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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 5/11/2023

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 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.
- **Approval of Meeting Minutes**
  - **VOTE:** G. Bacon moved to accept the minutes for 4/27/2023 as written; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.
- **Public Input**
  - None received.
- **Public Meeting: Request for Determination of Applicability (RDA) – Infrastructure improvement, end of Marshall Street and Third Street, Ayer Department of Public Works (DPW)**
  - Town Engineer Matt Hernon presented the DPW application.
  - The proposed work is to install a bioretention basin in an undeveloped area within a Town Right-of-Way (ROW) adjacent to the intersection of Marshall and Third.
    - In addition, a stone dust path, leading to the nearby bridge at the northeastern end of Grove Pond, will be installed as well as a drainpipe and structures, curbing, and other miscellaneous improvements.
    - All of the work is within the 100 ft. Buffer Zone to Grove Pond.
    - Two mature trees at the edge of the proposed basin may need to be removed.
    - An interpretive panel, explaining what a bioretention basin does, will be placed nearby.
  - A site walk was scheduled for 9 a.m. on Saturday, 5/13.
- **Public Hearing: Notice of Intent (NOI) – 2 Wright Way Sewer Pump Station, Ayer DPW, MassDEP # 100-0484**
  - Present were DPW Director Dan Van Schalkwyk and Town Engineer Matt Hernon; and Audrey Starbard, Project Manager from Tighe & Bond.
    - Also present was resident Keith Henderson, on whose property the Town easement is located.



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- The project location is in a utility easement at the end of Wright Way, downhill from Wright Road. It is within Bordering Land Subject to Flooding (BLSF) as well as the 100 ft. Buffer Zone to Sandy Pond and its Inland Bank.
  - The project proposes to reconstruct the sewer pump house that was installed in 1990 and is now in poor condition with severe corrosion of some of its valves.
    - The pump house connects to the sewer force main on Wright Road and services area residences to the end of Wright Road, including side streets.
  - The aging pneumatic injector infrastructure has surpassed its lifespan and will be replaced with the new technology of a submersible pump station that will use the footprint and concrete enclosure of the existing station to reduce impact.
  - The electrical control components of the rehabilitated pump station will be moved further from the station to a nearby shed, above grade and out of the 100-year flood zone.
  - An odor-control system, using a 55-gallon tank, will also be installed in the shed.
  - The pump station itself will be at grade for the flood zone.
  - Improvement of DPW vehicular access to the site is proposed through installation of an access drive using a honeycombed geoweb material that can be filled in with grass and present a lawn appearance while providing more ground stability for access.
  - The project will involve some excavating and re-grading of the existing lawn area in the easement.
  - An existing manhole in this area, currently in a sunken hole, will be brought up to grade.
  - A water quality swale will also be installed to capture silt and gravel running down the road, and the DPW will be adding regular maintenance of the swale to its schedule.
- Mr. Van Schalkwyk said details about snow plowing in this area still need to be figured out, so as not to damage the geoweb surface or impact the station.
- The project itself, once started, should only take a couple of months, and the DPW is aiming to do this work during the winter season.
  - A temporary station will need to be employed, run by a generator that will be triggered to pump based on usage – i.e. whenever sewage reaches a certain level.
- Mr. Henderson questioned the need for the proposed improvement for vehicular access (the geoweb access road) as in his 28 years as a resident, he has only seen the Town need to have emergency access to the station once.
  - Mr. Van Schalkwyk said the DPW needs to routinely monitor the station on a weekly basis, and also needs to be prepared in case of emergencies.
- The new pump station will be able to pump sewage at a rate of approximately 80 gallons/minute.
  - Mr. Van Schalkwyk estimated the station currently pumps an average of 8500 gallons/day.



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- Ms. Starbard said Tighe & Bond will run some calculations to be able to provide an estimate on how often the temporary generator will need to come on during the replacement project.
  - The noise impact should be lessened given that people keep windows closed during the winter months when the work is planned.
- Mr. Henderson asked if the increased capacity of the new pump station is being designed in order to accommodate the new houses proposed for the Stratton Hill subdivision (off Wright Road opposite Standish Avenue) – this subdivision has not yet been approved and is still undergoing Planning Board review.
  - While accepting that the existing station needs to be replaced, he questioned the need to increase the capacity of the new station at this site for the benefit of Stratton Hill.
  - Mr. Van Schalkwyk said it was generally standard procedure when replacing equipment to increase capacities in order to handle unforeseen future needs.
- A site walk was scheduled for 9:30 a.m. on Saturday, 5/13.
- G. Bacon moved to continue the Public Hearing for 100-0484 to 5/25; M. Phillips 2<sup>nd</sup>.
  - Motion approved unanimously 5-0.
- **Public Hearing: Amendment to the Order of Conditions (OOC) – 0 Washington Street, Ayer Solar II, Rohit Garg, MassDEP # 100-0444**
  - Assessor's Map 13 & 12, Parcels 13-1, 13-2, 12-1
  - Present were Rohit Garg; Nick Pauling, of Goldsmith, Prest & Ringwall, Inc. (GPR); and Attorney Adam Costa, of Mead, Talerman & Costa, LLC.
  - Much of the focus of this solar array project has been on the lengthy access road entering from Washington Street, with its reconstructed culvert crossing of an intermittent stream, along with stormwater structures and wetland replication areas.
    - While construction at the site has been ongoing for several years now, a substantial number of field revisions or deviations to the approved plans were made along the way.
  - The extent of these changes, and conditions on the site, led to the Planning Board requiring a new Site Plan Review, and the Conservation Commission requiring the submission of an Amended Notice of Intent – both requiring the submission of updated and accurate plans.
    - The Planning Board will open its Public Hearing on 5/23.
      - The Planning Board has meanwhile assigned a peer reviewer – Green International – to review the new plans, focusing especially on the Washington Street entrance, the limited use access drive, and the culvert.
  - Mr. Costa said the Limit of Work (LOW) for the project has not changed, but acknowledged that what has now been done on the site does not exactly match what was initially approved – hence their decision to not fight the requests of the two Town Boards.
  - Mr. Pauling said the new set of plans reflects 98% of what is out on the site now.
    - The 4/18/2023 cover letter submitted to both boards from Limhuot Tiv, PE, from GPR, lists all of the deviations from the originally approved project.



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- The LOW shown on the new plans is nearly identical to the original plan, while in one area an erosion control line was shifted to avoid a tree.
- Both wetland replication areas are now installed.
- The access driveway was originally designed to meet the performance standards for shared access to future residential dwellings, but those dwellings are no longer being considered so the driveway was constructed instead to meet the performance standards required only for occasional maintenance access.
  - This change has reduced the driveway width from 18 ft. to 14 ft., and with the reduction in impervious surface, this has also resulted in the need for fewer treebox filters along the upper driveway – from six to three.
- The proposed slope of the access drive coming off Washington Street was also altered given the removal of any future residential component.
- The asphalt paved portion of the driveway has been reduced from 425 ft. long to 230 ft. long, resulting in less impervious surface.
- H. Hampson had a number of questions, including on installed stormwater features, and also asked that the plans be corrected in a few areas where what is on the new plans still does not accurately reflect what was actually constructed on site (i.e. especially with regard to the culvert crossing and its retaining wall, as well as stream bank details).
  - H. Hampson is still missing some referenced plans, and also noted some things are still listed on the new plans that were never constructed (and won't be), so those features should also be removed.
  - She was adamant, with the support of the Commission, that what is on the revised plans needs to match what was done on site, and if notes on the plans don't apply now, because of changes, those notes should also be removed.
- The turtle nesting area has yet to be installed and Mr. Pauling said this would not take place until construction has been completed since the nesting is where some proposed grading is still to take place.
- Regarding the wetland replication areas, the plan notes indicated that weekly reports would be submitted, especially during the first year, but H. Hampson has only received one report thus far.
  - Mr. Costa said he did not realize this and indicated that, going forward, this will be corrected.
  - M. Phillips said if past reports exist somewhere, they should be sent on to ConCom, but otherwise, was okay with this issue just being rectified going forward.
- As for project completion, Mr. Garg estimated that once Ayer Solar II receives its Amended Site Plan Review from the Planning Board, and Amended Order of Conditions from the Conservation Commission, it should only take another 2 months for construction on the project to be completed.
- H. Hampson pointed out that in one area, outside of ConCom's jurisdiction, clean fill and loam was not used; instead the unclean fill used includes debris, pieces of cement, etc.
  - She will forward photos to Mr. Garg.



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- A site walk was scheduled for 8 a.m. on Saturday, 6/3.
- Mr. Costa requested that, because the Planning Board's peer reviewer comments are still outstanding and the Planning Board is not opening its Public Hearing until 5/23, the Commission continue this Public Hearing to 6/8.
  - Accordingly, G. Bacon moved to continue the Public Hearing for 100-0444 to 6/8; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.
- **Conservation Commission Office and Member Updates**
  - Waterways Signs Grant
    - H. Hampson learned that the Nashua River Stewardship Council has okayed the use of the remaining unused grant funds for other related purposes.
      - She will investigate costs for new kiosks for Pine Meadow Conservation Land, or wooden carved signs, or additional waterways signs in a few locations.
  - Catania Peanut Oil Spill
    - The clean-up is proceeding.
    - H. Hampson will forward a copy of the MassDEP letter on the spill, including fines.
    - Catania will need to come before ConCom at some point in the near future for an ongoing Order of Conditions to enable continued testing and treatment as a result of the spill.
      - M. Phillips asked H. Hampson to check to see if there are other oils that Catania uses that might be harmful to the environment and wildlife.
    - H. Hampson will also be requesting that Catania's Emergency Action Plan be amended to include notification of both the Conservation Commission and the local Board of Health, in case of future such events.
- **9:05 PM – Adjourn Meeting**
  - **VOTE:** G. Bacon moved to adjourn; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: 5/25/2023 Jessica G. Gugino