



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **09/10/09** – **Approved 09/24/09**

Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), Dave Bodurtha (DB, Vice-Chair), George Bacon (GB), Takashi Tada (TT, Clerk), Jessica Gugino (JG), Alison McKay (TCA, Temporary Conservation Administrator)

APAC taped: Yes

7:10 PM – Open

- **Public Meeting: RDA – Ch. 91, 0 Sedgeway Street**
 - Paul & Louise Bresnahan, 0 Sedgeway Street, presented a Request for Determination of Applicability (RDA) for existing and proposed temporary docks, proposed float, and natural beach area on Sandy Pond.
 - Mr. Bresnahan thanked JG for her assistance with the filing.
 - The existing wooden dock is 240 square feet. The proposed dock will be 128 s.f. and the proposed float 144 s.f.
 - TCA visited the site yesterday – no issues to report.
 - JG reminded the Bresnahans to record their dock license at the registry of deeds.
 - GB moved to issue Negative Determination with Special Conditions regarding materials for new structures; JG 2nd.
 - Motion approved unanimously.
 - Commissioners signed the signature page.
- **Public Meeting: RDA – Ayer DPW, Resurfacing of Sandy Pond Road**
 - Dan Nason, Ayer DPW Superintendent, presented a RDA for resurfacing a section of Sandy Pond Road.
 - The section of road to be resurfaced is approximately 4,300 linear feet, from Easy Street to Westford Road.
 - There are no existing drainage structures, and none are proposed.
 - Town will install erosion controls along the limit of work.
 - GB moved to issue Negative Determination with Special Condition for inspection of erosion controls; JG 2nd.
 - Motion approved unanimously.
- **Public Meeting: RDA – Ayer DPW, Stabilization of Snake Hill Road**
 - Dan Nason, Ayer DPW Superintendent, presented a RDA for stabilization work along Snake Hill Road.
 - Approximately 240 linear feet of rip-rap, filter fabric, and gravel will be installed north of Town Beach to repair erosion, stabilize the embankment, and prevent additional damage.
 - Work will be performed this fall and take 2-3 days to complete.
 - One abutter expressed concern about erosion of the embankment. He said the waves from high-speed boaters cause much of the damage.
 - GB moved to issue Negative Determination; TT 2nd.
 - Motion approved unanimously.
 - Mr. Nason said the recent tree trimming along Snake Hill Road was by National Grid.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **09/10/09** – **Approved 09/24/09**

- **Public Hearing: NOI – Culvert Replacement, Massachusetts Bay Commuter Rail (MBCR)**
 - Samantha Hard and Sabrina Hepburn, of TRC, presented a Notice of Intent (NOI) for replacement of the old culvert at Milepost 33.36, near Willow Road.
 - Alison visited the site yesterday with Ms. Hepburn.
 - They identified an existing drain pipe that is not shown on the plans.
 - The new culvert will be 36-inch diameter concrete pipe.
 - A portion of the work will be within buffer zone of wetlands and an intermittent stream.
 - Access to the site is from Willow Road, along a dirt road.
 - BD requested that the proposed dewatering basin be enhanced.
 - The previous MBCR culvert replacement project (2007) suffered a basin blowout.
 - BD suggested making the basin larger, with double walls of hay bales.
 - BD also expressed concern about controlling flow of water from the stream, based on the problems encountered by MBCR during the previous work in 2007.
 - BD also suggested performing an inspection of the previous MBCR project (DEP #100-0303), taking advantage of the temporary closure of train service during construction.
 - The request for COC is on hold because the site is not otherwise accessible for inspection by the commission.
 - Ms. Hard needs to consult her supervisor about inspecting the previous site.
 - MBCR intends to begin work Friday, 9/18/09 (next week).
 - BD recommended having the erosion controls installed by 9/16/09 for inspection.
 - A containment tarp must be placed under any materials or equipment that could leak, including for refueling.
 - Any such material or activity must be outside the buffer zone.
 - Other issues/concerns:
 - BD took umbrage at the last-minute filing. MBCR's previous filing was also a rush job. Any future filing from MBCR must allow for the proper review time, or be denied.
 - TT asked if the work could be delayed to allow proper review of the application.
 - Ms. Hard said the work cannot be rescheduled.
 - BD and GB discussed giving conditional approval, pending resolution of the various issues.
 - TRC's To Do List (by 9/14/09):
 - Provide a plan addendum showing the enhanced dewatering basin details.
 - Provide a methodology for controlling flow of water from stream, e.g. sandbags.
 - Site Walk will be held Saturday morning, 9/19/09.
 - GB moved to issue a "conditional" Order of Conditions (OOC), pending BD's satisfactory review of the items to be submitted by TRC on 9/14/09; JG 2nd.
 - A Special Condition will be added to allow work to begin during the 10-day appeal period.
 - Motion approved unanimously.
 - Commission reminded TRC to clean up the site when work has been completed. There should be no materials left over, such as the large concrete pipes remaining at the previous work area from 2007.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **09/10/09** – **Approved 09/24/09**

- GB moved to continue the public hearing to 9/24/09; JG 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd): NOI – Phase II Stormwater, Ridgeview Heights (DEP #100-0330)**
 - Jeff Murawski of Tata & Howard (Town's engineering consultant) discussed his technical review of stormwater infrastructure design for Phase II at Ridgeview Heights (a.k.a Pingry Hill) subdivision.
 - These comments were presented in a letter sent today via email.
 - Steve Mullaney of S.J. Mullaney Engineering (for the applicant, Crabtree Development), discussed his response to Mr. Murawski's comments.
 - The letter of response was also sent today by email.
 - Mr. Mullaney said the homeowners association would eventually assume responsibility of maintaining the basins.
 - Maintenance of the Low Impact Development (LID) structures would be the individual responsibility of owners of those house lots with LID credits.
 - DB asked for copies of the homeowners association covenants, and any other pertinent documentation regarding maintenance of the subdivision.
 - Mr. Mullaney said he would provide copies of the relevant documents.
 - DB asked about the proposed water tower for the Town.
 - Mr. Mullaney said Crabtree would construct a water tower on top of Pingry Hill for the Ayer DPW, during Phase IV. This was a condition of their approval for the subdivision.
 - TCA said a resident called the office to express concern about an unfenced detention basin in Phase I. She will follow up with the resident.
 - Mr. Mullaney said the basins in Phase II will not be fenced.
 - DB asked about O&M Plan for maintenance of drainage basins.
 - Mr. Mullaney referred to the O&M specifications on Sheet 34 of the plan set. The homeowners manual contains a reference to the O&M Plan.
 - GB asked if any of the 17 homes already sold in Phase I are governed by individual OOC's.
 - Yes. Mr. Mullaney said he has already requested COC's for those lots.
 - GB moved to approve the NOI for Phase II infrastructure; JG 2nd.
 - Motion approved unanimously.
 - TCA will forward the draft OOC to Mr. Mullaney for review.
 - Mr. Murawski asked about the status of the consulting agreement with the Town.
 - BD recommended contacting Town Administrator.
 - GB moved to continue the public hearing to 9/24/09; DB 2nd.
 - Motion approved unanimously.

- **Update: Grove Pond Wells – Pumping Test**
 - Mr. Murawski provided a status update of the Grove Pond Wells pumping test.
 - The second dewatering basin and erosion controls have been installed.
 - TCA will inspect these tomorrow.
 - Static monitoring begins tomorrow.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **09/10/09** – **Approved 09/24/09**

- The 5-day pumping test will begin on Wednesday, 9/16/09.
- Mr. Murawski agreed to provide daily status updates via email.

- **Update: PanAm/Southern Railroad – Auto Unloading Facility (former San-Vel site)**
 - PanAm/Southern plans to begin paving the area on 9/14/09, to be completed by end of September.
 - An inspection of the paving work is scheduled on 10/6/09.

- **Discussion: Pond View Estates – Condominium Association**
 - Tom Roy, Lynne Flint, and Lynne Johnson of the recently formed Pond View Condominium Association discussed some of their concerns as they prepare to take on the responsibilities of the association.
 - The Condo Association has established a Board of Trustees, and recently hired an attorney to help them resolve serious issues relating to public safety and other potential liabilities.
 - Note: There will be a separate association of the single-family homeowners.
 - Issues include (but not limited to):
 - Damage to the culvert along the walking trail.
 - Unauthorized vehicles on the walking trail, and prohibited activities occurring within the Conservation Restriction.
 - Tree damage.
 - BD said he received a recent email from Paul Alphen, attorney for Hicks Trust, expressing the Trust's desire to quickly resolve any issues, in order to transfer the roads to the town.
 - DB stated the Planning Board, as of yesterday, was not aware of any bond(s) relating to Pond View subdivision.
 - The Planning Board has not been helpful in researching this issue.
 - Commission will conduct a Site Walk on Saturday, 9/26/09, at 8:30 AM (meet at the dock on Long Pond) to view the residents' concerns firsthand and discuss possible solutions.
 - TCA will notify and invite other relevant Boards to attend the site walk.
 - Alison will review the file to see if the OOC was extended.
 - DB recommended that the Condo Association also meet with the Planning Board to air their concerns.

- **Accounts Payable**
 - Lowell Sun: \$51.00 – for legal notice of public meeting, RDA, 2 Jonathan Drive.
 - GB moved to approve payment of Lowell Sun invoice; JG 2nd.
 - Motion approved unanimously.

- **10:15 PM – Adjourn**
 - DB moved to adjourn, JG 2nd.
 - Motion approved unanimously.