



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 1/11/2018

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), Jon Schmalenberger (JS, Member), Jo-Anne Crystoff, (CA, Conservation Administrator)

APAC taped: Yes

### 7:15 PM – Open Meeting

- **Confirmation of Agenda**

- The discussion item with Town Administrator Pontbriand was cancelled.
- A brief discussion with CPC Chair Janet Providakes was added.
- GB moved to confirm the agenda as amended; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Accounts Payable**

- W. B. Mason: \$30.60, for office supplies (pads, tabs, notebooks).
  - GB moved to approve payment of \$30.60; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- W. B. Mason: \$6.40, for office supplies (desk calendar).
  - GB moved to approve payment of \$6.40; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- W. B. Mason: \$10.19, for office supplies (date stamp).
  - GB moved to approve payment of \$10.19; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- Solitude Lake Management: \$1000, completion of final task, year-end project report.
  - CA confirmed that the 'proprietary information disclaimer' has been removed from the report.
  - In addition, a notarized statement from Solitude confirming the attainment of 2017 treatment goals has been received.
  - GB moved to approve payment of \$1000; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- MSMCP (Mass. Society of Municipal Conservation Professionals): \$20.00, annual membership.
  - GB moved to approve payment of \$20; BT 2<sup>nd</sup>.
    - Motion approved unanimously.

- **Approval of Meeting Minutes**

- GB moved to accept the minutes for 11/30/2017 as written; JG 2<sup>nd</sup>.
  - Motion approved 3-0 (BT and JS abstained).
- GB moved to accept the minutes for 12/14/2017 as written; BT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Public Hearing: Notice of Intent (NOI) – 217 West Main Street, Calco LLC, MassDEP # 100-0420**

- Assessors Map 32, Parcel 51.
- Present were: Kyle Burchard and Cal Goldsmith, of Goldsmith, Prest & Ringwall (GPR); environmental consultant Scott Smyers, of Oxbow Associates; and property owner Calvin Moore, of Calco.



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 1/11/2018

- Mr. Burchard led the presentation.
- The project seeks an Order of Conditions (OOC) for the commercial construction of five buildings to house individual storage units.
  - One of the buildings would also house an office, with associated water/sewer hook-up.
  - The parcel is 7.25 acres, with Bordering Vegetated Wetlands (BVW) running along the eastern edge and continuing onto the rear of the property.
  - Willow Brook (aka Willow Branch) runs along the western edge of the property, as designated on USGS mapping.
  - The parcel is also located within the Squannassit ACEC (Area of Critical Environmental Concern) as well as within the Zone 2 Floodplain.
- Proposed work involves the five buildings, driveway, grading, paving, associated tree-clearing, a couple retaining walls, frontage landscaping, stormwater drainage/infiltration treatment basins on the eastern and western front corners of the project, and a compensatory replication cut to make up for a small amount (2030 sq. ft.) of floodplain encroachment.
  - Mr. Burchard said the compensatory cut is required to enable the project to meet drainage requirements for stormwater treatment.
  - The buildings would be slab on grade with 16" x 16" haunches, and the final pavement elevation would be comparable to what is there now.
  - All of the work is within the buffer zone; no disturbance to wetlands is proposed.
  - Tree-clearing would amount to approximately half an acre (22,370 sq. ft.).
  - Wetland flagging was done by Dave Crossman.
- The site as it exists today is described as an artificial plateau at the front of the property with BVW to the rear.
  - Back in the 1970s, the parcel functioned as a used car lot.
    - The front land includes a lot of old broken asphalt, with pieces of asphalt extending into the woods.
      - Mr. Burchard said this would all be cleaned up and, along with the stormwater treatment structures, lead to an overall improvement to existing conditions on the site.
  - Mr. Moore said there were no underground storage tanks on the site to his knowledge.
    - No Phase I environmental review was done, nor felt needed to be done.
- Comments from other Town departments have already led to minor revisions to address the Building Inspector's concern regarding the number of parking spaces, as well as Fire Department access concerns.
  - A Special Permit for change in use was issued by the ZBA, but a separate application must still be presented to the ZBA because of the work proposed in the floodplain.
- DPW Superintendent Mark Wetzel has not yet done a review of the stormwater system.
  - BD later indicated that if the DPW does not do this review, ConCom will have to require a third-party review.
  - Mr. Burchard said he intended to contact Mr. Wetzel about this the following day.
  - A different comment received earlier in the evening from Mr. Wetzel noted his view that the eastern stormwater basin was located too close to the wetlands.
- A 12/19/2017 letter from Thomas French, of the Division of Fisheries & Wildlife, detailed the response of the Natural Heritage & Endangered Species Program (NHESP) review of the NOI and MESA Review Checklist.



## **Town of Ayer Conservation Commission**

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

Minutes for 1/11/2018

- In addition, even if last August wasn't officially a drought month, Ms. Schmitz noted that rainfall was 2-1/2 inches below normal at that time.
  - CA said Stream Stats, calculated at the point of the culvert where Willow Brook crosses underneath West Main, indicate a 98% probability that Willow Brook flows perennially.
    - BD asked CA to do Stream Stats further downstream, not just at the culvert.
  - In response to the suggestion that if riverfront standards did apply, the project could be scaled back in size and still be economically viable, Mr. Moore indicated strongly that he disagreed, that the stream was not perennial to the west of the property, and that he had no interest in scaling back his project.
- Floodplain Compensatory Cut
  - BD noted from the outset that there was a lot more tree-clearing indicated on the plans than seemed warranted to reach the area proposed for replicated floodplain.
  - If this area was going to be allowed to later naturalize, why did so much tree-clearing need to be done in the buffer zone in the first place?
  - BD also questioned the location of the compensatory cut, given proximity to the BW.
- Site Walk
  - At the urging of GPR, a site walk was scheduled for 9 a.m. on Saturday, 1/20.
  - BD cautioned that a walk at this time of the year would likely not be definitive, requiring ConCom to visit it later in the spring before issuing its determination.
    - Among other things, it might be difficult to evaluate the health of vegetation and trees in the midst of winter conditions.
    - Nevertheless, with that understanding ConCom was willing to take a look and BD asked that the LOW be staked out.
  - ConCom will want to see first-hand, to the extent that it can this time of year, the area where the stream "braids" out as well as the proposed location for the compensatory cut.
- With the site walk scheduled, GB moved to continue the Public Hearing to 1/25/2018; BT 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Discussion: Janet Providakes, Chair of Community Preservation Committee**
  - Ms. Providakes expressed the interest of CPC members in participating in the drawing up of Policies & Procedures for ConCom's administration of the newly-created Conservation Fund.
  - BD asked CA to set aside ConCom's 2/8 meeting to work on this.
  - BD also asked CA to find what information she can on Balch Dam for discussion at that time.
- **Discussion: Request for Certificate of Compliance (COC): 97 Holly Ridge Road, Crabtree Development, LLC, MassDEP # 100-0375.**
  - Present were homeowner Annette Moore and son C. J. Moore.
  - Last fall, Crabtree Development, as the initial applicant, submitted a COC request for this property, with an As-Built prepared by David E. Ross Associates.
    - The property had subsequently been sold to Annette Moore, with her son C. J Moore then arranging for the actual construction.
  - It was noted by Crabtree Development that the As-Built differed significantly from the approved plan for 100-0375.
    - ConCom confirmed this on a site walk on 11/4/2017, noting that a French Drain had also been added in an attempt to address significant water issues in the basement.
  - ConCom could therefore not issue a COC at this time, and CA contacted the Moores to ask them to come in to discuss the situation with the Commission.



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 1/11/2018

- BD stressed ConCom does not want to see other things that are jurisdictional happen on this property without the Commission's knowledge and approval and C. J. Moore agreed.
  - That said, water issues continue with the basement, though the addition of the French Drain (8-1/2 ft. deep) has improved this somewhat.
    - Mr. Moore attributed water problems in part to the soil in this area of the development being largely fill, with a high clay content.
    - BD advised the Moores to hire an engineer to evaluate the situation and solutions.
  - In order for ConCom to eventually issue a COC, the As-Built will need to be updated to show the French Drain, as well as whatever solutions an engineer proposes to the ongoing situation.
    - BD also asked CA to confirm whether or not the OOC, issued 12/18/2014, has expired.
      - If it has expired, a new NOI must be filed in order to proceed with future work.
- **Public Meeting (cont'd.): Request for Determination of Applicability – 25 Brook Street, DPW**
  - In response to a request from Circuit Rider Judy Schmitz, the DPW mapped the riverfront area and floodplain.
    - Ms. Schmitz has no further issues.
  - GB moved to issue a Negative Determination of Applicability (DOA); BT 2<sup>nd</sup>.
    - Motion approved unanimously and the DOA was signed.
- **Discussion: Review of Geosyntec Resource Management Plan proposal**
  - Geosyntec's cost estimate for the RMP for Ayer's ponds is approximately \$30,000.
  - ConCom members will look the proposal over along with information pertaining to RMPS for Great Ponds located in ACECs (Areas of Critical Environmental Concern).
- **Discussion: Review of draft Request for Proposals (RFP) for 2018 weed treatments**
  - Some edits were made to the draft RFP prepared by JG.
  - Based on the experience of last year's treatment, ConCom is now asking that pre-treatment photo documentation isn't done until the beginning of June, when a more accurate assessment of vegetation growth is possible.
  - JG and CA will put together a sample cost sheet for price proposals to include with the RMP.
- **Discussion: Pirone Park Perimeter Path**
  - CA was contacted by the consultant working with Parks & Recreation, Andrea of Landtech, with a concept plan for the perimeter path.
    - The consultant was asking whether an RDA could be filed rather than an NOI.
    - The path would be 5 ft. wide and paved.
      - Since the layout of the path shows it located immediately adjacent to the shore of Grove Pond, and the rudimentary plan shows it passing through the location of a number of trees, ConCom members felt that the appropriate application process was through an NOI,
      - If, however, the path were to be moved at least 25 ft. from the water's edge, then an RDA could be considered.
  - It was agreed by all that the concept plan has to be a good deal more detailed and accurate for ConCom to move forward.
- **Conservation Commission Office Updates**



## Town of Ayer Conservation Commission

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

Minutes for 1/11/2018

- Stormwater Certification
  - CA will be attending a 2-day training this spring to receive certification as a municipal stormwater inspector.
    - She will be doing the training in Waltham along with DPW Superintendent Mark Wetzel and Town Engineer Dan Van Schalkwyk.
  - The DPW will be paying the \$815 fee for CA's certification training.
- Emergency Certification Form
  - ConCom was unable to sign the Emergency Certification Form at its last meeting, for the DPW's removal of a beaver dam to the right of the Rail Trail (heading toward Groton) because the previous form incorrectly checked installation of a beaver deceiver rather than dam removal.
  - The form having been corrected by the Board of Health, GB moved to sign the Emergency Certification form; BT 2<sup>nd</sup>.
    - Motion approved 4-0 (JS abstained) and the form was signed.
- Nashua Street Extension subdivision
  - For Sale signs have been posted on the lots.
  - The new builder met recently with CA.
    - The lots will be developed on a lot release basis, with the OOCs remaining with Calvin and C. J. Moore.
    - The builder is also proposing to bury large propane tanks on each house lot.
      - Doing this will require an Amendment to the OOC.
- Global Montello
  - A truck-scale gas station and retail/convenience store is in the process of being proposed on the Ayer-Harvard line, on the site which currently houses an old factory building.
  - A brook borders this property to the south and a wetland system starts across the street.
    - If the project proceeds and comes before ConCom, it will likely trigger the need for a third-party review.
- 26 Oak Ridge
  - CA reports that the trucks are now driving over the erosion controls rather than moving them to the side.
  - CA will contact Roger Kanniard to address this situation.
- **10:52 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: 1/25/2018

Signature Indicating Approval: Jessica G. Gugino