



Town of Ayer Conservation Commission

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

Minutes for **11/10/2016** – Approved 12/8/2016

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), Brian Colleran (CA, Conservation Administrator)

APAC taped: Yes

7:05 PM – Open Meeting

- **Confirmation of Agenda**

- A discussion item was added to the agenda: Mark Anderson, 84 Off-Groton-School Road.
- GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.

- **Discussion: Robert Houde, Eagle Scout Project**

- Mr. Houde updated ConCom on his plans for building a footbridge on Town conservation land, crossing the stream that runs into Pine Meadow Pond.
- Mr. Houde used slides to show an alternate location for the bridge, now to the left of the existing stone crossing (when facing the stream with Groton-Harvard Road at your back).
 - The new location would make it a shorter and easier-to-build bridge but would require shifting the trail a little as well.
 - From the slides, it appears the bank on the far side is much higher than the bank on the near side.
 - On the far side also, the new location may have problems with tree roots getting in the way of anchoring sonotubes.
 - The stakes for the bridge on the near side seem to show it being at the very edge of the stream, almost in it.
 - BD and TT stressed that the bridge would need to be able to accommodate the highest amount of water flow.
 - They also noted that this past year was a drought year and not the best indicator of water height.
- A site visit was scheduled for 9 a.m. on Saturday, 11/12, meeting at the trailhead on Groton-Harvard Road.

- **Discussion: Mark Anderson, 84 Off-Groton-School Road**

- Mr. Anderson has spoken to the Building Inspector about constructing a house on this lot.
 - The proposed driveway would be inside buffer zone.
 - Mr. Anderson hopes to get a foundation in before the ground freezes.
- CA performed a site visit; the site is currently wooded and no clearing has yet been done.
 - The driveway would have a slight grade down to wetland.
 - There was no flagging to indicate wetland lines.
 - CA said this project should be at the very least an RDA.
- BD asked how, if there is no flagging, it was determined that the house itself is outside of the buffer zone.
 - Mr. Anderson is working with David E. Ross Associates and said that was what they verbally told him.



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- BD noted that the project as described entails a significant amount of work inside the buffer zone, with determination of the buffer zone having been based on an unflagged resource area.
 - It is not possible for ConCom to issue a decision without having correct information.
 - David E. Ross Associates will have to flag the wetlands before ConCom can adjudicate.
- Based on the amount of work just for the driveway, including clearing and stump-removal inside buffer zone, BD said it was likely that the project would require the submission of an NOI.
- **Amendment to the Agenda**
 - Jerry Croteau, of 8 Hemlock Drive (Pingry Hill subdivision) showed up for the meeting.
 - Informal discussion of his project was added following discussion of the Rosewood Avenue Extension project.
 - GB moved to amend the agenda a second time, as noted; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Rosewood Avenue Extension and beaver dam demolition, MassDEP # 100-0388**
 - Kyle Burchard, of Goldsmith, Prest & Ringwall (GPR), and Mike Lotti, of Industria Engineering, were present.
 - The beaver dam has been breached and the impounded water has now drained down to the intended stream elevation level.
 - CA said at least two of the DPW's sewer manhole covers are now visible.
 - The culvert is in.
 - Headwalls will be put in by the following week's end.
 - Debris material from demolition of the beaver dam now needs to be removed, and this will begin the following Monday.
 - Also on Monday, Mike Callahan, of Beaver Solutions, will be there to help determine the best contours for prepping the site for a future beaver fence.
 - On a recent site visit, CA observed that another beaver dam, downstream from the one at the culvert crossing, had had the top layer removed by contractors.
 - Unpermitted work on the second dam holds the potential for blowing out that dam, and CA said the day before (11/9), some breaching of this dam had begun.
 - Mr. Burchard said water is ponding by this second dam, not flowing through at this point.
 - The Emergency Permit issued to the DPW by the Nashoba Board of Health only covers the breaching and removal of the beaver dam at the end of Rosewood Avenue.
 - BD asked for assurances from Mr. Burchard that this won't happen again, noting that ConCom had stressed the limits of work in earlier meetings.
 - BD asked for a motion to issue an Emergency Certification Form under the Emergency Permit issued by the BOH to the DPW, solely for work on the beaver dam at the end of Rosewood Avenue (Map 3, Parcel 50).
 - GB so moved; TT 2nd.
 - In discussion, TT asked CA if ConCom needed to add conditions to this Form.
 - CA said the only question concerned the effect that ponding at the second dam would have on the wetland replication area when worked on in the spring.
 - BD said the establishment of the topographical layout of the wetland replication area will be dependent on the final conditions found in the spring, as affected by this dam.



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- Mr. Lotti noted that the OOC mandates that the replication area has to successfully take so that any problems in this area automatically have to be attended to.
 - ConCom voted unanimously to approve the motion to issue an Emergency Certification.
 - CA will note as a Special Condition that any downstream impacts on additional beaver dams shall be understood to be a natural repercussion of the permitted drainage of the large body of water from the first beaver dam at the end of Rosewood.
- **Discussion: Jerry Croteau, 8 Hemlock Drive**
 - Mr. Croteau was present, along with his neighbor, Mike Loiselle, of 120 Littleton Road.
 - 8 Hemlock is next door to 26 Hemlock Drive where, previously, ConCom had observed that a patch of wetland has been filled in.
 - Mr. Croteau had been contacted by CA and in the process, Mr. Croteau had indicated his plan to construct a loose-stacked gravity-stone wall, with the assistance of his neighbor.
 - Mr. Croteau had not realized that he also had a wetland strip at the front of his property and asked for guidance.
 - In part, this was because the developer, Crabtree Development, had not fulfilled the OOC Special Condition requiring a signed Affidavit providing proof that the developer had informed the new homeowner of the nature of the OOC for his lot.
 - BD asked Mr. Croteau to lay out a garden hose, or something similar, along the path planned for the stone wall.
 - A site visit was scheduled for 8:30 a.m. on Saturday, 11/12.
- **Discussion: Request for Certificate of Compliances (COCs) – 31 Pingry Way (Lot 27), MassDEP # 100-0130 and 100-0073**
 - 100-0073 is the OOC for the infrastructure, including the road stream-crossing/bridge to enter the subdivision.
 - This DEP # applies to a whole group of houses inside the subdivision.
 - 100-0130 is the OOC for the house lot itself.
 - CA has reviewed this further, done a site visit and taken photographs.
 - The 700 sq. ft. replication area, as detailed by Plan 4766 (Feb. 1998), provided to ConCom at its 10/27 meeting by Robert Oliva, of David E. Ross Associates, was either never put it or has since been filled in.
 - Therefore an area in the backyard that is supposed to be wetland is, instead, lawn.
 - BD said ConCom cannot issue a COC for #100-0130 if the house lot is not in compliance with the original plan.
 - The property will need to be surveyed and will probably require extensive work to bring it into compliance for the issuance of a COC.
 - CA said the backstory is that the current owners just bought the house and only heard from their lawyer four days before closing about the two open OOCs.
 - BD asked CA to seek guidance from the State on how to handle this.
 - The goal is how to rectify the situation in compliance with the law without punishing the new homeowners.
 - ConCom may also invite the new owners to come to a meeting to discuss further with ConCom after hearing from the State.



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- ConCom can, however, issue a Partial COC for the infrastructure (#100-0073) OOC associated with 31 Pingry Way.
 - The road itself was accepted by the Town so there are no issues there.
 - GB moved to approve and issue a PCOC for MassDEP # 100-0073; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Request for PCOC – 3 Samantha Lane, MassDep # 100-0089**
 - The COC form needs to be corrected to indicate that this is a Partial COC issuance, not a Complete COC.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – Jonathan Drive, MassDep # 100-0395**
 - CA has been in further discussion with Ayer Building Inspector Charlie Shultz about objections to ConCom having a Special Condition requiring stone trenches to handle stormwater runoff along the sides of the proposed house.
 - This is based on the Building Department's interpretation of Building Code.
 - BD asked CA to let Mr. Shultz know that this is an issue that will impact future OOCs issued by ConCom.
 - ConCom has previously used two options for handling roof runoff inside buffer zones: gutters & French drain or stone trenches.
 - This now leaves ConCom with the single option of requiring gutters and this detail will have to be changed in ConCom's Toolkit going forward.
 - TT asked that ConCom see gutters indicated on a revised plan before signing off on the OOC, especially in case there was a future need for enforcement.
 - GB moved to continue the Public Hearing to 12/8; TT 2nd.
 - Motion approved unanimously.
 - BD asked that the Building Department be contacted again for a rationale.
- **Discussion: Enforcement of Property Transfer Affidavits**
 - CA is still awaiting a response from Eugene Benson, of the Mass. Association of Conservation Commissions (MACC).
 - Edits were made to CA's draft letter to Pingry Hill developer Rick Roper (Crabtree Development, Ridge View Heights Development).
 - This includes the notation that 'Going forward, on those properties where the signed Affidavit was not procured for the new owner, the Applicant remains responsible for the open Order of Conditions.'
- **Discussion: RFP for 2017 aquatic weed management on Ayer ponds**
 - The draft RFP was reviewed.
 - CA will work on a point grid of the three ponds to be treated (Sandy, Flannagan, Pine Meadow) for review on 12/8.
 - This will help with the RFP phrasing for establishing a reasonable metric for the determination of successful treatment.
- **Discussion: Updating the Conservation Administrator job description**
 - BD asked that this discussion be placed on the 12/8 agenda from 8-10 p.m. and that the agenda be adjusted accordingly.



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- Normal Town business will be handled between 7-8 p.m.
- **Accounts Payable**
 - Brian Collieran: \$111.78
 - CA submitted a request for mileage reimbursement for the period 1/11/2016 – 11/3/2016.
 - Because this crosses from FY2016 into FY2017, CA was asked to consult Town Accountant Lisa Gabree.
 - No further action was taken at this time.
 - Bill Daniels: \$95.00, reimbursement for attendance at MACC Forestry workshop.
 - Since the workshop provided useful information on handling Ch. 61 properties, BT asked if BD would put together a summary of what he learned and present at a future ConCom meeting.
 - JG moved to approve payment of \$95.00 to BD; GB 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 10/27/2016 as written; TT 2nd.
 - Motion approved unanimously.
- **Meeting Reminder**
 - ConCom will be holding a special meeting on Monday, 11/14, on updating the local wetland bylaw.
- **10:35 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.