



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249

Minutes for **10/27/2016** – Approved 11/10/2016

Location: Ayer Town Hall, 1st Floor

Present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT, Member), Bonnie Tillotson (BT, Member), Jessica Gugino (JG, Member/Clerk)

Not Present: Brian Colleran (CA, Conservation Administrator) (training workshop)

APAC taped: Yes

7:15 PM – Open Meeting

- **Confirmation of Agenda**
 - An informal discussion with Bill Farnsworth, of 80 Sandy Pond Road, was added.
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – Jonathan Drive, MassDEP # 100-0395**
 - Robert Oliva, of David E. Ross Associates, and builder Robert Pace were present.
 - Mr. Oliva provided a check for \$81.60, reimbursement for the legal notice, and the green cards proving abutter notification.
 - ConCom performed a site walk on 10/22.
 - Based on discussion at the previous Hearing (10/13), as well as site walk comments, Mr. Oliva presented a revised plan for ConCom review.
 - The driveway has been flipped to the other side of the lot.
 - This eliminates the need for wetland alteration and replication.
 - The house has also been moved slightly further from the wetland, with the closest corner now at 7.7 ft. distance (compared with 5 ft. on the original plan).
 - Boulders will be set to demarcate the wetlands, 20 ft. on center, with pressure-treated wood posts erected in between that will contain conservation placards.
 - A curved landscape retaining wall has been added to the corner closest to the wetlands.
 - During construction, an orange construction fence will be erected along the wetland line to visually underscore the line and prevent contractor access into the wetlands.
 - At the site walk, BD said ConCom would require a meeting with the site contractor and builder onsite with CA and/or ConCom after the erosion controls are up and prior to construction work commencing.
 - GB questioned whether the erosion controls should include silt fencing along with straw wattles since ConCom is now trying to get away from the use of silt fencing.
 - TT said that, given the close proximity of work to the wetlands, he preferred the use of both in this case.
 - BT asked how roof drainage was going to be handled with the completed house.
 - Mr. Oliva said they had not planned anything in part because, in some cases, the Ayer Building Department has been interpreting Building Code to oppose the use of stone trenches along the sides of houses in order to grade away from the foundation and prevent water from pooling there.
 - Mr. Pace said he did not plan to use gutters and drainpipes.
 - It was not clear whether the Building Code would prevent the use of stone trenches in this case.



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- With Mr. Oliva's agreement, ConCom will include a Special Condition mandating the use of stone trenches on the sides of the house to manage stormwater runoff from the roof.
- BD added another Special Condition for the OOC:
 - If a temporary dewatering basin is necessary, it shall be located in the driveway turnout.
(Note: this is a detail not shown on the plan drawing.)
- GB moved to approve and issue an OOC for 100-0395, with Special Conditions for stone drainage trenches and a temporary dewatering basin; TT 2nd.
 - Motion approved unanimously.
 - ConCom will direct CA to prepare a draft OOC accordingly.
- **Discussion: Bill Farnsworth, 80 Sandy Pond Road**
 - Completion of the construction next door at 78 Sandy Pond Road has stopped the previous flow of stormwater across Mr. Farnsworth's property.
 - Mr. Farnsworth now hopes to pave his driveway in light of these new conditions.
 - He has submitted an RDA, which will be heard at ConCom's 11/10 meeting, but because it is nearly the end of paving season, Mr. Farnsworth was hoping ConCom could look at his property in advance of 11/10.
 - BD asked what sort of prep would be needed to pave.
 - Mr. Farnsworth said very little needed to be done, and that no grading work was needed.
 - The paver is ready to go and would most likely just level the driveway area out with stone dust.
 - Being familiar with the lot, BD said ConCom would ask that haybales or silt fence be wrapped around the backside of the driveway.
 - Based on the limited nature of the project and seasonal time constraints regarding the availability of paving materials, ConCom had no objections to Mr. Farnsworth going ahead with the paving in advance of 11/10.
 - BD asked Mr. Farnsworth to stake out the driveway area and have CA inspect that, and the erosion controls, prior to doing the work.
 - Mr. Farnsworth will still have to appear before ConCom on 11/10 for formal completion of the RDA paperwork and can let the Commission know how the work turned out at that point.
 - ConCom will have CA notify the DPW and Building Inspector that the Commission has okayed Mr. Farnsworth moving forward with his project.
- **Discussion: Request for Partial Certificate of Compliance (PCOC): 31 Pingry Way (Lot 27 & 31), MassDEP # 100-0130;**
- **Request for PCOC – 31 Pingry Way (Lot 27 & 31), MassDEP # 100-0073**
 - From the files, which were incomplete, CA determined that a replication area had been required back in the 90s..
 - Also, a COC had been requested in 1999 but never issued and there was no paperwork to explain why.
 - CA did a curbside inspection but could not directly view the replication area.
 - Earlier in the meeting, Mr. Oliva also gave ConCom a copy of Plan 4766 (Feb. 1998) for CA, which was not in ConCom's files.
 - ConCom will ask CA to contact the owners or representatives for permission to walk on the properties and inspect the area based on Plan 4766.
 - ConCom also requires clarification as to the two OOCs (0130, 0073) in order to determine what the COCs are being issued for in each case.



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- A hold was put on voting to issue PCOCs until the next meeting on 11/10.
- **Discussion: Request for COC – 3 Samantha Lane, MassDEP # 100-0089**
 - CA's meeting notes stated that a partial COC was issued for Samantha Lane earlier in the year.
 - CA did a driveby inspection and saw nothing of note to report.
 - ConCom put a hold on voting to issue a COC until the next meeting on 11/10.
 - ConCom will ask CA to determine how many houses the OOC for 100-0089 applies to.
 - If more than one house is affected, perhaps ConCom could issue COC's for all and close out 100-0089.
 - It would then be up to the individual homeowners whether they decided to record the COC at the Registry now or wait until some future point when, perhaps, their house is up for sale.
 - COC's do not go 'stale' if unrecorded.
- **Discussion: Enforcement of property transfer Affidavits**
 - CA'S draft letter to Ridge View Heights Development (Pingry Hill, Crabtree Development) will be discussed further at the 11/10 meeting.
- **Discussion: Request for Proposals (RFP) for Pond Weed Management, Spring 2017**
 - Fall Town Meeting (10/24) approved funding for aquatic weed treatment on Sandy, Flannagan, and Pine Meadow ponds in Spring 2017.
 - ConCom will plan to get the RFP out in November, with proposals due in January for review.
 - JG will merge the last two RFPs (for Sandy and Pine Meadow ponds in 2011 and Flannagan Pond in 2013) into one document and forward to BD for review.
 - BD asked JG to review old minutes to see what changes to the RFP ConCom discussed making at that time.
 - The ongoing critical issue is how to define and confirm the success rate of treatments.
 - CA can research other towns' RFPs to see how they have handled success and confirmation criteria.
 - ConCom will also have CA confirm that the RFP requests for insurance information, etc., are up-to-date.
- **Discussion: Enforcement Policy**
 - This discussion was put on hold until the 11/10 meeting when ConCom can view the current draft, which CA's meeting notes indicated was pending.
- **Discussion: 187 Old Farm Way, MassDEP # 100-0337**
 - As requested by Town Administrator Pontbriand, GB moved to ratify actions taken by Town Counsel (Attorney David Waterfall, of KP Law), on the Commission's behalf with respect to ongoing litigation related to 187 Old Farm Way; TT 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 10/13/2016 as corrected; TT 2nd.
 - Motion approved unanimously.



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- **Committee Updates**

- Open Space & Recreation Plan Committee (OSRP)
 - OSRP will be asking relevant boards, including ConCom, for letters of support when the updated plan is ready.
 - JG will try to have the latest draft of the Goals section for ConCom review at the 11/10 meeting.
- Master Plan Committee
 - BT said Alan Manoian, Director of Community and Economic Development, is the new Chair of this Committee.

- **ConCom and Member Updates**

- CA
 - Discussion of the CA position, now that it is full-time (by Fall Town Meeting vote, 10/24/2016), will be placed on the 11/10 agenda.
- 102 Oak Ridge Drive
 - ConCom received word from a resident concerned that two sheds on Town land, located behind 102 Oak Ridge, may be being used for unknown purposes.
 - GB, TT, BT, and JG will do a site visit on Saturday, 10/29, at 10:30 p.m.
 - BD, ConCom's fearless leader, will be attending the Fall MACC Conference that day.

- **9:30 PM – Adjourn Meeting**

- JG moved to adjourn; GB 2nd.
 - Motion approved unanimously.