

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **11/3/11** – Approved 12/15/11

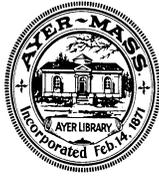
Location: Ayer Town Hall, 2nd Floor

Members present: Bill Daniels (BD, Chair), George Bacon (GB), Takashi Tada (TT), Jessica Gugino (JG, Clerk), Warren Ball (WB), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: No

7:12 PM – Open Meeting

- **Public Hearing (cont'd): NOI – Emily's Way Subdivision, 38 Groton-Harvard Road, MEMS Realty Trust, DEP # 100-0345**
 - Steve Mullaney, of SJ Mullaney Engineering, was present.
 - A site walk, open to the public, took place on 10/22/11 to review placement of the detention basins.
 - No special conditions were thought to be necessary.
 - Mr. Mullaney said that there were no special requirements regarding access from Groton-Harvard Road imposed by the Planning Board or DPW, but that the Earth Removal Permit issued by the BOS did restrict access use on weekdays to between the hours of 7 a.m. and 5 p.m.
 - A rumble strip will be used, as indicated on the plans.
 - Vehicle washing with runoff going into the stormwater system is prohibited.
 - GB moved to approve the NOI and issue an OOC; TT 2nd.
 - Motion approved unanimously.
 - GB moved to continue the Public Hearing to 11/17, for issuance of the OOC; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Selectman Pauline Conley**
 - ConCom previously had sought to schedule a meeting with the BOS.
 - The BOS were originally scheduled for ConCom's 10/13 meeting but due to a misunderstanding, no one showed up. CA subsequently sent an email suggesting alternate dates.
 - No date had yet been set up but Selectman Conley showed up at the 11/3 meeting thinking this was it.
 - Taking advantage of Ms. Conley's unexpected presence, ConCom briefly discussed several of its issues with her.
 - Ms. Conley suggested the best time for the new Dam and Pond Management Committee to begin meeting would be in January 2012.
 - Her intent is that this first meeting be held jointly with the BOS and ConCom.
 - BD raised the issue of how the BOS could better handle ConCom appointments going forward.
 - BD suggested future dismissals of previously sitting commissioners be handled first with a preliminary written warning that includes the provision of clear and attainable goals.
 - Ms. Conley agreed that better management practices on the part of the BOS were a good idea.

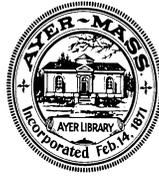


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- BD raised the issue of the BOS issuing business permits in certain instances at which ConCom input should first have been solicited.
 - BD described the approval process which the city of Waltham uses, employing a checklist form which requires different commissions and boards to sign off in a specific order.
 - Ms. Conley suggested ConCom put together its own version and submit it to the BOS.
 - BD said this could be a good ‘winter project’ for ConCom.
 - JG added that the specific issue that raised this for ConCom was the BOS’s granting of a business license to a used car lot on West Main Street, on land abutting wetlands and an aquifer. ConCom, when it found out about this, subsequently had to issue a Cease and Desist.
 - In a conversation between CA and BOS Secretary Janet Lewis following this, ConCom had been advised that the BOS could take a vote to change its procedures to allow for notification of ConCom on similar applications.
- BD said another issue for the BOS to consider is the number of homes with abandoned vehicles stored on property situated at the edge of ponds.
 - Ms. Conley said this would be the responsibility of the Building Inspector, if not also the police.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 10/13/11 as amended; TT 2nd.
 - Motion approved unanimously.
 - GB moved to approve the minutes for 10/20/11 as amended; TT 2nd.
 - Motion approved unanimously.
- **CA Updates**
 - An Oak Ridge Drive resident has left numerous voicemails and emails for CA asking when the Town was going to remove branches and fallen trees from the back of his property. The trees on abutting Town Conservation Land were damaged in the wake of the freak snowstorm of 10/29.
 - This resident had, in the past, ignored multiple ConCom requests that he remove his own firewood and equipment from Town land; the police were finally called in over the summer to contact this resident about trespassing and the resident since complied.
 - CA forwarded this to Town Administrator Pontbriand as this is not a ConCom issue.
 - Laptop computer
 - CA was asked by the DPW which account ConCom would draw on to pay for its 1/3 share of CA’s new computer.
 - BD said this should be taken out of ConCom’s wetland funds.
 - Horizon Milling, 35 Nemco Way
 - Joseph Kochan, of Horizon Milling, has contacted CA with two questions.

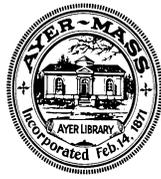


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- First, Horizon Milling was previously issued a Negative Determination of Applicability with Conditions to an RDA submission for a new Scale Pit reviewed on 5/12/11.
 - Mr. Kochan asked CA if ConCom now prefers the outflow from a sump pump to sheetflow across the area in back, with direct access to the wetlands and Spectacle Pond, or if the pipe should be placed underground.
 - After discussion, CA will tell Mr. Kochan that ConCom would like the pipe to run underground and its outflow to collect in something first, a shallow basin or depression, before reaching the pond.
 - It was decided that the use of riprap didn't matter, but emphasized that the outflow has to pass under the access road; there is to be no sheetflow whatsoever.
 - CA will ask Mr. Kochan to come up with a plan and present it to ConCom.
- Second, Mr. Kochan asked CA about the roof drains from the office building.
 - Water flowing off this building presents an icing problem in the parking lot and truck unloading area.
 - Mr. Kochan asked if it was possible to tie the roof drains directly into the catchbasins.
 - The catchbasins outflow directly into the pond.
 - BD said the best solution for now, given roof runoff is clean water, is to tie the roof drains into the catchbasins for recharge.
 - However, CA will also let Mr. Kochan know that their system is antiquated and no longer up to current stormwater code.
 - If Horizon Milling were to make substantial changes in the future, it would have to put in detention basins, etc., to meet new code requirements.
- **Member Updates**
 - Wood Property
 - BD summarized the previous night's meeting (11/2) with the Community Preservation Committee (CPC) to describe to them the opportunity for the Town to consider purchasing a 36-acre parcel between Rosewood Avenue and the Rail Trail, owned by the Wood family (Map 3, Lot 50).
 - For the Town to do its due diligence, BD solicited an advisory estimate from Hudson Design Group for costs of doing Phase I and Phase II Environmental Site Assessments.
 - Lot 50 abuts the old railroad line and has a power company easement, with high tension lines, running across it; the Town has a sewer easement running through a portion of the parcel as well.
 - The railroad and the power company operated for many, many years on or next to this property, using pesticides and spilling oil, etc., before there were regulations against this.



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- Because of this, a Phase I assessment would undoubtedly trigger the need for a more complex and costly Phase II assessment involving soil samplings, remediation plans, and so forth.
- A Phase I assessment for this parcel would cost approximately \$2500. Additional costs would also be incurred to produce a Boundary Survey, Wetlands Delineation, Title Search, and possible additional topographical surveys.
 - Added to that, a Phase II assessment could cost anywhere from \$10,000 to \$100,000; its actual cost to be determined by findings as they proceed.
- CPC asked about the likelihood of this property being developed.
 - BD said it was low due to problems of access, the wetlands, and easements.
 - An abutting parcel owned by the Wood family possibly could be altered and expanded using a small portion of Lot 50 to fit in a couple of houses.
- CPC indicated on 11/2 that this parcel did not look like a high priority for use of CPC funding, and that consideration of this would require an actual proponent submitting a proposal for its purchase.
- BD asked ConCom if any of its members backed purchase of this parcel.
 - There being no affirmative response, BD said he would inform the Wood family that ConCom would not be sponsoring purchase of the parcel, but that the Wood family would be free to be their own proponent to CPC if they so chose.
- GB suggested ConCom take a site walk to examine the parcel in Pingry Hill that was acquired by the Town as a result of Crabtree Development's settlement with the EPA.
 - It was decided that 11/19 would be a good date, combing this to follow a site walk at Autumn Ridge.
 - GB said he would invite members of the Greenway Committee as well.
- WB met briefly with Will Stephenson, of Lycott Environmental, and told him that ConCom would like to have him come speak with us some time.
- TT asked if the Dam Board Removal request had gone out now that it was after November 1st.
 - CA sends a formal letter and said she would do so on the following Monday.
- **10 PM – Adjourn Meeting**
 - GB moved to adjourn; TT seconded.
 - Motion approved unanimously.