

RECEIVED  
TOWN CLERK  
TOWN OF AYER



2017 DEC -1 AM 10 **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 11/9/2017

*Musunopeland*  
Location: Ayer Town Hall, 1st Floor

Present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Bonnie Tillotson (BT, Member), Jessica Gugino (JG, Member/Clerk), Jo-Anne Crystoff, (CA, Conservation Administrator)

Not Present: (Vacancy Member)

APAC taped: Yes

**7:00 PM – Open Meeting**

- **Confirmation of Agenda**

- GB moved to confirm the agenda as posted; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Approval of Meeting Minutes**

- GB moved to accept the minutes for 10/26/2017 as written; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Accounts Payable**

- Solitude Lake Management: \$600.00, for toxic chemical sampling of Water Chestnut in Grove Pond.
  - GB moved to approve payment of \$600.00 to Solitude; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- Sun Enterprises: \$762.41, legal notices for Public Hearings and Meetings.
  - GB moved to approve payment of \$762.41; BT 2<sup>nd</sup>.
    - Motion approved unanimously.

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

- Mr. Houde met earlier in the day with Building Inspector Charles Schultz, with CA present as well.
  - Feedback from Mr. Schultz reviewing Mr. Houde's rudimentary plan sketches included:
    - concern that the cement-filled sonotubes were not dug to a depth below the frost line (4 ft.);
    - there was no prior approval nor inspection of the piers;
      - digging down next to the piers to assess their actual depth may be necessary if project is to continue;
    - a rock indicated on the sketch as part of the support is not stable enough to support the bridge;
    - a stamped engineered design plan is required by both Mr. Schultz and ConCom in order to proceed.
- Mr. Houde has already received some advice from Cal Goldsmith, of Goldsmith, Prest & Ringwall (GPR) and should return to them for official plans.
  - Mr. Houde said he would email GPR tonight or tomorrow and try to meet with Mr. Goldsmith next week.



# Commission of Water Conservation

Room 414, New York City Hall, New York City  
978-773-8310

Location: New York City Hall, 1st Floor  
President: Bill D'Amico (NYC Council Member, District 11)  
Vice President: George F. Pataki (NYC Council Member, District 11)  
Secretary: Anne (Pataki) (NYC Council Member, District 11)  
Members: (NYC Council Members, Districts 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100)

7:00 PM - Open Meeting

7:00 PM - Open Meeting

## Continuation of Agenda

- CB moved to continue the agenda as printed in the agenda.
- Motion approved unanimously.

## Approval of Standing Minutes

- CB moved to accept the minutes from the 10/20/07 meeting as printed in the agenda.
- Motion approved unanimously.

## Accounts Payable

- 20/10/07 Accounts Payable Management: 20/10/07 Accounts Payable Management of Water Conservation Commission in New York City.
- Motion approved unanimously.

- CB moved to approve payment of \$600.00 to 20/10/07.
- Motion approved unanimously.

## Accounts Payable

- 20/10/07 Accounts Payable Management: 20/10/07 Accounts Payable Management of Water Conservation Commission in New York City.
- CB moved to approve payment of \$2,000.00 to 20/10/07.
- Motion approved unanimously.

## Discussion: Robert M. Pataki, Mayor of New York City

- At 7:00 PM, Mayor Robert M. Pataki, Mayor of New York City, joined the meeting. Mayor Pataki, with C.A. present, discussed the agenda.
- Mayor Pataki, with C.A. present, discussed the agenda.

- Feedback from the 20/10/07 meeting: Mayor Pataki, Mayor of New York City, discussed the agenda.
- Mayor Pataki, with C.A. present, discussed the agenda.

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*M. Popland*

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- BD stressed that if Mr. Houde could find a way to work with GPR, that would be great, but regardless, the sonotubes – which stick up above ground several inches – cannot be left in their current state over the winter.
  - Covered by snow, they would present an injury risk to unwary residents.
  - If the piers are approved by Mr. Schultz, are to stay, and the project is to move forward, then something needs to be done to secure the area safely.
  - If the project does not go forward, however, the piers will need to be removed, with approval by ConCom.
- Both BD and CA stressed that the project had turned out much harder than anticipated.
  - If the project is more than Mr. Houde can handle, then the project can be terminated.
  - ConCom will work with him to achieve a positive outcome.
- Summarizing, if the project is to move forward, Mr. Houde needs to confer with GPR; work with the Building Inspector to fulfill his requirements, including a stamped engineered plan; work with ConCom to secure the legal permits to work on the bridge, including provision of the stamped plan and approval by the Building Inspector.
  - Alternatively, if Mr. Houde decides the project is more than he can handle, a decision needs to be made in order to plan for the removal of the sonotubes before snow cover.
- Mr. Houde did not have any questions for ConCom.
- Mr. Houde needs to keep CA apprised of developments.
- He and his project will be placed on ConCom's agenda for 11/30/2017.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – 231 Snake Hill Road, White Horse Builders LLC, MassDEP # 100-0412**
  - Drafts of the Order of Conditions (OOC), which includes several Project Specific Conditions, have been exchanged between CA and Rob Oliva, of David E. Ross Associates, until a final version was agreed upon.
  - GB moved to issue the final OOC and close the Public Hearing for 100-0412; BT 2<sup>nd</sup>.
    - Motion approved 3-1 (JG voted nay); the OOC was signed.
- **Public Hearing (cont'd.): NOI – 114 Pleasant Street (Riley Jayne Farm), Restoration Plan, Onyx Corporation, MassDEP # 100-0415**
  - GB moved to issue the final OOC and close the Public Hearing for 100-0415; BT 2<sup>nd</sup>.
    - Motion approved unanimously; the OOC was signed.
- **Public Meeting: Request for Determination of Applicability (RDA) – 15 Oak Ridge Drive, Bonnie and Geoffrey Tillotson**
  - BT temporarily recused herself from her position on the Commission.
  - Mr. Tillotson represented the application before ConCom.
    - A checks for \$81.26 was given to CA as reimbursement for the legal ad.
  - The project seeks to replace the existing deck on the back of the house with a new deck using the same footprint.
    - The distance from the deck to the shore of Flannagan Pond is approximately 63 ft.
    - Construction of the replacement deck will use new footings, either sonotubes or another form of low-impact construction.
      - Not a lot of excavation for the footings is anticipated.
    - The deck has not yet been designed but Mr. Tillotson said he anticipated the use of 6 or 8 footing supports, about 8 ft. off the foundation.





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*M. M. Copeland*

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- Soil taken from the excavated footings will be used in the front of the house, 250 ft. from the pond.
  - A silt sock will be used to protect the deck area.
  - CA has performed a site visit and saw no issues of concern with the project as described.
  - GB moved to issue a Negative Determination of Applicability (DOA); JG 2<sup>nd</sup>.
    - Motion approved unanimously (3-0).
- **Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 150 Woodland Way (formerly 193, Lot 135B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0279**
  - Assessors Map 36, parcel 178
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - The OOC was not yet ready for signing.
    - With Mr. Mullaney's permission ("yes"), GB moved to continue the Public Hearing for 100-0279 to 11/30/2017; BT 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 166 Woodland Way (formerly 159, Lot 136B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0274**
  - Assessors Map 36, parcels 178 & 179
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - The OOC was not yet ready for signing.
    - With Mr. Mullaney's permission ("si"), GB moved to continue the Public Hearing for 100-0274 to 11/30/2017; BT 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Public Hearing (cont'd.): Request for Amendment to Order of Conditions (OOC) – 186 Woodland Way (formerly 123, Lot 137B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0280**
  - Assessors Map 36, parcel 180
  - The OOC was not yet ready for signing.
    - With Mr. Mullaney's permission ("by all means"), GB moved to continue the Public Hearing for 100-0280 to 11/30/2017; BT 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 169 Woodland Way (Lot 71A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0413**
  - Assessors Map 36, parcels 112 & 113
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - The OOC was not yet ready for signing.
    - With Mr. Mullaney's permission ("of course"), GB moved to continue the Public Hearing for 100-0413 to 11/30/2017; BT 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 207 Woodland Way (Lot 74A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0414**
  - Assessors Map 36, parcels 115 & 116
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.





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*Mulligan*

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- The OOC was not yet ready for signing.
  - With Mr. Mullaney's permission ("oui"), GB moved to continue the Public Hearing for 100-0414 to 11/30/2017; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Meeting (cont'd): RDA – 252 Woodland Way (Lot 138B), Pingry Hill), Ridge View Realty Trust**
  - Assessors Map 36, Parcels 179 & 180
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - A site walk took place on 11/4/2017, where it was noticed that a number of trees beyond the Limit of Work (LOW) lean toward the lot and the house location, making it likely some additional trees may need to be cut down for safety reasons.
    - Concern was also expressed about the likelihood of a future homeowner, unawares, seeking to expand the yard into the resource area.
  - GB moved to issue a Negative DOA with the following conditions; BT 2<sup>nd</sup>.
    - A condition requiring the placement of 4 conservation signs on trees at the edge of the LOW;
    - A condition saying that "any trees beyond the LOW are to be marked and reviewed by CA prior to cutting."
  - Motion approved unanimously and the DOA was signed.
- **Public Meeting (cont'd.): RDA – 273 Woodland Way (Lot 143A, Pingry Hill), Ridge View Realty Trust**
  - Assessors Map 36, parcel 182
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - Following comments made at the last Meeting and at the site walk on 11/4, and after consultation with the developer, Mr. Mullaney has now submitted a revised plan.
    - The slope in the backyard will be cleared for grading.
    - Posts with conservation signs will be placed at the top of the hill to discourage mowing, etc.;
    - Once graded the slope will be seeded and then allowed to naturalize.
  - GB moved to issue a Negative DOA with the following condition; BT 2<sup>nd</sup>.
    - BD wrote in the condition that posts with signs are to be placed at the top of the slope, elevation 310', and the graded slope is to naturalize without homeowner interference.
  - Motion approved unanimously and the DOA signed.
- **Public Hearing (cont'd.): NOI -- 219 Woodland Way (Lot 75A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0416**
  - Assessors Map 36, parcels 116 & 117
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - A site walk took place on 11/4/2017.
  - Following comments at the last Hearing, Mr. Mullaney consulted with the developer and subsequently submitted a revised plan showing the addition of a rosa rugosa hedgerow between the yard and the fenced in basin.
  - BT said in her opinion that the wetland in the area is not acting as wetland anymore.
    - Mr. Mullaney said it was an unusual wetland from the start.



# Town of Ayr Conservation Commission

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The OOC was not ready for signing.  
With the OOC's permission (cont.) OOC will go to continue the Public Hearing for  
the 11/19/2017 BT 2nd  
Motion approved unanimously

Public Hearing (cont'd) 11/19 - 221 Woodland Way (Lot 1180) Piggy Hill Ridge / New River  
Town

Assessors / Map of 11/19/2017  
Steve / Anthony of N. L. Anthony Engineering was present on behalf of the applicant.  
A site plan took place on 11/19/17. There it was noted that a number of trees beyond the  
limit of 100' (100' from the road) and the road location, making it likely some  
additional trees may need to be cut down for safety reasons.  
\* Concern was also expressed about the likelihood of a future homeowner, new owner  
seeking to cut down the trees and the road location.  
OOC moved to issue a DCA with the following conditions: BT 2nd  
\* A condition requiring the applicant to maintain the trees on the road in the  
of the OOC.

\* A condition requiring that any trees and the 100' are to be treated and  
maintained by OOC prior to cutting.

\* A condition requiring the applicant to maintain the trees and the 100' are to be treated and

Public Hearing (cont'd) 11/19 - 221 Woodland Way (Lot 1180) Piggy Hill Ridge / New River  
Town

Assessors / Map of 11/19/2017  
Steve / Anthony of N. L. Anthony Engineering was present on behalf of the applicant.  
Following comments made in the last meeting on 11/19/2017 and after consultation  
with the developer, N. L. Anthony has now submitted a revised plan.  
\* The trees on the road and the road location, making it likely some  
\* Trees with some small signs will be placed at the top of the hill to discourage motorist.  
\* A condition requiring the applicant to maintain the trees and the 100' are to be treated and  
OOC moved to issue a DCA with the following conditions: BT 2nd  
\* A condition requiring the applicant to maintain the trees on the road in the  
of the OOC.  
\* A condition requiring that any trees and the 100' are to be treated and  
maintained by OOC prior to cutting.

Public Hearing (cont'd) 11/19 - 221 Woodland Way (Lot 1180) Piggy Hill Ridge / New River  
Town

Assessors / Map of 11/19/2017  
Steve / Anthony of N. L. Anthony Engineering was present on behalf of the applicant.  
A site plan took place on 11/19/17.  
Following comments made in the last meeting, Mr. Anthony, consulted with the developer and  
subsequently submitted a revised plan showing the location of a new access road between  
the road and the road location.  
\* A condition requiring the applicant to maintain the trees on the road in the  
of the OOC.  
\* A condition requiring that any trees and the 100' are to be treated and  
maintained by OOC prior to cutting.





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- Mr. Mullaney said much of the clearing that BT expressed concern about was done under the separate infrastructure OOC (#100-0393) and was not applicable to this NOI submission.
  - Mr. Mullaney said that for this lot, stormwater is directed away from the house and unlikely to create water problems for the homeowner.
  - Boulders placed 10' on center will be used to prevent the homeowner from expanding the yard into the wetland area.
    - CA asked for posts and signs to be placed within the boulder line.
  - ConCom members expressed concern about the layout of the driveway and access to the basin, with the possibility of snow being plowed into the basin/forebay.
    - BD said ConCom will have to keep an eye on this and issue an Enforcement Order in the event this plowing violation occurs.
  - GB moved to approve the project and issue a draft OOC for review for 100-0416; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to continue the Public Hearing to 11/30/2017; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI -- 237 Woodland Way (Lot 76A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0417**
  - Assessors Map 36, parcels 117 & 118
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - A site walk took place on 11/4/2017.
  - Special Conditions to be added to the OOC are:
    - requiring the use of boulders from the top of the retaining wall out to the street to further demarcate the area and discourage homeowner encroachment into the wetland or onto the adjoining property;
    - requiring the use of posts with conservation signs at the top of the retaining wall.
  - GB moved to approve the project and issue a draft OOC for review for 100-0417; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to continue the Public Hearing to 11/30/2017; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI -- 270 Woodland Way (Lot 139B, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0419**
  - Assessors Map 36, parcels 178, 179 & 182
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - A site walk took place on 11/4/2017.
  - This was an easy lot to evaluate, especially given that the wetland resource area is uphill from the house.
  - GB moved to approve the project and issue a draft OOC for review for 100-0419; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to continue the Public Hearing to 11/30/2017; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI -- 259 Woodland Way (Lot 142A, Pingry Hill), Ridge View Realty Trust, MassDEP # 100-0418**
  - Assessors Map 36, parcels 181 & 182





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*Steve Mullaney*

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
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- Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
- A site walk took place on 11/4/2017.
- Following comments at the last Hearing, Mr. Mullaney consulted with the developer and subsequently submitted a revised plan (version 5 of 2-D-74) that shows the boulder line relocated from the bottom of the slope to the top.
  - The requirement of conservation signs and signposts in between the boulders will be added to the OOC.
  - The slope will be seeded after grading, then allowed to naturalize.
- GB moved to approve the project and issue a draft OOC for review for 100-0418; BT 2<sup>nd</sup>.
  - Motion approved unanimously.
- GB moved to continue the Public Hearing to 11/30/2017; BT 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Discussion: Request for Certificate of Compliance (COC) – 97 Holly Ridge Road (Lot 29, Pingry Hill Subdivision), Crabtree Development LLC, MassDEP # 100-0375**
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - A site walk took place on 11/4/2017.
  - Mr. Mullaney submitted the COC request, a signed and stamped As-Built (by Mark K. Wheeler, of David E. Ross Associates, 10/19/2017) and a 10/20/2017 letter from Mr. Mullaney attesting that the work conforms with the OOC or noting and explaining what variations occurred.
  - The As-Built shows a number of changes made from the approved plans:
    - the house area in the buffer zone increased from 1564 sq. ft. to 2654 sq. ft.;
    - the house is set 37 ft. from the street rather than 43 ft.;
    - the house is set 42 ft. from the wetland rather than 62 ft.;
    - the house depth increased from 28 ft. to 46 ft.;
    - a 142 sq. ft. deck with steps attached to the rear of the house was added and is 47 ft. from the wetland;
    - the rear yard depth is 14 ft. rather than 23 ft.;
    - a 72 sq. ft., 45 ft. long block retaining wall was added between the rear yard and Stormwater Basin 5508, and is 34 ft. from the wetland;
    - signs spaced 50 ft. apart had not yet been installed between the basin and the wetlands.
      - At the time of the site walk on 11/4, these signs had now been installed.
  - On the site walk, it was also observed that a French Drain had been added running from the street to the basin on the right side of the house.
    - CA said the roof drain goes into the ground but does not appear to come out, and a mystery pipe was observed at the base of the retaining wall.
  - In explaining these discrepancies, Mr. Mullaney said that Crabtree Development had sold the lot, prior to its development, to Annette Moore and the lot was subsequently developed by her son, C. J.. Moore.
    - Crabtree Development decided it was still their responsibility as the initial applicant of record to submit the application for a COC but to disclose their findings to ConCom and let the Commission decide on enforcement.
  - BD said ConCom will not be issuing a COC for this lot at this time and will reach out to the Moore's to have them come in and discuss the major changes made from the approved plans, as well as any plans for future work on the lot.
    - After discussion, ConCom will issue a Violation Notice to the homeowner as a means of having them meet with ConCom to discuss amending the OOC.



# Town of Ayer Conservation Commission

Town Hall - One Main Street - Ayer, MA 01432  
Phone: 978-239-1111

- Steve Williams, 211 Mill Street, Ayer, MA 01432, is the applicant.
  - A site walk took place on 11/14/2017.
  - Following comments in the last meeting, the applicant was requested to provide a site plan showing the location of the proposed structure and the location of the proposed driveway.
  - The requirement of conservation easement was discussed and it was determined that the easement will be added to the OGC.
  - The site plan was revised and resubmitted to the OGC.
  - OGC moved to approve the application and issue a final OGC decision on 11/14/2017.
  - Motion approved by unanimous vote.
  - OGC moved to continue the public hearing to 11/20/2017.
  - Motion approved by unanimous vote.
- Discussion: Request for clarification of language (OGC) - 11/14/2017, Bridge Street (1 of 3) 11/14/2017
- Steve Williams, 211 Mill Street, Ayer, MA 01432, is the applicant.
- A site walk took place on 11/14/2017.
  - Following comments in the last meeting, the applicant was requested to provide a site plan showing the location of the proposed structure and the location of the proposed driveway.
  - The requirement of conservation easement was discussed and it was determined that the easement will be added to the OGC.
  - The site plan was revised and resubmitted to the OGC.
  - OGC moved to approve the application and issue a final OGC decision on 11/14/2017.
  - Motion approved by unanimous vote.
  - OGC moved to continue the public hearing to 11/20/2017.
  - Motion approved by unanimous vote.
- Discussion: Request for clarification of language (OGC) - 11/14/2017, Bridge Street (2 of 3) 11/14/2017
- Steve Williams, 211 Mill Street, Ayer, MA 01432, is the applicant.
- A site walk took place on 11/14/2017.
  - Following comments in the last meeting, the applicant was requested to provide a site plan showing the location of the proposed structure and the location of the proposed driveway.
  - The requirement of conservation easement was discussed and it was determined that the easement will be added to the OGC.
  - The site plan was revised and resubmitted to the OGC.
  - OGC moved to approve the application and issue a final OGC decision on 11/14/2017.
  - Motion approved by unanimous vote.
  - OGC moved to continue the public hearing to 11/20/2017.
  - Motion approved by unanimous vote.
- Discussion: Request for clarification of language (OGC) - 11/14/2017, Bridge Street (3 of 3) 11/14/2017
- Steve Williams, 211 Mill Street, Ayer, MA 01432, is the applicant.
- A site walk took place on 11/14/2017.
  - Following comments in the last meeting, the applicant was requested to provide a site plan showing the location of the proposed structure and the location of the proposed driveway.
  - The requirement of conservation easement was discussed and it was determined that the easement will be added to the OGC.
  - The site plan was revised and resubmitted to the OGC.
  - OGC moved to approve the application and issue a final OGC decision on 11/14/2017.
  - Motion approved by unanimous vote.
  - OGC moved to continue the public hearing to 11/20/2017.
  - Motion approved by unanimous vote.



2017 DEC -1 AM 10: 32

*Nmu Opeland*

## **Town of Ayer Conservation Commission**

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- This will be necessary in order for ConCom to consider approving the issuance of a COC down the road.
- **Discussion: Request for COC: 113 Holly Ridge Road (Lot 30, Pingry Hill Subdivision), Crabtree Development, LLC, MassDEP # 100-0376**
  - Steve Mullaney, of S. J. Mullaney Engineering, was present on behalf of the applicant.
  - A site walk took place on 11/4/2017; the homeowner happened to be present then as well.
  - Mr. Mullaney submitted the COC request, a signed and stamped As-Built (by Mark K. Wheeler, of David E. Ross Associates, 10/19/2017) and a 10/20/2017 letter from Mr. Mullaney attesting that the work conforms with the OOC or noting and explaining what variations occurred.
  - Mr. Mullaney's 10/20 letter noted some slight improvements added to the approved plans:
    - a row of boulders installed by the homeowner between the rear yard and Basin 5508, 34 ft. from the wetland;
    - a row of boulders installed along the easterly side of the lot line, 59 ft. from the wetland;
    - signs spaced 50 ft. apart had not yet been installed between the basin and the wetlands.
      - At the time of the site walk on 11/4, these signs had now been installed.
  - GB moved to issue a COC for 100-0376; BT 2<sup>nd</sup>.
    - Motion approved unanimously and the COC was signed.
- **Added Discussion: Pingry Hill clearing**
  - BD asked CA to meet with Desheng Wang at Pingry Hill to review the clearing that has taken place under the infrastructure OOC and to ensure that no unpermitted clearing has taken place.
- **Conservation Commission Office Updates**
  - ConCom reviewed CA's written updates, dated 11/9/2017.
  - This included details about ongoing field inspections at large-scale development sites as well as individual residential sites:
    - Kohler Place
      - Unused sod has been dumped beyond the erosion controls at Lot 3 and debris from a fallen tree has been cut up there as well.
      - CA has not had a response from A. J. Bergin to her email and will contact him again.
    - Horizontal Directional Drilling, Wright Road Water Main Extension
      - CA noted that the horizontal directional drilling project to connect the Wright Road water main to the Sandy Pond Road water main is about to get underway.
    - Rosewood Avenue Extension
      - CA is awaiting word from DPW Superintendent Mark Wetzel about the water issues from beaver damming at this site.
      - Mr. Wetzel meanwhile asked CA to ask ConCom for their position on trapping and killing area beavers.
        - Beavers will repopulate regardless; ConCom prefers an approach that seeks to confuse and deceive the beavers rather than killing them.
        - Regarding the money remaining in ConCom's beaver line item, JG said the Commission should be mindful of needing some of this money to now pay for an annual maintenance contract with Beaver Solutions for





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## Town of Ayer Conservation Commission

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the beaver deceivers already installed (at Long Pond dam, Rock Meadow Pond, and Nonacoicus Brook behind the Fire Station).

### ▪ Ayer Solar I

- No planting for the James Brook Restoration Area has yet been done.
  - In a brief conversation with Kyle Burchard, of GPR, earlier in the day, Mr. Burchard indicated he wanted to wait until spring.
  - CA explained to him that spring planting would be more expensive than now, when plants are dormant, and that it would likely involve time-consuming watering during the summer months.

### ▪ 29 Jonathan Drive

- Following recent heavy rain events, CA inspected the site and noted no washouts occurred.
- At the same time, she noted that the rain garden area held up well but has not yet been planted.

### ▪ 121 Oak Ridge Drive

- The existing deck has been detached and stored beyond the erosion control line;
- The cellar hole has been excavated and it appears that the next step is waiting for foundation forms.

### ▪ 2 Sandy Way

- CA was unable to visit the site but did observe a large crane for tree removal at the site.
- Meanwhile, CA also talked to MassDep Circuit Rider Judy Schmitz about how to handle the unpermitted work at this location.
  - Ms. Schmitz recommended:
    - issuance of an Enforcement Order with a Cease & Desist;
    - no more vegetation removal work to be done at this time;
    - removal of the temporary dock;
  - ConCom can also consider requiring that the vegetation removal (including roots) that has already been done be evaluated by a professional wetland scientist.
  - Mr. McGuane to be advised that if he wants to legally pursue further ground and resource disturbing activities, he must do so through the NOI process.
- Ms. Schmitz also said that the Ch. 91 dock licensing process has been simplified.
  - In Mr. McGuane's case, an NOI and a Ch. 91 dock license should be pursued simultaneously.
  - BD said ConCom should see if Ms. Schmitz could come to a meeting and discuss the changed Ch. 91 process in person, perhaps in January.
    - ConCom could send a letter to residents on the ponds who would be invited to attend.

### ○ Future ConCom Meetings

- Over the winter, ConCom should pursue:
  - contacting residents with pro-active letters reaching out to inform them of the Wetland Protection Act and resulting limitations of activities permitted within the 100 ft. buffer zone;
  - taking up work again on revising Ayer's local wetland bylaw;





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*[Handwritten signature]*

## **Town of Ayer Conservation Commission**

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- developing Policies & Procedures for administration of the newly-approved Conservation Fund.
  - GB suggested ConCom form a subcommittee to work on this with members of ConCom, the Community Preservation Committee (CPC), and participation from Town Administrator Robert Pontbriand.
- 10:05 PM – Adjourn Meeting
  - GB moved to adjourn; BT 2<sup>nd</sup>.
    - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission:

11.30.17

Signature Indicating Approval:

*[Handwritten signature]*