



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 12/14/2017

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

### 7:24 PM – Open Meeting

- **Welcome**
  - BD opened the meeting by welcoming Jon Schmalenberger as ConCom's new Commissioner.
    - JS was appointed by the Board of Selectmen at their 12/5 meeting.
- **Confirmation of Agenda**
  - The discussion of the Nashua River Wild and Scenic Study with Town Administrator Robert Pontbriand was postponed until January.
  - Review of Solitude Lake Management's report on the 2017 pond treatments was added.
  - GB moved to confirm the agenda as amended; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Meeting: Request for Determination of Applicability (RDA) – 26 Brook Street, Department of Public Works (DPW)**
  - Town Engineer Dan Van Schalkwyk presented the application.
  - A new storage garage is proposed to be located south of the existing DPW garage and office.
    - While the new building is located outside of the 100-ft. buffer zone, a small area (approximately 920 sq. ft.) of site clearing is proposed inside the BZ.
    - The expanded parking area is also outside of the BZ.
    - The BZ site clearing is primarily to eliminate the risk of trees falling into the parking area or on the building.
  - The DPW has also submitted a MESA filing (Mass. Endangered Species Act) to the Natural Heritage and Endangered Species Program (NHESP) but has not yet had a response.
    - Once approved, construction would be put out for bid in late spring 2018.
  - CA has walked the site and found no issues of concern.
  - ConCom will want to reference the NHESP opinion in its Determination of Applicability (DOA) and so will postpone voting on the RDA until the DPW has heard back from NHESP.
    - GB moved to continue the Public Meeting to 12/28/2017; BT 2<sup>nd</sup>
      - Motion approved unanimously
  - While present, Mr. Van Schalkwyk remained to update the Commission on a couple of other projects.
- **Discussion: Wright Road Cross-Country Water Main Extension (MassDEP # 100-0401)**
  - The water main extension project, using horizontal directional drilling to connect the water line underground from Wright Road, through Kohler Place, under the wetlands to the Sandy Pond Road water main, has been successfully completed.
    - It took only 3 days to bore and pull the pipe through.
    - The new pipe was pressure-tested and flushed before being put into service.



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- **Discussion: Update on Pleasant Street Extension construction work (MassDEP #s 100-0389 and 100-0400)**
  - CA reported significant groundwater issues, including erosion and silt runoff, appearing at the Pleasant Street / Trevor Trail extension projects (Riley Jayne Farm subdivision), with ConCom confirming this during a subsequent site walk there on 12/9.
    - Onyx Corporation, the site contractor, has dug a temporary trench inside the LOW in an attempt to control some of the groundwater surface flow.
    - Water was observed flowing into catchbasins that should, at this point, not have been receiving water.
      - This included a manhole basin that was constructed for the sewer line, not stormwater.
    - In addition, there are good indications that groundwater has been flowing above ground along the utility easement into this site from the neighboring Nashua Street Extension development also currently under construction (MassDEP # 100-0363).
  - CA then walked the site with DPW Superintendent Mark Wetzel on 9/11 who confirmed CA's observation of "groundwater break-out" and drainage issues, including infiltration of a sewer basin that should not yet have water flow.
    - Mr. Wetzel subsequently wrote to CJ Moore, the property owner, requiring that the leak in the sewer be repaired ASAP and that all sewer and manholes be retested before any tie-in to future houses.
  - It was noted by all that it was troubling to see such water issues so early in the project, following clearing and before actual construction has begun.
    - The site disturbance thus far has been relatively minimal and yet has generated a tremendous amount of groundwater seeping above ground, including on Trevor Trail which is at the top, not bottom, of a hill.
    - If uncorrected, this groundwater/drainage issue will only get worse as houses are built, and further will risk damage to the eventual road pavement in the area when complete.
  - ConCom reviewed Mr. Wetzel's draft letter to the Commission and the Planning Board recommending that the developer be required to hire an engineer to reevaluate the groundwater conditions and recommend a long term solution.
    - If this is not done, Mr. Wetzel said his recommendation to the Town would be against accepting Trevor Trail and the extension of Pleasant Street as Town roads.
  - BD agreed that the developer will need to come up with a newly engineered plan / final solution to deal with the new drainage issues.
    - This will require an Amended OOC filing before ConCom.
    - The problems observed are jurisdictional to ConCom's WPA issues as well as of significant concern to the DPW regarding the stormwater system.
    - An explanation is needed for what is happening as well as how the developers plan to deal with it to address both conservation and stormwater concerns.
  - ConCom will be more than willing to write a letter of support if Mr. Wetzel requires an engineering review, or ask for such a review under its own purview.
    - It was thought that Mr. Wetzel should make this request first since the current problems are already impacting the Town given that groundwater is entering into the sewer system for treatment where it should not.
      - It was noted that if groundwater can 'get into' the sewer system, then material from the sewer system could also be potentially 'getting out'.



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- BD asked CA to contact the developer and GPR to ask them to request time on the agenda at one of ConCom's next meetings, to discuss findings and solutions.
- **Discussion: Request for Certificate of Compliance (COC) – 25 Coolidge Road, Robert Pedrazzi, MassDEP # 100-0373**
  - ConCom performed a site walk on 12/9 and was comfortable with what was observed.
  - As a precaution, BD asked Chief Pedrazzi to lay a layer of stone at the discharge point of a drain pipe at the bottom of the slope next to the back driveway to slow water velocity.
    - There was no visual evidence that there had been previous heavy water flow.
  - GB moved to issue a COC for 100-0373; JS 2<sup>nd</sup>.
    - Motion approved unanimously and the COC was signed.
- **Discussion: District Local Technical Assistance (DLTA) grant application**
  - As CA detailed in an email to ConCom on 12/11/2017, DLTA grant applications are due on January 2, 2018.
  - The Town's newly-formed Land Use Committee, of which CA is a part, is very interested in applying for a funding grant for help in identifying and mapping the Town's existing conservation lands, including land in Chapter 61.
    - This information, in turn, will help the Town prioritize parcels for future conservation efforts, especially in light of Fall Town Meeting's authorization for the creation of a Conservation Fund and initial deposit of \$500,000 in Community Preservation Act money into that Fund.
  - CA will be working with Town Planner Mark Archambault to prepare the application proposal under the "Planning Ahead for Growth" category of DLTA projects.
  - The Commission thought this was an excellent project and was strongly in support of CA participating in the preparation of the grant application.
- **Conservation Commission Office Updates**
  - 15 Oak Ridge Drive
    - The Determination of Applicability, as voted on at ConCom's 11/9 meeting, was signed.
  - Emergency Permit, Beaver Dam removal
    - This was previously discussed at ConCom's 11/30 meeting.
      - The DPW requested an Emergency Permit from the Board of Health (BOH) to remove a beaver dam causing flooding and making a sewer manhole cover inaccessible.
      - This was located in the wetlands abutting the Rail Trail, and reached by walking through the Pleasant Street Extension development (Riley Jayne Farm).
      - Installation of a beaver deceiver would not work in this area.
    - Before ConCom signs off on this Permit, BD asked CA to have the BOH re-issue a corrected permit as the current one was mislabeled to approve installation of a beaver deceiver rather than removal of a beaver dam.
  - 2 Sandy Way / Dock Licenses
    - CA performed a brief site visit with the homeowner on 12/13.
      - The trees that were approved for removal under an RDA have been taken down, the tarp covering cattails has been removed, and the temporary dock and footings have also been pulled out.



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- CA terminated the site visit when the homeowner became very angry about the dock licensing process and complained of having wasted his time on previous meetings with ConCom.
    - CA reported this exchange to Town Administrator Robert Pontbriand.
- ConCom reviewed the draft Enforcement Order with details as advised previously by MassDEP Circuit Rider Judy Schmitz.
  - However, ConCom decided to hold off on this step until it has a better understanding of what it can do to address the issuing of dock licenses given State requirements under Chapter 91 for Great Ponds within ACECs (Areas of Critical Environmental Concern).
- It is ConCom's understanding that dock licenses not secured during the State's window of opportunity (2008-2009) now require that a Resource Management Plan (RMP) has been filed with, and approved by, the State before the Town can issue new dock licenses.
  - CA has spoken to Ms. Schmitz who has agreed to come to one of ConCom's February meetings.
  - ConCom will prepare and send out a letter to residents on the Town's two Great Ponds (Sandy and Long ponds) letting them know of this public information opportunity.
- CA also distributed some sample RMPs from other Massachusetts towns (Richmond Pond Association, Town of Wellfleet).
  - In addition, she has asked Geosyntec for a ballpark cost estimate for preparing an RMP, given that much of the work they did in preparing the Ponds survey (2016) could likely be used.
    - Were ConCom to pursue an RMP, Town Meeting would have to authorize funding for the costs.
- Eagle Scout bridge project
  - CA prepared a detailed time-table and checklist for Robert Houde, but has not yet had a response.
- Balch Pond dike and dam
  - An OOC was issued to the DPW for Balch Dam Dike Improvements (MassDEP # 100-0396) at ConCom's 2/14/2017 meeting.
    - The DPW will be putting this project out to bid soon, probably in January 2018.
  - While repairs to the dike will help, the issue of ownership of the Balch Pond Dam (aka East Main Street Spillway) still needs to be resolved to facilitate quick action in the event of an emergency.
    - Mr. Wetzel thinks the State / Department of Transportation (DOT) owns the dam while the Town owns the dike, but the State has previously denied this ownership even though State highway 2A crosses the dam's culvert.
  - BD asked CA to send an email to Town Administrator Pontbriand asking that the issue of dam ownership be established as a precaution in case of an emergency.
- 1 Wagon Road
  - CA met with homeowner Ted Staples and neighbor Suzanne on 12/8 to discuss their interest in removing approximately 12 trees alongside a common driveway, some of which they consider "hazard" trees.
  - In an 11/22/2017 email to CA, Mr. Staples indicated he had received a verbal recommendation from the Fire Department to remove some of the trees for better access.



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- BD asked CA to contact Chief Pedrazzi for his assessment in writing.
- ConCom will consider scheduling a site visit following the Chief's assessment.
- **Solitude Lake Management**
  - CA circulated copies of Solitude's final report on the 2017 pond treatments for invasive weeds.
    - The report claims to have removed 95% of the targeted invasives.
    - BT recently kayaked around both Sandy and Flannagan ponds and observed excellent results for the weed control.
  - CA will remind Solitude that the Request for Proposals (RFP) required them to provide a notarized statement attesting to having achieved at least a 90% eradication threshold.
  - The report includes treatment recommendations for 2018.
    - ConCom will review an RFP for 2018 treatments at its next meeting.
- **Accounts Payable**
  - **J & S Business Products**: \$29.00, for CA business cards.
    - GB moved to approve payment of \$29.00; BT 2<sup>nd</sup>.
      - Motion approved unanimously.
  - **Lowell Sun**: \$81.26, for legal ad for 15 Oak Ridge Drive RDA.
    - GB moved to approve payment of \$81.26; JS 2<sup>nd</sup>.
      - Motion approved 4-0 (BT abstained).
- **10:20 PM – Adjourn Meeting**
  - GB moved to adjourn; JS 2<sup>nd</sup>.
    - Motion approved unanimously.

**Minutes Recorded and Submitted by Jessica G. Gugino, Clerk**

**Date Minutes Approved by Conservation Commission:** \_\_\_\_\_

1/11/2018

**Signature Indicating Approval:** \_\_\_\_\_

*Jessica G. Gugino*