

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **3/26/2015** – Approved 4/9/2015

Location: Ayer Town Hall, 1st Floor

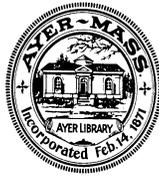
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT), Lee Curtis (LC), Jessica Gugino (JG, Clerk)

Not present: Vacancy: CA, Conservation Administrator

APAC taped: Yes

7:19 PM – Open Meeting

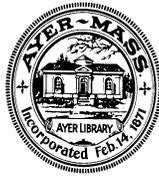
- **Public Hearing (new): NOI – Ayer DPW, Stony Brook Pump Station (off Westford Road), DEP # 100-0382**
 - DPW Superintendent Mark Wetzel was present.
 - Notice to abutters was sent out on 3/10.
 - The project proposes to upgrade the existing sewer pump station, access way and security fencing.
 - The existing pump station services all of Nemco Way and New England Way, with the majority of sewage generated by Vitasoy.
 - The Stony Brook Pump Station is located on a utility easement between the Catagna-Spagna and Vitasoy businesses.
 - The existing pump station is old and in need of numerous repairs.
 - The project area is 5300 sq. ft., and at its closest point is about 12 ft. from bordering vegetated wetlands.
 - The area is not located in a floodzone.
 - Wetlands were flagged by Goldsmith, Prest & Ringwall in the spring of 2014.
 - The DPW proposes to install a new submersible pump with an above-ground generator and a new sewer manhole.
 - The exact placement of a security fence will be coordinated with Catagna-Spagna's plans to install new tracks.
 - No disturbance of the vegetated bank is planned.
 - A dewatering basin will be needed and has been planned for.
 - There will be a slight increase of 370 sq. ft. in impermeable surface.
 - The existing submersible pump will be abandoned in place, crushed and filled with gravel.
 - The existing pump station will continue to be used right up until the switchover to the new system is ready to take place.
 - The DPW will coordinate with affected businesses to enable a smooth switchover.
 - Mr. Wetzel said that the project was submitted for review to the Natural Heritage and Endangered Species Program (NHESP) but that no comments have yet been received.
 - For a site walk, BD asked that the location of the new pump station be staked.
 - Because of the amount of snow remaining on the ground, a site walk could not be scheduled at this time.
 - GB moved to continue the Public Hearing to 4/9/15 for purpose of scheduling a site walk; LC 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 141 Snake Hill Road, Christopher Valentine, MassDEP # 100-0381**
 - Because of the quantity of snow remaining on the ground, a site walk could not be scheduled at this time.



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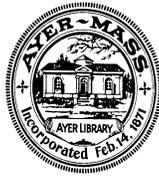
- GB moved to continue the Public Hearing to 4/9/15; TT 2nd.
 - Motion approved unanimously.
- **Confirmation of the Agenda**
 - Discussion of a request from Joe Bellino, of MassDEP, for background information on the complaint made by Jean Hoffman-Anuta and Michael Anuta regarding the reissuance of the OOC for 100-0337 (187 Old Farm Way) was added to the agenda.
 - Discussion of MassDEP Wetland Regulation revisions was removed from the agenda.
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Nashua Street Extension Settlement Agreement (MassDEP # 100-0363)**
 - J. P. Connolly, of Goldsmith, Prest & Ringwall (GPR), was present on behalf of Calvin Moore and Molumco Development.
 - A Settlement Agreement has been reached between MassDEP and Molumco Dev./Mr. Moore.
 - ConCom, as an interested party, must also sign the Agreement.
 - Mr. Connolly described the Agreement and said that nothing has been physically changed in the plans because of the Agreement.
 - Instead, the Agreement adds two new easements on lots 6 and 7.
 - MassDEP could not find an alternative location for the infiltration basin for the development.
 - Because the subdivision is under 9 lots, DEP has now accepted the basin as located in the plans and approved by ConCom in its OOC, with the provision that private easements on lots 6 and 7 are added.
 - The Settlement Agreement is described as a “Final Order of Conditions.”
 - For clarification, Mr. Connolly said his understanding was that, in contrast to a Superceding OOC, MassDEP’s issuance of a Final Order references ConCom’s OOC, making that still valid.
 - GB asked how the property would be accessed for inspection of the infiltration basin’s condition and maintenance.
 - Mr. Connolly said there was probably an overriding authority to allow such access for maintenance.
 - BD said the Commission was not comfortable with signing the Agreement without a clear statement of access onto the private easements for purposes of inspection and verification of maintenance.
 - It was noted that the other basins for the development, not on lots 6 and 7, will be part of the Town’s stormwater maintenance.
 - BD will wait for an email from Mr. Connolly indicating acceptable access to the easements on lots 6 and 7.
 - Upon receipt of that information, BD will go ahead and sign the Agreement on behalf of the Commission.
- **Discussion: Extension Permit for OOC for Snake Hill Road, Pingry Hill, Crabtree Development, MassDEP # 100-0257.**
 - Steve Mullaney, of S.J. Mullaney Engineering, and Rick Roper, of Crabtree Development, were present.
 - BD referred to Mr. Mullaney’s 3/26/15 email thanking the Commission for considering the Extension Permit for the Snake Hill Road Order.



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- The email also asked ConCom to discuss amending Condition 34 in the OOC.
 - Condition 34 reads:
 - “As per the mitigation measures described per the project FEIR (EOA #11831), the applicant shall include in deeds to the Town of Ayer described in Special Condition #33a and both existing & relocated Snake Hill Rd., the right of public access for open space walking/hiking trails.”
 - Mr. Mullaney explained the reasoning behind the requested amendment.
 - The original wording includes the requirement that public access for walking trails be retained for both the existing and relocated Snake Hill Road.
 - Since a portion of Snake Hill Road has been relocated, and the originally existing portion of the road in this area is now occupied by private residences/yards, Mr. Mullaney asked that the wording of the original OOC be amended for clarification to read:
 - “As per the mitigation measures described per the project FEIR (EOA #11831), the applicant shall include in deeds to the Town of Ayer described in Special Condition #33a and relocated Snake Hill Rd., the right of public access for open space walking/hiking trails.”
 - Discussion followed as to the proper procedure for such a change.
 - TT said this was a substantive rather than an administrative change and should be properly noticed before ConCom takes further action.
 - The amended OOC will also have to be recorded at the Registry of Deeds when complete.
 - Mr. Mullaney was asked to research what the Registry requires for amending an OOC, whether a new OOC has to be provided or whether a single sheet of paper referencing the change is sufficient.
 - JG will handle sending out the legal notice for a Public Hearing to discuss this amendment at ConCom’s 4/9/15 meeting.
- ConCom moved on to the original point of discussion, that of extending the OOC itself.
 - The request to extend the OOC was made in a letter dated 3/13/15 by Mr. Mullaney.
 - The OOC, originally issued on 4/14/2005, is due to expire on 4/14/15.
 - The OOC has been extended once before, and then again under the State’s Extension Act of 2010.
 - Some work remains to be done, including:
 - “the remainder of Basin 788, Basin 798, wetland replication, fields, and a parking lot.”
 - Some of this work has been delayed awaiting the Town’s decision concerning the use of fields originally intended as soccer fields.
 - GB moved to issue an Extension of the OOC for 100-0257; TT 2nd.
 - Motion approved unanimously.
 - JG will send the signed Extension by certified mail to the address provided by Mr. Mullaney.
- On other matters related to the Pingry Hill development:
 - No new affidavits have been received by Attorney Eliopolous.
 - ConCom signed a number of Certificates of Compliance for Pingry Hill in November, 2014, but the signed COC’s have not yet been mailed to the developer because erosion controls have not yet been removed from these properties.



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- Mr. Mullaney said they are now waiting for snow to melt before this condition can be met.

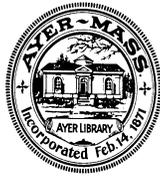
- **Discussion: Planning Board request for comments: 22 Fitchburg Road (former Hannaford's)**
 - A meeting was held earlier in the day at Town Hall to review site plans for improvements to the existing vacant building.
 - The former Hannaford's will be taken over by a Shop & Save.
 - The owner of the property will be upgrading the facility by removing an existing carport and building a new entry vestibule.
 - ConCom had looked at this property in January 2011, when changes to the property were under consideration, and issued a Negative Determination of Applicability.
 - The property was deemed to have no jurisdictional issues.
 - BD signed the request for comments to indicate ConCom had no issues with current plans.

- **Discussion: MassDEP request for details concerning complaints made by Jean Hoffman-Anuta and Michael Anuta, of 187 Old Farm Way, Pingry Hill (MassDEP # 100-0337)**
 - TT was contacted by Joe Bellino, of MassDEP, with questions concerning the history of the Anuta's complaint.
 - In answer to the first question, the field change moving a proposed basin from the Anuta's property onto the two abutting lots scheduled for development was made before the reissuance of four OOCs that were not previously recorded (OOCs 100-0330, -0337, -0338, -0339).
 - In answer to the second question, the field change to relocate the proposed basin onto the two abutting lots was done as part of the NOI review for those two lots:
 - Lot 29 (97 Holly Ridge Road, MassDEP #100-0375); Lot 30 (113 Holly Ridge Road, MassDEP # 100-0376)
 - In answer to the third question, JG will contact Mr. Bellino to provide ConCom minutes for the meetings at which the Hoffman-Anuta's OOC and the field change for the detention basin were discussed.

- **Discussion: ZBA request for comments, Mill Street**
 - An application is before the ZBA that requests a variance for the construction of a new house to replace a pre-existing nonconforming house destroyed by fire.
 - BD signed the request for comments indicating that ConCom has no immediate concerns.
 - If excavation is to be done, however, the applicant should come speak to ConCom to determine if that activity would have any impact on a stream running through the Moore property nearby.

- **Discussion: Greenway Committee trail brochure**
 - JG said that Steve Smith has requested approval from ConCom to fund the printing of another 500 brochures that include a trail map to the Pine Meadow Pond Conservation Land.
 - ConCom members agreed to approve this funding.
 - TT asked that the picture of the owl in the brochure be credited to him.

- **Discussion: Conservation Administrator Job Posting**
 - Nine applications were reviewed by ConCom members.



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- Two of the applicants stood out as having sufficient wetland expertise and experience in the field of conservation management.
- JG will contact both applicants to see if they are available to meet with ConCom members on Monday, 4/13.
- **9:28 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.