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TOWN OF AYER
TOWN CLERK

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 4/27/2023

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jen Amaya (Member), Jessica Gugino (Member/Clerk), Heather Hampson (Conservation Agent)

APAC taped: YES

All Public Hearings are opened under the Wetlands Protection Act (MCL Ch. 131, section 40)
and under the Ayer Wetlands Bylaw (Article XXVI)

7:00 PM – Open Meeting

- **Confirmation of Agenda**
 - **VOTE:** G. Bacon moved to confirm the agenda as posted; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Approval of Meeting Minutes**
 - **VOTE:** G. Bacon moved to accept the minutes for 4/13/2023 as written; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Public Input**
 - None received.
- **Request for Extension of Order of Conditions (OOC): 323 West Main Street, Ice House Partners, Inc., MassDEP # 100-0321**
 - Liisa Marino, Vice President of Ice House Partners, was present.
 - The OOC covers ongoing regular maintenance activities for the hydroelectric dam project on the Nashua River; the Town of Shirley also issues its own related OOC.
 - The Ayer OOC was first issued in April 2009 and was given 3-year extensions in 2016 and 2019.
 - The recent Covid State of Emergency added to the most recent Extension with an expiration date of 7/31/2023.
 - G. Bacon moved to extend OOC # 100-0321 for 3 years, to 7/31/2026; M. Phillips 2nd.
 - Motion approved unanimously 5-0 and the Extension was signed.
- **Public Hearing: Revisions to Regulations for Administering the Town of Ayer Wetlands Bylaw (Article XXVI)**
 - The draft has been posted to the ConCom website and at the Town Clerk's office for the past 2-3 weeks.
 - Town Counsel was also provided with a draft but has not made any comments.
 - Some minor revisions were made to existing sections 1 and 5.
 - Three new sections were added, all generally applicable to large projects such as subdivisions:



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- Section 8, Performance Standards and Restrictions – detailing Security Bond and Covenant requirements;
- Section 9, Sequence of Construction requirement;
- Section 10, Plans and Application Requirements.
- Very minor edits were made (spelling, formatting, etc.).
- There being no further discussion and no public attending to comment, G. Bacon moved to approve the draft revisions to the Regulations under the Ayer Wetland Bylaw (Article XXVI), vote to be contingent on verification that no further input from Town Counsel is required: M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- H. Hampson was thanked for all her hard work on this.

• Conservation Commission Office and Member Updates

- Emergency Certification issued, 4/25/2023) – Catania Oils, 3 Nemco Way
 - H. Hampson was contacted by Clean Harbors, a company that provides hazardous and non-hazardous waste management services, about a peanut oil spill at Catania the previous week.
 - A faulty valve on a train car released 7-8000 gallons of peanut oil.
 - So far, about 1000 gallons has been retrieved.
 - Some of the oil reached a pond in back of Catania, and Clean Harbors will need to clear brush to get into the pond.
 - For the clean-up, they are storing a large tank inside the Buffer Zone.
 - On further investigation and on recommendation from H. Hampson, it was found that some of the peanut oil crossed under the railroad tracks behind the pond and was able to reach the beginning of a second wetland area at the far end of Spectacle Pond.
 - Clean Harbors has now installed booms there as well to contain that area from spreading until it can be cleaned up.
 - The Ayer DPW (whose Spectacle Pond Water Treatment Plant is nearby), the Board of Health, and the Fire Department have all been notified.
 - In addition, several State agencies have been notified and will be doing their own investigations (Natural Heritage & Endangered Species Program, MassDEP, Dept. of Public Health).
- 71 West Main Street
 - H. Hampson was contacted by a homeowner for permission to remove 2 dead trees, using a crane.
 - The homeowner will be leaving 6-10 ft. snags in place.
- Earth Day event on MacPherson Road, April 21
 - H. Hampson had a table set up and was able to get a few people to sign up for possible participation on a Friends of Pine Meadow volunteer group.
 - She has plenty of ideas for next year's event!
- Pocket Forest Planting Project



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- Planting Day is scheduled for Saturday, 4/29, 10 a.m. to noon, and maybe an afternoon session.
- The DPW has prepped 4-5 rain barrels on site.
- The location is on East Main Street at the Main Street Railroad Bridge.
- Friends of Pine Meadow
 - The Commission will hope to schedule an initial meeting with interested volunteers at its first meeting in June (June 8).
- Waterways Sign Project
 - M. Phillips now has the two new replacement signs with the corrected spelling for Flannagan Pond.
 - He and J. Schmalenberger will coordinate to replace them over the weekend.
- Weed Management on Ayer Ponds
 - G. Bacon, in response to comments made at Town Meeting (4/24) where the \$30,000 funding article for weed management passed, asked what the Commission would be doing to investigate alternatives to chemical treatments.
 - J. Schmalenberger said Susan Tordella-Williams had stopped by his house to speak to him and that she has offered to have her contact in Harvard come speak to ConCom about what they are doing.
- ConCom May 11 Meeting Agenda
 - Goldsmith, Prest & Ringwall (GPR) has submitted the Amended Notice of Intent (NOI) for Ayer Solar II, as requested.
 - J. Gugino noted that some concerns were raised by residents on an Ayer Facebook Community Page as to whether this was a new project or an expansion of the existing one, and she addressed those.
 - The DPW has submitted an NOI for pump station improvements on Wright Road.
 - The DPW has also submitted a Request for Determination of Applicability (RDA).
- **8:05 PM – Adjourn Meeting**
 - **VOTE:** G. Bacon moved to adjourn; M. Phillips 2nd.
 - Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

5/11/2023



Town of Ayer Commission

Town Hall * One Main Street * Ayer, MA 01801 * 978-253-7001 ext 111
Minutes for 03/23/03

Planning Day is scheduled for Saturday, 4/25/03 from 10:00 am to noon and maybe an afternoon session.

The DWP has proposed 4-7 min bursts on site.

The location is on East Main Street at the Main Street Railroad Bridge.

Friends of the Bridge

The Commission will hope to schedule an initial meeting with interested

volunteers at its first meeting in June (June 8).

Highways Dept. Project

M. Phillips now has the new replacement signs with the correct spelling

for the highway project.

He and J. Schmalzberger will coordinate to replace them over the

weekend.

Wood Management on 1/2 of Bridge

G. Bacon in response to comments made at Town Meeting (4/24/03) where the

\$250,000 funding for wood management passed. He said that the

Commission would be doing to investigate alternatives to chemical treatments.

J. Schmalzberger said that in Torrington, Vermont, they had a

speed to limit and that she had offered to have her car in there and come back

to Commission about what they are doing.

Commission Meeting Agenda

Goldsmith, Peter & Richard (DWP) has submitted the amended N. side of town

(NO) for Ayer 2003, as requested.

J. Clifton said that some concerns were raised by residents on an 1/2

Facebook Community page as to whether this was a new project or an

expansion of the existing one, and she addressed those.

The DWP has submitted an N. side for pump station improvement on Wright

road.

The DWP has also submitted a Request for Determination of Applicant (RD)

(RD).

8:00 PM - A special meeting

VOTE: G. Bacon moved to adjourn at 8:00 PM.

Adjourn approved unanimously. 10/0

Minutes presented and approved by Robert G. Gagnier, Clerk

Don't signatures of Approval