance to the
    Long Pond Dam and Knob Meadow Pond beaver devices.
- Office cellphone
  - Previously Town Administrator Pamphlett had assisted Conservation that its CA should have
    a work cellphone so that the Town can track the CA when in the field.
  - The iPhone deal will be free, but will cost $11.83 annually for connection charges.
  - CH agreed to have CA provided with accessing an iPhone for work use in the field, BP 2nd
    - Motion approved unanimously.
  - BP asked CH to make a note to include this cost in included in Conc Com's annual budget
    each year.
- Other CA Updates
  - Briefly discussing CA's various updates. Conc Com will discuss the mitigation work in the
    Willows in its next meeting.
    - Problems Pigeon Cove or Shell Schools were to be passed, they may
      - Town have contacted CA to certify, and questions about this work.
  - Shin L James Brook Restoration
    - CA will contact CPR to say that it is still too late to install those plantings.

- 10:45 PM – Adjourn Meeting
- MC moved to adjourn; BP 2nd
  - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica L. Hughes, Clerk

Date Minutes Approved by Conservation Commission: 11-9-2021

Signature Indicating Approval: _____