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TOWN OF AYER



2017 AUG 25 PM 12:17

Anna E. Copeland

Town of Ayer Conservation Commission

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

Minutes for 7/13/2017

Location: Ayer Town Hall, 2ndFloor

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

Not Present: (Vacancy CA, Conservation Administrator; Vacancy Member)

APAC taped: Yes

7:06 PM – Open Meeting

- **Confirmation of Agenda**

- Signing the BSC contract was added.
- By request of the applicant, the Public Hearing for DEP # 100-0401 (DPW/Cross Country Water Main) was continued to 7/27/2017.
 - GB so moved; BT 2nd.
 - Motion approved unanimously.
- GB moved to confirm the agenda as amended; BT 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd.): Notice of Intent (NOI) – James Brook Riverfront Restoration, Ayer Solar I, Rohit Garg / Prometheus Power Group, 0 Rosewood Avenue, MassDEP # 100-0404**

- No one showed up for this Hearing.

- **Public Meeting (cont'd.): Request for Determination of Applicability (RDA) – Gerald Croteau, Jr., 8 Hemlock Drive**

- No one showed up for this Meeting.
 - [Per an email received 7/19/2017, Mr. Croteau indicated that he has “decided not to do any work on the banking next to the driveway.”]

- **Public Meeting: RDA – Matthew Lickteig, Property Manager, Old Towne Village Apartments, 10 Old Towne Road**

- Assessor's Map 35, parcels 8 & 10
- Mr. Lickteig previously met on site with former CA to discuss project.
- Mr. Lickteig described the proposed work listed in the RDA:
 - removal of a broken existing vinyl fence;
 - installation of a new 6 ft. chain link fence (approximately 50 ft.);
 - repair of portions of existing fence surrounding basketball and playground areas.
- BD asked that old fence posts (and concrete bases) be removed and that no material be allowed to migrate from this area into the nearby stream, 10-12 ft. away.
 - Dead branches or leaning trees can be removed but ConCom is to be called first if any big trees need to be removed.
- BD asked for a motion to issue a Negative Determination of Applicability (DOA), Box 3, with conditions that old fence posts are to be removed; no material winds up in stream; and treecutting by ConCom approval only.
 - GB so moved; BT 2nd.
 - Motion approved unanimously.



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- Mr. Lickteig will pick up the signed DOA next week in person at the Town Clerk's office.
- Mr. Lickteig then asked to discuss ongoing drainage issues in the complex's parking lot which ConCom has noted on a previous site walk to the area.
 - In the immediate future, Mr. Lickteig said he plans to have Buxton Co. do some cleanup, including re-grading and laying down of riprap, in the area by dumpsters.
 - As for drains in the parking lot that currently drain directly into the nearby stream, BD asked that these be corrected the next time the parking lot is re-paved.
 - These drains can be redirected to underground storage, such as Stormceptors, for slower filtration and dissipation.
 - As this work will require a Notice of Intent filing, an engineering plan will be needed to prepare calculations and drawings.
 - BD advised Mr. Lickteig to contact a local engineering company, such as Goldsmith, Prest & Ringwall or David E Ross Associates, for a consultation on the water runoff problem, to get an idea of what remedies are possible and ballpark costs for future budgeting.
 - BD asked that ConCom be notified after Buxton has done the clean-up work by the dumpsters.
 - BD stressed that the Commission would be very disappointed if, when the parking lot is next re-paved, the water runoff problem is not addressed.
- **Public Hearing: NOI – Ridge View Realty Trust, 77 Woodland Way (Lot 68, Pingry Hill Subdivision, Rick Roper developer), MassDEP # 100-0408**
 - Assessor's Map 36, parcel 110
 - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of applicant, and provided proof of abutter notification.
 - NOI is for construction of a new single-family house (28 x 60 ft. max. box on plan), foundation drain, roof drainage dry well, portions of driveway, subsurface utilities, lawn, and associated grading.
 - One corner of the house and yard are within the buffer zone.
 - Wetland flagging in this area has been refreshed.
 - Alteration of 5,039 sq. ft. of buffer zone is proposed; no wetlands will be altered.
 - Walkout basement proposed.
 - A double line of erosion controls is proposed during construction.
 - Closest point of work to wetlands is 38 ft.
 - A roof drain dry well set 10 ft. off from the foundation of the house is proposed.
 - The location of soil storage and a temporary settling basin during construction was accounted for at lower end of lot (see sheet 28 of 28 from subdivision plan).
 - The LOW, house corners, and driveway will be staked for the site walk.
 - A site walk was scheduled for 8 a.m. on Saturday, 7/22.
 - GB moved to continue the Public Hearing to 7/27; BT 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – Ridge View Realty Trust, 290 Woodland Way (Lot 140B, Pingry Hill Subdivision, Rick Roper developer), MassDEP # 100-0409**
 - Assessor's Map 36, parcels 175, 182 & 183



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- Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of applicant, and provided proof of abutter notification.
- NOI is for construction of a new single-family house (28 x 60 ft. max. box on plan), foundation drain, roof drainage dry well, portions of driveway, subsurface utilities, lawn, and associated grading.
 - Wetland flagging in this area has been refreshed.
 - Alteration of 12,333 sq. ft. of buffer zone is proposed; no wetlands will be altered.
 - Backyard is all at grade; no walkout.
 - A double line of erosion controls is proposed during construction.
 - Closest point of work to wetlands is 2 ft.
 - BD said the 3-1 slope in the back might be another place where ConCom will want a boulder wall or vegetated buffer.
 - The location of soil storage and a temporary settling basin during construction was accounted for at lower end of lot (see sheet 28 of 28 from subdivision plan).
 - A roof drain dry well set 10 ft. off from the foundation of the house is proposed.
- The LOW, house corners, and driveway will be staked for the site walk.
 - A site walk was scheduled for 8 a.m. on Saturday, 7/22.
- GB moved to continue the Public Hearing to 7/27; BT 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – Ridge View Realty Trust, 143 Hemlock Drive (Lot 146A, Pingry Hill Subdivision, Rick Roper developer), MassDEP # 100-0410**
 - Assessor's Map 36, parcels 120, 121, 183 & 184
 - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of applicant, and provided proof of abutter notification.
 - NOI is for construction of a new single-family house (28 x 60 ft. max. box on plan), foundation drain, roof drainage dry well, portions of driveway, subsurface utilities, lawn, and associated grading.
 - Wetland flagging in this area has been refreshed.
 - Alteration of 13,153 sq. ft. of buffer zone is proposed; no wetlands will be altered.
 - Backyard depth of 25 ft. with a walkout basement.
 - A double line of erosion controls is proposed during construction.
 - Closest point of work to wetlands is 7 ft.
 - Mr. Mullaney said a 10 ft. drop-off in the back should provide visible discouragement to future homeowner re encroachment into wetlands.
 - BD asked if there was any reason the backyard could not be pulled back a bit further to leave more of a natural buffer.
 - Mr. Mullaney said an alternative would be to build a rock border wall to the side slope.
 - BD said this was preferable as a means of protecting the resource area.
 - The use of boulders and signs was also mentioned.
 - The location of soil storage and a temporary settling basin during construction was accounted for (see sheet 28 of 28 from subdivision plan).
 - A roof drain dry well set 10 ft. off from the foundation of the house is proposed.
 - The LOW, house corners, and driveway will be staked for the site walk.
 - A site walk was scheduled for 8 a.m. on Saturday, 7/22.
 - GB moved to continue the Public Hearing to 7/27; BT 2nd.



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- Motion approved unanimously.
- **Public Hearing: NOI – Ridge View Realty Trust, 165 Hemlock (Lot 78B, Pingry Hill Subdivision, Rick Roper developer), MassDEP # 100-0411**
 - Assessor's Map 36, parcels 119 & 120
 - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of applicant, and provided proof of abutter notification.
 - NOI is for construction of a new single-family house (28 x 60 ft. max. box on plan), foundation drain, roof drainage dry well, portions of driveway, subsurface utilities, lawn, and associated grading.
 - Wetland flagging in this area has been refreshed.
 - Alteration of 12,923 sq. ft. of buffer zone is proposed; no wetlands will be altered.
 - Walkout basement proposed.
 - A double line of erosion controls is proposed during construction.
 - Closest point of work to wetlands is 2 ft.
 - ConCom will pay particular attention to a wetland finger at the northeast corner of the lot where the closest work to resource area will take place.
 - Mr. Mullaney indicated that the backyard could potentially be reduced in size to protect this area.
 - The location of soil storage and a temporary settling basin during construction was accounted for at lower end of lot (see sheet 28 of 28 from subdivision plan).
 - A roof drain dry well set 10 ft. off from the foundation of the house is proposed.
 - The LOW, house corners, and driveway will be staked for the site walk.
 - A site walk was scheduled for 8 a.m. on Saturday, 7/22.
 - GB moved to continue the Public Hearing to 7/27; BT 2nd.
 - Motion approved unanimously.
- **Public Hearing: Request for Amendment to Order of Conditions – Ridge View Realty Trust, 130 Woodland Way (Lot 134A, Pingry Hill Subdivision, Rick Roper developer), MassDEP # 100-0275**
 - Assessor's Map 36, parcel 177
 - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of applicant, and provided proof of abutter notification.
 - Note: For original OOC (issued 6/9/2005), Lot 134A was formerly Lot 135; 130 Woodland Way (aka Street K) was formerly 221 Woodland Way.
 - The initial OOC has been extended several times and is currently effective until 6/9/2018.
 - Design changes to the roadway in this portion of the subdivision account for the change in lot plans.
 - (Also see the Woodland Way Modification, MassDEP # 100-0393)
 - OOC is for construction of a new single-family house, foundation drain, roof drainage dry well, portions of driveway, subsurface utilities, lawn, and associated grading.
 - Wetland flagging in this area has been refreshed.
 - Alteration of 8,457 sq. ft. of buffer zone is proposed; no wetlands will be altered.
 - A double line of erosion controls is proposed during construction.
 - Closest point of work to wetlands is 16 ft.
 - While the proposed house location is closer to the wetlands, BD noted that it is still 16. ft. away and that the lot is relatively flat.
 - A roof drain dry well set 10 ft. off from the foundation of the house is proposed.



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- The location of soil storage and a temporary settling basin during construction was accounted for at lower end of lot.
 - A recharge basin (per 100-0393) is currently under construction.
 - Given the flatness of the yard, ConCom will pay attention to how the yard may best be demarcated from extension into the resource area.
 - The LOW, house corners, and driveway will be staked for the site walk.
 - Site walk was scheduled for 8 a.m. on Saturday, 7/22.
 - GB moved to continue the Public Hearing to 7/27; BT 2nd.
 - Motion approved unanimously.
- **Public Hearing: Request for Amendment to Order of Conditions – Ridge View Realty Trust, 150 Hemlock Drive (Lot 79B, Pingry Hill Subdivision, Rick Roper developer), MassDEP # 100-0282**
 - Assessor's Map 36, parcels 120-122
 - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of applicant, and provided proof of abutter notification.
 - Note: For original OOC (issued 6/9/2005), Lot 79B was formerly Lot 79; 150 Hemlock Drive was formerly 38 Woodland Way (aka Street K).
 - The initial OOC has been extended several times and is currently effective until 6/9/2018.
 - Design changes to the roadway in this portion of the subdivision account for the change in lot plans.
 - (Also see the Woodland Way Modification, MassDEP # 100-0393)
 - OOC is for construction of a new single-family house (28 x 60 ft. max. box on plan), foundation drain, roof drainage dry well, portions of driveway, subsurface utilities, lawn, and associated grading.
 - Wetland flagging in this area has been refreshed.
 - Alteration of 11,800 sq. ft. of buffer zone is proposed; no wetlands will be altered.
 - A walkout basement is proposed.
 - A double line of erosion controls is proposed during construction.
 - ConCom will pay close attention to this lot because of its proximity to wetlands and the relatively level grade at the closest point of activity to this area.
 - A roof drain dry well set 10 ft. off from the foundation of the house is proposed.
 - The location of soil storage and a temporary settling basin during construction was accounted for.
 - The LOW, house corners, and driveway will be staked for the site walk.
 - Site walk was scheduled for 8 a.m. on Saturday, 7/22.
 - GB moved to continue the Public Hearing to 7/27; BT 2nd.
 - Motion approved unanimously.
- **Discussion: BSC Group Contract**
 - As voted on by ConCom the previous night (7/12), and per Town Administrator Robert Pontbriand's request, BD signed the contract.
 - BD noted that the person supplied by BSC Group will work on Tuesdays and Thursdays.
 - On Thursdays when ConCom holds its meetings, the 8-hour schedule will be adjusted to a later arrival so that the temporary CA may attend the meetings.
 - JG will deliver the signed contract to Mr. Pontbriand for his signature on the following day (7/14).



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- **Approval of Meeting Minutes**

- GB moved to accept the minutes for 6/8/2017 as written; BT 2nd.
 - Motion approved unanimously.
- GB moved to accept the minutes for 6/22/2017 as written; BT 2nd.
 - Motion approved unanimously.

- **Accounts Payable**

- Brian Collieran: \$43.60, final mileage reimbursement.
 - GB moved to approve payment of \$43.60; BT 2nd.
 - Motion approved unanimously.
- Solitude Lake Management: \$24,500, Task 3, including treatments of Flannagan and Sandy ponds.
 - Noting that the accepted bid from Solitude totals \$61,500, GB moved to approve payment of \$24,500; BT 2nd.
 - Motion approved unanimously.
- MACC: \$335, annual dues for Mass. Association of Conservation Commissions, covering Commission members (\$275) with \$60 added for Conservation Administrator (name to be provided to MACC after hiring).
 - GB moved to approve payment of \$335; BT 2nd.
 - Motion approved unanimously.

- **Announcements**

- An announcement from the EPA noted that the EPA and the U.S. Army are proposing a rule to rescind the Clean Water Rule and recodify pre-2015 regulatory text defining “waters of the United States.”
 - As a similar announcement from MACC noted, this move, if successful, will end federal protections of many wetlands and waters, removing them from federal Clean Water Act jurisdiction.
 - This is related to President Trump’s 2/28/2017 Executive Order on “Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the ‘Waters of the United States’ Rule.”
- An announcement from MACC (7/7/2017) noted State Senate Bill 94 containing proposed amendments to the Wetlands Protection Act.
 - If successful, this would make it impossible for cities and towns to adopt non-zoning wetlands ordinances and bylaws to provide additional protections to wetlands.
 - It would also require that appeals of local laws go to MassDEP, not to court.

- **ConCom Office**

- JG will write a response to DPW Superintendent Mark Wetzel’ 6/22 memo regarding “potential stormwater management responsibilities” that might be added to the Conservation Administrator’s job.
 - ConCom will ask Mr. Wetzel to pick the top 3 priorities from his extensive list.
- Potential Enforcement Order, 143 Oak Ridge
 - According to BT, creation of a new private beach on Flannagan Pond, without permitting from ConCom, has been noted by area residents.
 - ConCom will have the person from BSC Group look into this.



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- The Certificate of Compliance (COC) for Orion Realty Trust (MassDEP # 100-0222), as voted on 6/22/2017, was signed.

- **9:28 PM – Adjourn Meeting**

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

Documents Referenced During This Meeting:

RDA submitted for Old Towne Village
NOI submitted for 143 Hemlock Drive (MassDEP # 100-0410)
NOI submitted for 290 Woodland Way (MassDEP # 100-0409)
NOI submitted for 165 Hemlock Drive (MassDEP # 100-0411)
NOI submitted for 77 Woodland Way (MassDEP # 100-0408)
Request for Amendment to OOC, 130 Woodland Way (MassDEP # 100-0275)
Request for Amendment to OOC, 150 Hemlock Drive (MassDEP # 100-0282)
COC for Orion Realty Trust (MassDEP # 100-0222), for signing only

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission:

7/27/2017

Signature Indicating Approval:

Jessica G. Gugino