



## 2017 NOV 30 PM 4: 42 // 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

- o GB moved to confirm the agenda as posted; BT 2<sup>nd</sup>.
  - Motion approved unanimously.
- Public Meeting (cont'd.): Request for Determination of Applicability (RDA) 2 Sandy Way, Joseph and Kerry McGuane
  - o Assessors Map 15, Lot 42
  - o 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).
  - o 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.
  - o 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.



## and the Conservation Cornelision

Location: And Town Italy to Fleur

Present Bill Dasiels (BD Class), George Baces (GB, Vere-Chairt, Bounie Falioce at BT Member), Jessian Gegrae (RC, Member Clark), Jo-Ande Cryst W. (CA, Consarvador, Administrator)

Spt Present: (Vacancy Member)

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  - 11 state do Jared a time period (enting 10.1 to 2009) during which licenses for remposary dooks could be applied for through the 2DA process via local consentment commissions.
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- JG will check ConCom records from the time to ascertain whether the previous owner of the property had secured a dock license.
- O 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.
- O 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.
- o 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 2<sup>nd</sup>.
  - Motion approved unanimously and the DOA signed.
- o 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
  - o Assessors Map 21, Parcel 11
  - o Rob Oliva, of David E. Ross Associates, and Gary Shimmel, of White Horse Builders, were present.
  - o 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:
  - Dewatering



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  - Rob Olive, of Draid of Pous Associates, and Gety, Shimord, of White Horse Bothlam, v. e. present.
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- 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.

#### Soil Storage

- 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.
- Potential for abandoned septic system on site?
  - 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.



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- 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.

#### o 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.
    - o If a project then goes forward under a "Superceding OOC," the State can apply its own conditions or not.
    - o 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.



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- 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.
- o 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.
- o GB moved to continue the Public Hearing to 11/9; BT 2<sup>nd</sup>.
  - 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.
- o 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.
- O 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.
- O 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.
- O 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.
- o CA will continue working on the draft OOC with Mr. Pauling.
- o GB moved to continue the Public Hearing to 11/9 for signing; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

# • Public Meeting (cont'd.): Request for Determination of Applicability (RDA) – 153 Woodland Way (Lot 70B, Pingry Hill), Ridge View Realty Trust

- o Assessors Map 36, parcel 112
- O Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- o ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
- O 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.
- o 977 sq. ft. of BZ alteration is proposed, which amounts to less than 7% of the lot area.
- o GB moved to issue a Negative Determination of Applicability; BT 2<sup>nd</sup>.



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  - c. Steve Mullanev, of S. J. Mullimov Engineering, was prevent on behalf of the applicant
    - ConCare, with Cir., performed a size walk with Mr. Medianov on 9.30/2017.
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    - 9. Find the of B.7 are in proproject, which respents to less than 7 and the lot area.
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- 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
  - o Assessors Map 36, parcel 178
  - o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - o 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.
  - o GB moved to approve the project and issue a draft OOC for review for 100-0279; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - o GB moved to continue the Public Hearing for 100-0279 to 11/9/2017; BT 2<sup>nd</sup>.
    - 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
  - o Assessors Map 36, parcels 178 & 179
  - o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - o ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
  - o 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.
  - OGB moved to approve the project based on the revised plan and issue a draft OOC for review for 100-0274; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - o GB moved to continue the Public Hearing for 100-0274 to 11/9/2017; BT 2<sup>nd</sup>.
    - 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
  - o Assessors Map 36, parcel 180
  - o ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
  - o 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.
  - O The foundation drain will be tied into the stormwater system on the street.
  - O 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.



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- How 2 was checked to the condition that any work that increases the orea of work
  analysis be independent, or discreases distance to the researce accepted independent of
  there ear.
  - \* Storica approximation in the DOA vignaria
- Public Monday (cont.d.): Request for Amanda to Order of Carditions (COC) 150 Windland.
  Wey famoutly 191, Lot 1576, theory IIII), Midd View Realty Tro. a. closeff P. 6 100-6279.
  - SVI forma All most mostomArms
  - Steve Mulleyer, of S. J. Mullancy Engineering, was present on behalf of the applicant.
    - ConCom. with CA. performed a site with with Mr. Vallagoy on P.D. 1915.
  - No issues at concern were noted, nor the need for site specific Appeint Conditions.
  - . (We moved to approve the project and issue a draft OOC for toxicm for tro-1279, BT 2<sup>th</sup>.
    - Particular of principle and metally
    - Obtanoved as on a second Public Hardug Co. (00-0279 to 1179-2017; PT-27)
      - Motor approved accommossive
- Public Hearing (court dee Repense for Amendament to Deduc at Countries (FIRE) 166 Wandhand New Fermesh 1897 For 1801, Prayer Bill), Males Realty Fresh, Resemble 1064274
  - (4) A81: Houseauth reliferanceseA oc
  - the second statement of St. I. Maillanes are presented was presented before the applicant.
    - CoorCoop, with CA: pertonant and models with March Indiana configuration.
- In response to concern expressed at the cite wall, whe shallones strained a revelop to the plans
  which shifts the location of the house for in the coath.
  - How a malerate and board off softeningly policies and the
  - If reduces the alternation of budder your from 1 to my thate \$502 on the
  - While the closes point of work to the resource area remains (3), more of the work has
    heart one of items stray.
    - The block pard is now directed to also sees away from the werlands
    - Con Car nomboor docum Krydsion Version 25, 10,11,1011, was great
  - 173 moved to a prove the respect based on the revised plan and classed GOC for review for 100-32 AC PCC PC.
    - .vienocciano in nos pas nolloi e . \*
    - GR moved to a congenic Public Hearing for 100-0274 to 11 9/2017, ET 275.
      - . Vicence approved base mater/ \*
- Public Mousing (cour) d.): Request for Amendmone to Order of Cardifford (ERM) 186 Woodland Way (memority 128, Los 1370, Pages (IMR, Ridge View Bookle Views 110, 110, 120, 120)
  - O Assessed Manager No. 1811 Page 1819
  - c ConCvin. with CA performed a site welk with Mr. Matterey on to W2017.
  - 13D expressed concernation, given the thiness of the lateress recentled verifieds and the proposed bouse, the eventual homeowner would wind up with a war based or
    - Tell We flamp, seed the ropography of the for counce that a stor will flow in the alterdirection.
      - I too facilities a selection of the property of the steam of the selection of the vices.
- ConCom will ask for a site specific Special Condition aspulating phasement of police with signs to discourse the homeowner from expanding the yard into the resource area.
  - Posts are to be 50° on content with a minimum of 3° aquired.



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- o GB moved to approve the project and issue a draft OOC for review for 100-0280; BT 2<sup>nd</sup>.
  - Motion approved unanimously.
- o GB moved to continue the Public Hearing for 100-0280 to 11/9/2017; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

# • Public Hearing (cont'd.): NOI – 169 Woodland Way (Lot 71A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0413

- o Assessors Map 36, parcels 112 & 113
- o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- o 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.
- o 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.
- o GB moved to approve the project and issue a draft OOC for review for 100-0413; BT 2<sup>nd</sup>.
  - Motion approved unanimously
- GB moved to continue the Public Hearing for 100-0413 to 11/9/2017; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

# • Public Hearing (cont'd.): NOI – 207 Woodland Way (Lot 74A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0414

- o Assessors Map 36, parcels 115 & 116
- o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- o ConCom, with CA, performed a site walk with Mr. Mullaney on 9/30/2017.
- o 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 2<sup>nd</sup>.
  - Motion approved unanimously.
- GB moved to continue the Public Hearing for 100-0414 to 11/9/2017; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

## • Public Meeting: Request for Determination of Applicability (RDA) – 252 Woodland Way (Lot 138B), Pingry Hill), Ridge View Realty Trust

- o Assessors Map 36, Parcels 179 & 180
- o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- o An Order of Resource Area Delineation (ORAD) was approved by ConCom on 11/6/2014.
- o 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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- $s \in \mathbb{C}^{n}$  massed to appear a the project and issue a distLOCC for review for 109-0280; BT  $2^{n1}$  n . At the approved unualised in
  - c. 183 moved to configure the Public Recting for 160-6280 to 10 months and 200
    - olenosmacen bevorgec mindel 🤏
- Pablic Hearing (month to NO) 169 Woodland Way (last 7) A. Hager 1880, Ridge View Really Trans. Hager 1880, Ridge View Really Trans.
  - C. Assersants Mar. No. parcels (12 & 113
  - o Stave Mulleres, of S. J. Mulianev improcessing, our present or botal for the applicant
    - Confloin with CA, performed a size walk with his Mullanes on \$302017.
- 5. A site specific Special Caudition will applied bookers to be proced 10° on contentions the "Limit of Surd line.
- BT asked about use of a rive garden in the back instead of a smale to capture natival name.
- b. was agreed this its use of a peak was better as a comparison would require certage
  down more tree. It allow suchieff to could the garden.
  - The isomeowness sould absolve to endure a the rain garden and might be tempted unscodied exists the extensions.
- A sixt question by which Condition will be adject to indicate that the area on the plan
  inching the besident fine is no be marked as a solute than well direct a serie the north.
- o CB moved to apparent the project and users a double of 700 for series for 100-0413; EL 15.
  - viscommany be in tom selection of
  - . Ob morest exceptions to be blic thering for 100-043 to 144 2017; BY 2<sup>nd</sup>
    - . Aktionaman biocentra durante de la
- Pablic Bearing (cost d.): 2016-2017 Whether Way (Let 74A, Piepry Fill), Adigo View Acaley-Frank Marsliff Filth Colla
  - of Assessors Mag. 16, probability It 116.
  - Steep Mullimas, of S. J. Mullaum Laganegrius, sas prasent on behalf.of the applicant.
    - 6 Conflow, with CA. performed in the walk with Mr. Mullaney on 9/30/2017.
    - If said-do was consequed about the lithrection of the workand in this mea.
- No. Validate, said the model increasificant by attention been temoral and replicated in sunther area.
- The reference bases (a the feek will be demanded by a black viry) chainfield feace and rose measu.
  - (4) moved to approve the neglect and esset a dreft COC for englew for HO-6414, 3T 2<sup>nd</sup>.
    - violentement to longes noted a
    - c. Old moved to continue the Philipse Henrice for 100-0614 to a 19420 Pri Bri 2%.
      - Motion approved remainments.
  - Fully decitors Gequest for Determination of Applicability (RDA) ASI Woodfood Way (Rot 1989), Finguy 1899, Blige Vica Coalty France
    - 3 Assessors Map 36, Parcels 179 & 180
    - 2. Sieve Millanev of S. J. Virtheir, hegdineerlag, was pievent on behalf of the applicant.
    - o An Order of Resource Area Describing (ORAD) was approved by ConCean on H62014.
      - $\epsilon$  1903 sq. th. of buffer zero year or is planard, amounting to less that  $8^{44}$  of the latence.
- The work is for pertions of a lawn and associated arading connected to construction of a new angle family house.



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

# • Public Meeting: Request for Determination of Applicability (RDA) – 273 Woodland Way (Lot 143A, Pingry Hill), Ridge View Realty Trust

- o Assessors Map 36, parcel 182
- o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- O An ORAD was approved by ConCom on 11/6/2014.
- o 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.
- O 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.
- o A site walk was scheduled for Saturday, 11/4/2017, at noon.
- o GB moved to continue the Public Meeting to 11/9; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

### Public Hearing: NOI -- 219 Woodland Way (Lot 75A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0416

- o Assessors Map 36, parcels 116 & 117
- o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- o An ORAD was approved by ConCom on 11/6/2014.
- o 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.



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- \* The closest nouncing art in the workends is 6.1.45
- 10 to be dead at the conflict area access to be mentioned at the
- No. Abdancy cod in plan only for a deep backyard and that the gradingizes to be changed in order to blood into the detennon basic in the back.
- This lot u<sup>(1)</sup> done into the stormwater beauties and the (madation dealt will ge into
  the street drain.
- The commutate base was previously approved ander an POR as part of the coad work in the coactacture and bas been coastacted.
- See OOF for MaskOFP & 100-6293, Words and Way Substitution Modification.
   intrastricture.
  - A second T105NM1 subraduled the Saturday 1114/1017 cooper
    - o. Clib necret to consume the belief \left\ engres ing to 11 20 20.
      - Nestan agrapa ed emantantal
  - Füblic Meding: Regrest for Den union of Applicabilet (40.1) 1"I Wordinel Way (Let 1434, Fogsy Hill), Ridge View Realty Dens
    - Assessors Map 36, parce. 182
    - c. Sleve Mullarev, of 5. feld level for incertage was , it are not beauthof the applicant.
      - FIGURE Circuity and a split for represent CLANO in the
- o MSS sq. ft. of buffer some colorty is planned and excludes portrons of a foundation larger and nave and associated undiday over orded to countries the new order. In nits a case:
  - The house will flavo a walked basedness
  - Why Mullagon such the ride slope needs to be preded on a real the vard.
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    - 13 factorist to countries the little blocking to 1100
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  - Public Meading: Note: 2004 W. and Way (Let 75 to 1 Magra 100). Phigo View Realty Tract.
     Research # 100-1406.
    - THE MOTE OF THE QUILD ROWSERS
    - of Steve Wallaney, of State and The incidenting, we present an behalf of the applicant.
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  - c. 10,8 M sq. the size of the relativist of the biffer zone mean and mending constitution of a new augic family least of the constitution of the configuration of the configur
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- 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.
- o A site walk was scheduled for Saturday, 11/4/2017, at noon.
- o GB moved to continue the Public Hearing to 11/9; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

### Public Hearing: NOI -- 237 Woodland Way (Lot 76A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0417

- o Assessors Map 36, parcels 117 & 118
- o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- o An ORAD was approved by ConCom on 11/6/2014.
- o 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.
- o A site walk was scheduled for Saturday, 11/4/2017, at noon.
- o GB moved to continue the Public Hearing to 11/9; BT 2<sup>nd</sup>.
  - 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
- o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- O An ORAD was approved by ConCom on 11/6/2014.
- o 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.
- O A site walk was scheduled for Saturday, 11/4/2017, at noon.
- o GB moved to continue the Public Hearing to 11/9; BT 2<sup>nd</sup>.
  - Motion approved unanimously.



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- See CVA for MassDRF # 100-0343 W contains Way Subdivision Modification in presented.
- sinventle antickeed look of privacy between the control homeowiner and the basin 1813-said that control services should consider private and trees and harbs now. In fresh of the rice of the control of the rices of the control of the rices.
  - If jublished the homeowhere would also also to do this, but it would be better to do this but it would be better the first work was dietallook while the also in as about disterbed from construction.
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          - c. A site walk was aciedated for Saturday. HAR 2011 as no en-
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              - n istation expressed occurrency.
  - Public Hoofing: NOI 137 Waddind Way Hall Chi. Court 1000 Hidge View Realty Truct.

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- Steve Mulinney, of S. J. Mullaney Engineering, was prevent on habit of the applicant.
  - Air ORAD was approved by Conflori on 11 825-14
- 521/4 sq. fi. of uncestion within the builtie cone is placed, archaling a region, walk and pornous
  of a new angie family frome, driveway, foundation drefor inconend associated prading.
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  - The 65 long retaining wall will be so believe that 41 and communication of en-site boulders.
  - and the gradient is primarily alderdope grading to be also be basin and aboutlets.
    - a A site walk was schooled for Season, 11542017, or near
      - 2. (18 moved to common the Public Hearing of 179, 33, 25.
        - \* Hadden accepted undivide
  - Earling Rearing: NOI "70 Woodband Way (Lot 1390), Propey NIII), Ridge View Realty Track, RassOFFP # 100-0419
    - Services Man February 2016 179 & 172
    - Slove Mullanes, (4.8.). Medianev Enghreering, was present on beauthoff the applicant
      - An OKAL was again of by Coallon on 11/6/2014
    - 2121 sq. th. of about the seither the buffer tone is plushed for factoring particles of lawn and associated grading an according with a visitable of a real surface.
      - is a closost point of work to the natisadals of the
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- This application is subjected to an NON rather that an ROAA because the amount of boffer cone afternable is greater than 10th of the lessen.
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    - Storm droids will tile boto a catch basin on the stoon.
    - A site walk was advoided for Saunday, 11 (4:2011, 8) norm.
      - o Ghunoved to continue that ablic hearing to 140 14 17
        - vielediment bevolgs solicit. ....



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- Public Hearing: NOI -- 259 Woodland Way (Lot 142A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0418
  - O Assessors Map 36, parcels 181 & 182
  - o Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - o An ORAD was approved by ConCom on 11/6/2014.
  - o 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.
  - o 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.
  - o GB moved to continue the Public Hearing to 11/9; BT 2<sup>nd</sup>.
    - 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.
  - O 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.



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- Poule Hearing: NOI -- 250 Voictiand Way (Lot 1514, Player) fills, Bifue Vice Peaky Trust.
   View OFF # 100-6448
  - Assissors Alam 36, parrols 181 & 182
  - Steve Moltanes, of S. J. Molitancy Engineering is as present on behalf of the applicant.
    - An ORAD was approved by ConCora on 11 3/2014.
    - A correction to the WG was made by Mr. Maliane;
- 93 (8 c) the of observation nothin the belief zone is planned (where the NOI indicationly).
   between \$2.03 sq. th.).
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- The linearlation drain will discharge them the content of the nonce downshipe into
  a stream attention.
  - signs to democrate the limit of year much be required.
  - o . BD acked rhow relocating the boulds, line to our top of the slope rather than its bottom
    - e. Me Mullana will include the description
  - The accumuld still need to be itemed in order to eater the slope, but then could be allowed to grow back note tilly.
    - o A site walk was substituted for Separative 11/42/01 2 to notice
    - (3) Covered to continue the Public Hearing to 11, 12, 121, 2<sup>nd</sup>.
      - Monun approved unangmousiv.
  - Identifier Request for Critisins of Compliance (COC) 25 Confider Road, Robert February.
     Vine Dell'# (60-6373)
  - The COC regrest increase a 104/2017 letter from as present Daniel B. Wolfe, of Daniel et Ross
    Associates, regarding compliance with the reproved plans.
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  - Areas disturbed by consiguation have been learned and seeded, to getation it may
    catablished and the area stable.
- CA is to conditing that the OCC issued in 2011 only required a tester from an engineer and not an accompanyona as-built plan.
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  - While changes to the approved plans were perhaps more size? Let then just "mande,"
     I did not have any issues with most of what one change.
- The one charge that Chief Pedrazzi pointed out to CA, and that she thought should be of concern is the addition of a crein that takes tunoff from the deliculary and discharges down a steep drop une the wollands.
  - 1. This chain is not audicated on the plans up, aromicopy in the continuer's letter.
    - Access to the hortom of the draw pipe was not possible from this lot.



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

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

- o GB moved to accept the minutes for 10/12/2017 as written; BT 2<sup>nd</sup>.
  - 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 2<sup>nd</sup>.
    - 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

- o 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.
- o Rosewood Avenue Extension replication area



Town Half Cond Mam Street \* Ayer, 54 (21452 \* 978-772-8249 Minutes for 19/24/2012

BD asked CA to let Chief Pedraza know that Conflors will want to do a site visit
after brace and most the most some time in New embor, and would need permission
to access on bornos of the slope from Chief Pedraza's father's abuting
property

### Approval of Firefag Minutes

- 6. GB moved to accept the minutes for Did #2012 at redition: BT B T.
  - Motion approved easitivously.

#### Accounts Farable

- o BSC Groups \$3512. for services condered by Kair Ramal, Inferior CA, decough 10/3/2013
- It was a sted that ConCompressingly approved parament of \$6080, for the period 7/10 to 8/17/L011 but the tay ofce included both such.
- CA will confirm with Accounting the the previously approxed ago of \$6080 has been take.
  - Oit moved to approve payment of the nomesting \$8512 to 880 Champs 87.3%.
    - Motor: Lyproved analizaçusiy.

#### o ConCom Budget

- CA checked with Accomonic regarding Out Social behances.
  - For beared facility to disparity \$2005 connuing
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- 29 Jonother Drive, Mass DEP 100-0395
- is the Redding largette, did his final lospection and her exact as Occupancy Permit.
  - Coches visited the vite multiple times reconing CorCorn using
  - to the most and their semi-staric and beloved used over the bar most setting
    - line stane from the area has been increased.
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  inecting.
  - c. Rosewood Avenue Lyten - replacation arga-



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

- 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.
- o 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 2<sup>nd</sup>.
    - 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.
      - o 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 2<sup>nd</sup>.
    - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conse	ervation Commission	: 11-9-	2017	
Signature Indicating Approval:	Quien	1. Jus	w	
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Transfell \* One Main Street \* Aver. 51A to 102 \* 016-772-8240 Alignees for GWIMISS

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