



Town of Ayer Conservation Commission

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

Minutes for **12/8/2016** – Approved 1/26/2017

Location: Ayer Town Hall, 2nd Floor, Great Hall

Present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Bonnie Tillotson (BT, Member)[late arrival], Jessica Gugino (JG, Member/Clerk), Brian Colleran (CA, Conservation Administrator)

Not Present: Takashi Tada (TT)

APAC taped: Yes

7:10 PM – Open Meeting

- **Confirmation of Agenda**
 - Discussion of the RFP for 2017 pond treatments was added.
 - GB moved to confirm the agenda as amended; JG 2nd.
 - Motion approved unanimously.
- **Public Meeting: Request for Determination of Applicability (RDA) – Robert McKean, 5 Groton-Shirley Road**
 - Mr. McKean said he is turning his house into a two-family and wants to put in a separate driveway for tenant use.
 - The driveway would be on the right (east) side of the house and would be 20-50 ft. away from a water drainage easement.
 - Disturbance would entail replacing grass with the driveway; the topography would remain the same.
 - CA has performed a site visit and taken photos.
 - Mr. McKean said he planned to install a driveway with a permeable surface.
 - BD agreed that this area should not be paved over, given its proximity to the drainage area.
 - Mr. McKean has already contacted the DPW about getting a permit for a curb cut for the second driveway.
 - He was also hoping that the Town would repair the currently-degraded curb in this area in the spring.
 - JG moved, and GB 2nd, to issue a Negative Determination of Applicability (DOA) with the following conditions:
 - the new driveway surface must be permeable (1-2 in. stone or pavers);
 - curb repair is to be requested from DPW, with ConCom copied on the request.
 - Motion approved unanimously.
- **Public Meeting: RDA – William Farnsworth, 80 Sandy Pond Road**
 - Given the lateness of the season for paving projects, ConCom previously approved Mr. Farnsworth's plan to pave his driveway (10/27/2016).
 - ConCom asked that he follow-up with the paperwork for formal signing.
 - ConCom now signed the Negative DOA.
- **Public Meeting: Request to Extend an Order of Conditions (OOC) – Spectacle Pond Wells, Ayer DPW, MassDEP # 100-0366**
 - DPW Town Engineer Daniel Van Schalkwyk was present.



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- The OOC was issued on 11/21/2013.
 - Other than some cutting into the slope, the DPW has not yet begun the utility work for the wells due to funding constraints.
- CA performed a site visit the previous week and observed that erosion controls are properly in place.
- GB moved to issue a 3-year Extension for OOC 100-0366; JG 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – Jonathan Drive, MassDEP # 100-0395**
 - The NOI is for construction of a single family house by builder Robert Pace, with the application submitted by Calvin Moore, Maple Sugar LLC.
 - The Public Hearing process began with ConCom's 10/13/2016 meeting.
 - ConCom's site walk took place on 10/22/2016.
 - CA reviewed the latest plan changes submitted by Rob Oliva, of David E. Ross Associates.
 - The size of the house originally was 24' x 40'; the new size planned is 24' x 32'.
 - A 107 cubic foot rain garden, capable of handling a 1-year rain event, has been added to the plan.
 - Gutters and downspouts will be used to channel roof stormwater to the rain garden.
 - The closest corner of the house to the wetlands is now 15 ft. rather than 7 ft.
 - CA expressed concern over the loss of upland habitat.
 - BD said that ConCom had previously approved the project, with Special Conditions, on 10/27/2016.
 - Changes to the plans were made by the applicant because the Building Department would not permit the use of stone trenches along the sides of the house for drainage, something ConCom had requested in the OOC.
 - In addition, without a representative of the applicant present for the Hearing, ConCom cannot fairly make changes or new demands at this point.
 - Consideration of upland habitat impact is something ConCom can consider during its Bylaw revision discussions and for future projects.
 - BD asked that CA revise Special Conditions to the OOC noting:
 - the revised plan, Plan L-13042, dated 12/7/2016;
 - the inclusion by the applicant of a rain garden;
 - the inclusion by the applicant of gutters and downspouts to direct roof stormwater to the rain garden.
 - ConCom members signed the OOC.
 - GB moved to close the Public Hearing for 100-0395; JG 2nd.
 - Motion approved unanimously.
- **Discussion: Kohler Place Subdivision, Wright Road, Alfred Bergin, MassDEP # 100-0340**
 - On recent site visits, CA has observed:
 - erosion control barriers are overtopped or down in some areas;
 - boulders, from blasting debris, have breached the barrier and encroached into the no-disturb area.
 - CA sent a letter to Mr. Bergin informally notifying him of the violations.
 - CA has met with Mr. Bergin on site and said that the developer already had plans for clearing the area and restoring the erosion control barriers.



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- Mr. Bergin had already had some of the sediment that had overtopped the barriers cleaned up.
 - Mr. Bergin also said he would be putting up signage indicating the no-disturb zone to prevent further encroachment by home-contractors.
 - ConCom noted a suggestion for its Bylaw revision discussion:
 - in areas where construction is taking place within 25 ft. of wetlands, orange snow fencing must be installed as a better visual means of discouraging contractor encroachment beyond limit-of-work.
 - CA will be inspecting the site again on 12/20.
- **Discussion: 31 Pingry Way, (Lot 27), MassDEP # 100-0130**
 - A request for a Partial Certificate of Compliance (PCOC) was submitted in October.
 - Plan 4766 (Feb. 1998) was provided to ConCom by Robert Oliva, of David E. Ross Associates.
 - On visiting the site and consulting the plan, CA confirmed that a 700 sq. ft. replication area was either never put in or had subsequently been filled in by previous homeowners.
 - For that reason, ConCom cannot issue a PCOC if the house lot is not in compliance with the original plan.
 - CA has been contacted by the law firm (Eliopoulos & Eliopoulos, of Chelmsford) representing the new homeowners.
 - An attorney will be coming to ConCom's next meeting in January to propose a resolution.
- **Conservation Administrator Updates**
 - Pingry Hill, Hemlock Drive
 - BD asked CA to check into the status for the wetland replication that Pingry Hill developer Rick Roper was supposed to have had done on Hemlock.
 - CA site walks
 - BD asked CA to arrange for site walks to inspect controls at both the Willows subdivision and at Pingry Hill subdivision.
 - These walks should be arranged with Desheng Wang, who is the erosion control specialist for both subdivisions.
 - The Willows
 - CA also noted that The Willows developer needs to be reminded that they need to start and complete the required wetland replication on the lot adjacent to the Unit 95 triplex.
 - Development of this lot with an additional triplex was denied by the State earlier in the fall.
 - Since it cannot be developed, the original replication plan must be completed.
 - Massachusetts Association of Conservation Commissions (MACC) Letter to the Governor
 - GB moved, and JG 2nd, that Ayer ConCom sign on to an MACC letter asking Governor Baker to change his position which is currently in favor of allowing the construction of new interstate natural gas pipelines.
 - Motion approved unanimously.
 - ConCom letter to Town residents re Wetlands Bylaw Revision meeting schedule
 - CA's draft letter was edited.
 - CA can include the letter with an upcoming mailing from the Town Clerk's office.



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- **Discussion: RFP for 2017 weed treatments on Sandy, Flannagan, and Pine Meadow ponds**
 - BT arrived for the rest of the meeting.
 - The latest RFP draft was reviewed and edited.
 - BD and JG will finalize.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 11/10/2016 as written; BT 2nd.
 - Motion approved unanimously.
 - GB moved to accept the minutes for 11/14/2016 as written; BT 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Brian Colleran: \$173.88, mileage reimbursement, to be paid from Wetland Funds.
 - GB moved to approve payment of \$173.88 to CA; BT 2nd.
 - Motion approved unanimously.
 - Brian Colleran: \$20.18, reimbursement for Staples purchase of 2017 office calendar.
 - GB moved to approve payment of \$20.18 to CA; BT 2nd.
 - Motion approved unanimously.
- **Conservation Administrator Job**
 - Fall Town Meeting voted to approve upgrading the CA position from part-time to full-time with benefits.
 - GB moved to approve the Chair signing the new fulltime hire-form for CA; BT 2nd.
 - Motion approved unanimously and BD signed the form.
 - Comments received from Town Administrator Robert Pontbriand by email (dated 12/8/2016) following a meeting with CA, JG, and Benefits & Payroll Manager Kevin Johnston earlier in the day, were reviewed.
 - Mr. Pontbriand has asked that ConCom provide the Town with a consistent schedule for the new full-time position.
 - This should account for both office hours and field hours.
 - During the earlier meeting, Mr. Pontbriand made clear that the Town's budget does not include provisions for overtime.
 - Related to this discussion, BD asked CA to put together a telephone list of numbers in cases of emergency (DEP, EPA, etc.).
 - Mr. Pontbriand asked that ConCom consider approving the purchase of a cell phone for CA use in the field.
 - This will enable the Town to be able to contact CA when at work but not in the office.
 - CA will contact Cindy Knox (Information Technology) for further information.
 - Mr. Pontbriand is requesting that ConCom, like other departments, now prepare a short (1-2 page maximum) monthly report (due the 20th of each month) for posting on the website.
 - BD reaffirmed that he would like CA to maintain a log notebook of daily activities.
 - ConCom members were asked to review the current CA job description so that changes and edits can be made at a future meeting, now that the position is fulltime.



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- BD said one of ConCom's immediate goals is to clear up the Commission's backlog, closing out existing old OOCs and bringing things up-to-date.
- **10:24 PM – Adjourn Meeting**
 - GB moved to adjourn; BT 2nd.
 - Motion approved unanimously.