

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **12/15/11** – Approved 1/12/12

Location: Ayer Police Station, Conference Room

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: Yes

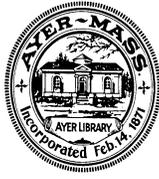
7:13 PM – Open Meeting

- **Confirmation of Agenda**
 - GB moved to accept agenda as posted; TT 2nd.
 - Motion approved unanimously.

- **Public Hearing: Request for NOI Amendment, 138 Snake Hill Road (DEP # 100-0334)**
 - Gary Lorden and Lisa Marino, of Benjamin Builders, appeared.
 - The amendment is to add an additional 280 square feet of parking area for a camper.
 - GB moved to approve the NOI amendment; TT 2nd.
 - Motion approved unanimously.
 - CA was given a check for \$62.90 to pay for the legal ad.
 - GB moved to close the Public Hearing; JG 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd): NOI – Sewage Pump Station Replacement, Groton School Road (DEP #100-0346)**
 - ConCom reviewed the 12/12 email from Raymond Willis, of Onsite Engineering, containing revisions to the drawings and specifications of the NOI submission.
 - The revisions were requested by ConCom at the Public Hearing held on 12/1/11.
 - Onsite Engineering is representing Ayer DPW for the proposed work.
 - The OOC, including Special Conditions, was discussed.
 - CA will talk to DPW Superintendent Dan Nason to underscore ConCom's preference that the work be done in summer, when the water level of James Brook will be lower, rather than spring.
 - GB moved to accept Special Conditions and issue the OOC for DEP #100-0346; TT 2nd.
 - Motion approved unanimously.
 - The OOC was signed by the Commission.
 - GB moved to close the Public Hearing; TT 2nd.
 - Motion approved unanimously.

- **Discussion: FY 2013 Budget**
 - CA said a memo from Town Administrator Robert Pontbriand would be circulated the following day with details for various boards and commissions to submit their FY 2013 budget requests by 12/30/11.
 - CA noted that other departments have already been in talks about their budgets but that ConCom has not been included in earlier discussions.

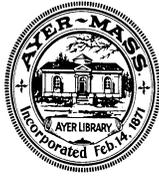


Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **12/15/11** – Approved 1/12/12

- JG suggested that ConCom ask for additional hours for CA, given the workload ConCom regularly experiences.
 - JG noted that a selectman had recently stated at a BOS meeting that if CA regularly had to work more than her budgeted 10 hours/week (additional hours paid for out of ConCom’s limited wetland fund), this reflected poor “management practices.”
 - Given ConCom makes rulings carrying statutory weight, JG suggested this role, and its workload, justifies ConCom asking for additional hours for CA.
 - ConCom does not, after all, wish to be accused again of dropping the ball or lacking initiative.
- GB agreed, saying ConCom should ask for additional hours every year until granted.
- **Discussion: End-of-year report from Aquatic Control Technologies**
 - BD read the 11/10/11 letter from Dominic Meringolo of ACT, reporting on the results of their 2011 weed treatment of Sandy Pond and Pine Meadow Pond.
 - It was noted that the pre-treatment photos for Pine Meadow Pond were not taken from the same vantage point as the post-treatment photos, making visual comparison difficult.
 - BD said the report made no reference to the 85% weed control target as stated in the RFP.
 - The report, making liberal use of adjectives, was highly subjective and contained no hard figures.
 - BD will contact Mr. Meringolo and request a more detailed report that responds adequately to the terms of the RFP.
- **Accounts Payable**
 - Quill.com: GB moved to approve payment of \$20.98 for purchase of ink cartridges; TT 2nd.
 - Motion approved unanimously.
 - Staples: WB moved to approve payment of \$28.99 for purchase of a laptop bag; GB 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - WB moved to approve the minutes for 11/3/11 as written; GB 2nd.
 - Motion approved unanimously.
- **CA Updates**
 - The Willows Enforcement Order
 - CA met on 12/14 with Joe Bellino, Phil Nadeau, and Attorney Madeline Morris, for Mass DEP; and with Bruce Wheeler (President of Habitech and co-developer), Project Manager Kevin Hunt, Glen Brice, and Environmental Consultant Mary Trudeau for The Willows.
 - Mark O’Hagan, of MCO & Associates, the primary developer, was not present.
 - Attorneys Alex Para (for Mr. Wheeler) and Louis Levine (for Mr. O’Hagan) were present.
 - CA first met with the DEP representatives, then with the whole group.

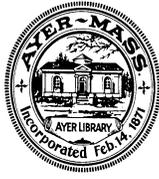


Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **12/15/11** – Approved 1/12/12

- A site walk was then performed, after which the whole group reconvened back at Town Hall.
- Ms. Morris issued DEP's UAO (Unilateral Administrative Order) to The Willows.
 - DEP made clear that not enough had yet been done by The Willows to prevent further violations.
- The main detention basin and its lower wall have been finished, but not the upper wall.
- Turbidity remains high and the development is still pumping water from the basin up the hill for treatment in the stormwater flumes.
 - Mr. Bellino made it clear that water from the basin needs to be pumped and treated at the basin, using dirt bags filled with flocculent crystals, rather than sent uphill.
 - This separates basin water treatment from stormwater treatment management.
- Flocculent logs in the treatment flumes need to be checked regularly for proper maintenance.
 - CA noted that The Willows does not have a supply of extra logs on hand.
- While an assessment report has been submitted, the developer has not yet submitted a restoration plan.
 - Originally due 12/15, the new due date for this plan is 1/30/12.
- Stabilization of soil piles on the site still needs to be completed.
- Winterization of exposed soils also needs to be completed.
- The streets were found to be a mess and not being properly swept.
- Ms. Morris said she found conditions at the site to be "egregious."
 - Ms. Morris did appreciate, however, the careful turbidity readings being taken by Ms. Trudeau, who is employed by Habitech as their wetland scientist.
- Ms. Trudeau said she would put together a list of what the developer needs to do pre and post storm events, as well as on a weekly basis.
- CA noted the Cease & Desist specifies no earth removal, and that the developer appeared to be moving some landscaping piles – a potential violation of the C&D.
- The attorneys for The Willows asked permission to put in one more foundation, currently barred by the terms of the C&D.
 - DEP said that a lot more needs to be done before it will consider whether the developer may proceed with new foundations.
- CA said the developers finally provided a copy of the SWPP (Stormwater Protection Plan).
 - Ms. Morris asked Project Manager Hunt what on the SWPP they were doing correctly.
 - Mr. Hunt could not answer, making it clear he had probably not had prior access to a copy of the SWPP.
- CA said Mr. Wheeler argued that it could not be proven that the basin, a clay pit dug 30 years earlier, was contaminated by the developers.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **12/15/11** – Approved 1/12/12

- Mr. Nadeau disagreed, saying the basis has been “severely degraded” by the development – as can be seen from a comparison of GIS aerial photos.
- It was also emphasized that ConCom has issued 5 prior Enforcement Orders to the development, making it clear by Mass DEP was now stepping in.
- Pingry Hill
 - With so much time spent on The Willows EO, CA did not have a chance to view this site in the past week.
 - However, the last time CA checked, the culvert had not yet been cleared out.
- Victor Drive culvert replacement
 - Mr. Nason indicated to CA that the analysis of the culvert by AP/M Permaform for an alternative trenchless solution (the ‘Centripipe’) did not go well.
 - This means the culvert will probably have to be replaced by traditional methods.
- **Member Updates**
 - JG suggested ConCom follow up on Selectwoman Conley’s statement at its 11/3/11 meeting that the Pond & Dam Management Committee not begin meeting until January 2012.
 - The initial meeting needs to include the BOS and ConCom to clarify responsibilities and powers.
 - WB will email the BOS and Town Administrator to encourage scheduling this meeting asap in January.
 - JG suggested ConCom discuss assigning/dividing up watch areas to commissioners so that ConCom can keep better track of specific problem sites and areas of concern.
 - GB suggested January would be a good time for ConCom to continue on its mission to finalize its Policies and Procedures.
 - CA said ConCom’s 1/12/12 meeting was clear of filings and could be devoted to this task.
 - ConCom last met in January 2011 to work on Policies & Procedures.
 - Subsequent ConCom/CA workload and filings have prevented additional work until now.
 - BD was asked to distribute the latest draft from last January to the other commissioners.
- **9:30 PM – Adjourn Meeting**
 - WB moved to adjourn; GB 2nd.
 - Motion approved unanimously.