

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **2/23/2012** – Approved 3/8/2012

Location: Ayer Town Hall, 1<sup>st</sup> Floor

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

Not present: Warren Ball (WB)

APAC taped: No

### **7:08 PM – Open Meeting**

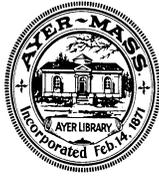
- **Meeting Minutes Approval**

- GB moved to approve the minutes for 1/12/12 as written; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- GB moved to approve the minutes for 2/9/12 as corrected; TT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Public Hearing: NOI – Pingry Hill/Ridge View Heights, Crabtree Development, LLC  
264 Old Farm Way, Lot 51A, DEP# 100-0350**

- Steve Mullaney, of S.J. Mullaney Engineering, Inc., represented Crabtree Development.
  - Mr. Mullaney provided CA with Certificate of Mailing to abutters.
- Lot 51A is 2.07 acres, with a total alteration planned of 4501 sq. ft. within buffer zone.
- Joe Bellino, of Mass DEP, has responded with ‘no comment’ on the comment form.
- Mr. Mullaney said that when the original wetland delineation was done in 1997, there were no immediate wetlands in the immediate vicinity.
  - However when the delineation was redone a few years back, a finger of new wetlands has now emerged in this area.
  - A corner of the proposed house and most of the front yard will be within the 100 ft. buffer zone.
- Two detention basins and a drainage easement are also located on this lot.
- The closest point of work to the wetland is 48 ft.
- BD pointed out the difficulty of evaluating wetland vegetation on a site walk at this time of the year.
  - Mr. Mullaney said that since ConCom previously walked this site in 2011 as part of the Phase III review to verify wetlands, it shouldn’t be necessary to again have to observe vegetation.
    - A site walk for the NOI should therefore not have to be delayed because of vegetation/time of year.
- The NOI application included details as to erosion controls.
- In answer to resident David Bodurtha’s question, Mr. Mullaney said the proposed basin on the south end of the lot will be constructed before the house.
- CA said that since wetland flagging had been observed in 2011’s site walk, the upcoming site walk for this NOI will focus on seeing stakes for planned structures.
  - The site walk will take place on 3/10/12 at 9 a.m., meeting at the corner of Hickory Way where the paved area ends.
- GB moved to continue the Public Hearing to 3/22/12; TT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Public Hearing: NOI – Pingry Hill/Ridge View Heights, Crabtree Development, LLC  
272 Old Farm Way, Lot 50A, DEP# 100-0349**

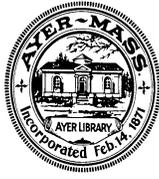


## **Town of Ayer Conservation Commission**

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

Minutes for **2/23/2012** – Approved 3/8/2012

- Mr. Mullaney provided CA with Certificate of Mailing to abutters.
- Lot 50A is 1.65 acres, with a total alteration planned of 10,718 sq. ft. within buffer zone.
- Joe Bellino, of Mass DEP, has responded with ‘no comment’ on the comment form.
- Mr. Mullaney said that the majority of this lot is within the buffer zone.
  - The proposed house has been positioned with minimum setback from the street.
  - The developer plans to preserve some of the wooded area adjacent to the wetland at the back of the lot.
  - The proposed house will have a walk-out in the back, and beyond that will be a short retaining wall.
  - The developer plans to bring the grade up in the front.
- BD noted there was not much room on the lot for the storage of material.
  - Mr. Mullaney said plans were to use the nearby drainage easement as temporary storage.
- The closest point of work to the wetland is 3 ft.
- BD said this lot will have to be examined carefully during the site walk.
- CA asked why the proposed backyard had not been curved away from the wetland.
  - Mr. Mullaney said it could be if ConCom puts that in as a Special Condition.
- TT said that, given the proximity of the yard to the wetland, he would like to see a visual permanent demarcation, such as a hedgerow or boulders, to prevent the backyard being extended by a homeowner at some point in the future.
  - Mr. Mullaney said they would be open to that suggestion.
- For the site walk, BD asked that, in addition to the house stakes, 4 stakes be placed marking the Limit of Work adjacent to the wetland.
- Mr. Bodurtha asked if ConCom would consider having signs put up that identify the area as a ‘wetland area’.
  - BD said ConCom would use the site walk to determine if a post/sign would make sense.
- The site walk will take place on 3/10/12 at 9 a.m.
- GB moved to continue the Public Hearing to 3/22/12; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Public Hearing: NOI – Pingry Hill/Ridge View Heights, Crabtree Development, LLC  
282 Old Farm Way, Lot 49A, DEP# 100-0348**
  - Mr. Mullaney provided CA with Certificate of Mailing to abutters.
  - Lot 49A is 1.30 acres, with a total alteration planned of 4308 sq. ft. within buffer zone.
  - Joe Bellino, of Mass DEP, has responded with ‘no comment’ on the comment form.
  - The closest point of work to the wetland is 51 ft. (the corner of the house).
  - This lot has plenty of room outside of the buffer zone for stockpiling material during construction.
  - For the site walk, BD asked that the Limit of Work be staked so that ConCom can interpret the drainage plane in the yard.
  - Mr. Bodurtha asked if the developer would consider placing a half arc of haybales around the catchbasin on Littleton Road in the event of any sheetflow.
    - Mr. Mullaney said that would be fine.
  - GB moved to continue the Public Hearing to 3/22/12; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing: NOI – Pingry Hill/Ridge View Heights, Crabtree Development, LLC  
31 Partridge Lane, Lot 34, DEP# 100-0347**
  - Mr. Mullaney provided CA with Certificate of Mailing to abutters.

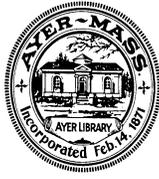


## Town of Ayer Conservation Commission

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

Minutes for **2/23/2012** – Approved 3/8/2012

- Joe Bellino, of Mass DEP, has responded with ‘no comment’ on the comment form.
- A total alteration of 2057 sq. ft. within buffer zone is proposed.
- The nearest point of construction activity to the wetlands is 77 ft.
- Mr. Mullaney said part of this lot drains to the street, while the backyard drains toward the wetlands.
- In answer to BD’s question, Mr. Mullaney said the house drain will be directed to the street.
  - BD asked that this detail be specified in the filing plan rather than as a ConCom Special Condition.
  - BD asked that an approximate location of the drain pipe be marked for the site walk on 3/10/12.
- GB moved to continue the Public Hearing to 3/23/12; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- While Mr. Mullaney was still present, Mr. Bodurtha asked if there was a reason why sediment had not been cleaned out behind the erosion controls along Rte. 2A/Littleton Road.
  - CA said she has already spoken to developer Rick Roper and asked that this be cleaned up.
  - BD said to tell Mr. Roper that if the sediment was cleaned prior to the 3/10 site walk, then the site walk would proceed as planned; if not, then the site walk would be postponed.
- **Discussion: Monitoring Assignments**
  - CA has been looking at Town maps to ascertain how best to divide up areas for regular monitoring by commissioners.
    - Monitoring will include not just open OOCs but also various neighborhoods and specific problem areas.
  - JG suggested ConCom develop a checklist of particular things to be on the lookout for.
  - Further discussion of assignments was postponed, however, until the full Commission was present.
- **CA Updates**
  - Pond View Subdivision settlement
    - CA mentioned the recent email exchange with DPW Superintendent Dan Nason concerning an invoice received from Meisner Brem for \$1000 of conservation-related engineering services needed for acceptance of roads and infrastructure.
      - This work was performed in conjunction with a settlement agreement entered into by the Board of Selectmen and the Pond View homeowners association.
    - Mr. Nason asked if this bill would be paid by ConCom directly.
      - CA told Mr. Nason no, given the settlement agreement was made by the BOS without ConCom participation or vote.
    - CA forwarded the email to Town Administrator Robert Pontbriand for payment, presumably from a BOS account.
      - BD agreed with this move given that ConCom did not agree with the settlement, nor has any budget whatsoever to cover the costs agreed to by the BOS.
  - Feasibility study
    - CA went on site the previous week with an outside architect looking to perform a feasibility study for possible expansion of the Ayer/Shirley High School in the vicinity of Groton-Harvard Road and Washington Street.
  - Epic Enterprises (Pepsi Co.), 11 Copeland Drive, DEP # 100-0342



## **Town of Ayer Conservation Commission**

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

Minutes for **2/23/2012** – Approved 3/8/2012

- CA received a request for a partial Certificate of Compliance from the Stahlman Group.
- While the Stahlman Group argued for ‘substantial compliance’, CA described the even more substantial work remaining to be done:
  - paving of the parking lot
  - completion of existing catchbasins
  - completion of the underdrain
- Only the building is complete.
- Although the company may be looking for a COC in order to get an occupancy permit, ConCom cannot grant a COC until the terms of its OOC have been adequately fulfilled.
- CA reported she has told the site manager for Epic Enterprises that it does not qualify for even a partial COC at this point.
- TT asked if the Stahlman Group had actually made a formal request for the COC.
- CA said yes they had.
  - Therefore:
    - GB moved to add the Request for a COC for Epic Enterprises to the agenda; TT 2<sup>nd</sup>.
      - Motion approved unanimously.
    - GB moved to deny issuing a COC and to instruct the applicant to reapply when the required work has actually been done; TT 2<sup>nd</sup>.
      - Motion approved unanimously.
- 3/8/12 ConCom meeting
  - The next meeting will be held at the Police Station to complete editing of the Wetlands Permit Application Information Packet.
- **10:10 PM – Adjourn Meeting**
  - GB moved to adjourn; TT 2<sup>nd</sup>.
    - Motion approved unanimously.