



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 2/8/2018

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

### 7:08 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 1/25/2018 as amended; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Accounts Payable:**
  - Lowell Sun: \$139.20, legal ad for NOI, Pingry Hill #100-0421.
    - GB moved to approve payment of \$139.20; BT 2<sup>nd</sup>.
      - Motion approved unanimously.
  - Beaver Solutions: \$684.00, annual maintenance agreement for multiple beaver deceivers.
    - GB moved to approve payment of \$684; BT 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – 217 West Main Street, Calco LLC, MassDEP # 100-0420**
  - Assessors Map 32, Parcel 51.
  - Present were: Cal Goldsmith, of Goldsmith, Prest & Ringwall (GPR); environmental consultant Scott Smyers, of Oxbow Associates (OA); and Calvin Moore, applicant/property owner.
  - The project seeks an Order of Conditions (OOC) for the commercial construction of five buildings to house individual storage units, with one also housing an office.
  - ConCoin members agreed that additional information from a hydrogeologist might answer some questions but not provide new information needed for the evaluation of the NOI application itself.
    - No further action therefore would be required on this score.
  - BD read plan review comments on the project from DPW Superintendent Mark Wetzel, as detailed in a 1/29/2018 memo to the Planning Board (PB), and in a 2/7/2018 memo to the Conservation Commission.
    - Mr. Goldsmith indicated that changes had been made in response to the PB memo (re radii of curves, the east infiltration basin, hardware specs, 4 ft. high fence atop retaining walls, landscape plan and slope stabilization, etc.).
    - In addition, Kyle Burchard, of GPR, has met with Mr. Wetzel to discuss other modifications per stormwater/conservation-related issues, including redesign of the tree box filters.
  - Mr. Wetzel indicated in both memos that the Stormwater Operation & Maintenance Plan submitted was adequate.



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- Mr. Goldsmith said they would be filing for a NPDES permit (National Pollutant Discharge Elimination System), as required.
- Having thoroughly reviewed the history of Willow Brook and changes to its flow, having accepted the status of the brook as now “intermittent,” having reviewed the DPW comments and landscape plan, BD asked for a motion to begin drafting an Order of Conditions for 100-0420.
  - GB so moved; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- GB moved to continue the Public Hearing to 3/8/2018, for review of the draft OOC; JS 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Public Hearing: NOI – 12 Patriot Way, Thomas A. DiPietro, MassDEP # 100-0421**
  - Steve Sears, of David E. Ross Associates, presented the application on behalf of the DiPietros, who were also present.
  - The project proposes a 14’ x 22’ garage addition to the house, totalling 308 sq. feet, all work within buffer zone to Bordering Vegetated Wetlands.
    - In preparing the application, Mr. Sears reflagged the nearby wetlands.
    - The distance from the closest corner of the proposed garage to the BVW is 35 ft.
    - The area is not floodzone nor does the project require NHESP review.
    - The new garage will be built on what is already paved driveway.
    - No new vegetation removal is proposed but there will be some slight re-grading of the slope next to the new garage.
    - The roof of the new garage will be pitched.
      - ConCom asked the applicant to confirm with the Building Inspector that he would not need gutters.
    - What soils are excavated for re-grading will be removed from site.
  - A site walk was scheduled for 9 a.m. on 2/17/2018.
  - GB moved to continue the Public Hearing to 3/8/2018; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing: Request for Amendment to Order of Conditions (OOC) – 138 Littleton Road/Rte. 2A (Lot O), Ridge View Realty Trust (Pingry Hill Subdivision), MassDEP # 100-0272**
  - Assessor’s Map 36, Parcels 199 and 210.
  - Steve Mullaney, of S. J. Mullaney Engineering LLC, was present on behalf of the applicant.
  - The original OOC for this lot was issued on 6/9/2005.
    - A 3-year Extension was approved in 2008.
    - Thereafter the OOC received two automatic extensions under the State’s Permit Extension Acts (of 2010 and 2012).
    - The OOC subsequently received an additional 3-year Extension from ConCom in 2015.
    - The current OOC is therefore valid until 6/9/2018.
  - Mr. Mullaney said wetlands in the area have changed since the original OOC issuance in 2005.
    - However, he also said that MassDEP has indicated that the original wetland line remains the basis of the OOC, even if there have been marked changes over time.
  - Mr. Mullaney then said the applicant could therefore either build according to the original approved plan from 2005 – or could adjust to the wetland changes by shifting the location of the house further back from the road and wetland area.
    - This is part of the basis for the Request for an Amendment to the OOC.



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- In addition, MassDOT won't approve the original location of the driveway closer to the Ayer/Littleton town line because of traffic sight-line issues along state highway 2A.
  - The amended plan shifts the location of the driveway and now includes a wetland crossing.
    - A 2:1 wetland replication is proposed further uphill.
    - Lot O abuts Parcel D, which is still owned by the developer.
      - To accommodate the proposed changes, Lot O would be reconfigured as Lot O-2, with its lot lines altered by using portions of Parcel D.
      - Per prior agreement with the Planning Board, any portion of Parcel D not used will eventually be deeded to the Town.
  - Meanwhile, the shape of Lot O is therefore still open to adjustment.
  - The amended plan proposes:
    - 19,392 sq. ft. of buffer zone work, including 2:1 wetland replication area of 3,101 sq. ft.
    - In addition to the replication area, buffer zone activities include house footprint, paved driveway, subsurface utility connections, and grassed lawn and side slopes (at 3:1 ratio).
  - A site walk was scheduled for 10 a.m. on Saturday, 2/17/2018.
    - BD asked for staking to mark the proposed house corners, the center line for the driveway, and the proposed replication area.
  - GB moved to continue the Public Hearing to 3/8/2017; BT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing: NOI – Pirone Park Perimeter Path, Bligh Street, Ayer Department of Public Works, MassDEP # 100-TBD**
  - Present were Andrea Tavares, of LandTech Consultants; Town Engineer Dan Van Schalkwyk, of DPW; Jeff Thomas, Ayer Parks Director; and Eric Hebert, Vice Chair of the Ayer Parks Commission.
  - Ms. Tavares showed ConCom drone footage of the project area.
  - The project proposes the construction of a 5-ft. wide paved (probably bituminous concrete) perimeter path around Pirone Park, including jurisdictional areas along the shore of bordering Grove Pond.
    - Three park benches are also proposed along the Grove Pond section of the path.
    - The purpose of the project is to provide enhanced access to the park's existing sports fields as well as add another recreational use to the park, including for those with disabilities or using strollers for young children.
      - Per Americans with Disabilities Act (ADA) regulations, the path must be a minimum of 5 ft. in width and must be constructed out of smooth material.
      - Re-grading will have to be done at several points to provide a series of 5% ramps, roughly 20 ft. in length, to traverse various slopes in compliance with ADA regulations.
    - Approximately 850 ft. of the proposed path would be constructed within the 100 ft. buffer zone to Grove Pond.
    - No work is proposed within the resource area itself.
    - The closest point between the path and the pond is 3-1/2 ft.
    - All of the work proposed is within previously disturbed surfaces that are currently regularly mowed by the Parks Department.
    - Care has been taken in the path layout to minimize impact to trees and their root systems.
    - A portion of the project includes minor filling within two separate areas of designated flood plain in order to meet ADA requirements.



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- Compensatory flood storage has been provided on the plan at the ratio of 1:1.
- BD liked the idea of increased access to the park but expressed hesitation over the use of nonpermeable material along the shore of the pond.
  - He suggested the applicant look into the use of plastic stabilizing material that is both permeable and smooth, such as "Geopave."
- As soils are excavated, they will be removed from the site to avoid interference with games during playing seasons.
- Although not jurisdictional to ConCom, the area at the base of the hill abutting the Housing Authority was briefly discussed.
  - Three pipes coming out of the hill drain water from the HA parking lot onto the fields.
  - Finances to remedy this situation are currently not available to the Authority.
  - Because a number of issues need to be resolved with the Housing Authority, the perimeter path is not planned to continue along the base of this hill at this time.
- A site walk was scheduled for 11 a.m. on Saturday, 2/17/2018.
- GB moved to continue the Public Hearing to 3/8/2018; BT 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Discussion: Development of Policies and Procedures for Conservation Fund**
  - Community Preservation Committee (CPC) Chair Janet Providakes was also present for the discussion.
  - The Conservation Fund was created by vote of Fall Town Meeting 2017.
    - It is to be operated under the authority of the Conservation Commission.
    - The transfer of \$500,000 into the Fund, from the open space funds under the CPC, was also approved by Fall Town Meeting.
      - It was then understood that the Commission would work to develop Policies and Procedures for use of the Fund, in collaboration with the CPC.
  - CA provided some sample materials of policies developed by other towns.
    - There are not many formally developed policies out there to find.
    - The one the Commission reviewed was developed by the Georgia Conservation Commission in Vermont.
      - This policy included the following sections:
        - Purpose
        - Administration
        - Use of the Fund
        - Eligibility
        - Review Process for Funding Decisions
        - Evaluation Criteria
        - Benefits
      - A sample application form was also part of the Georgia package.
  - BD also read a 2/8 email from CPC member Beth Suedmeyer, who was unable to attend tonight's ConCom meeting, with her thoughts on policies and procedures.
    - ConCom members agreed with Ms. Suedmeyer's statement that the Conservation Fund be used for identified parcels prioritized for open space protection.
      - This prioritization should be based on the Town's Master Plan, Open Space & Recreation Plan, and land protection prioritization list – all three of which are currently in development.



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- As for the procedural suggestion that both ConCom and the Board of Selectmen hold public hearings for input when considering potential acquisitions, ConCom will plan to hold two public hearings when a property purchase is up for consideration.
  - Since Town Meeting clearly delegated the responsibility for the Conservation Fund to the Commission, all were in agreement that there was no need to require the BOS to hold public hearings as well.
  - This would, in fact, likely slow things down and create complications, the opposite effect of what the establishment of the Fund was intended to accomplish.
- There was discussion over whether the bulleted items in the Evaluation Guidelines should be ranked in order of importance, or whether each item should carry an equal weight.
  - The majority felt these criteria (e.g. protection of agricultural lands, or forest lands, or lands adjacent to existing town/public lands or other conserved lands, or habitat, and more) should not be ranked, and that this be left to the discretion of the Commission on a case-by-case basis.
- CA will draft an Ayer version of policies and procedures for review, borrowing heavily off of the Georgia, Vermont version.
- **Conservation Commission Office Updates**
  - Littleton Road, MassDEP # 100-0291
    - Mill Corp. requested a copy of the Certificate of Compliance that was voted on and issued on 4/13/2017, but which they cannot find, nor is it in the ConCom files.
    - GB moved to re-sign and re-issue the COC for 100-0291; BT 2<sup>nd</sup>.
      - Motion approved 4-0 (JS abstained) and the COC was signed.
  - 29 Jonathan Drive (MassDEP # 100-0395)
    - CA recently inspected the still-not-completed rain garden and was surprised to observe a sewer ejector/grinder pump in the yard that had overflowed onto the property with sewage and used toilet paper.
      - CA documented with photos.
      - CA also contacted the DPW, Building Inspector, and Board of Health, none of which appear to have jurisdiction over this problem.
        - Because this is within buffer zone to wetlands, CA was asked to issue an Enforcement Order to have the homeowner come in to meet with ConCom.
- **10:30 PM – Adjourn Meeting**
  - JG moved to adjourn; GB 2<sup>nd</sup>.
    - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission: 2/22/2018

Signature Indicating Approval: Jessica G. Gugino

## DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent  
Pamela J. Martin, Business Manager  
Daniel S. Van Schalkwyk, Town Engineer



Water, Wastewater, Highway & Solid Waste Divisions

25 BROOK STREET  
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January 29, 2018

Ayer Planning Board  
Town of Ayer  
Town Hall  
Ayer, MA 01432

### **RE: 217 West Main Street Commercial Development – CALCO, LLC**

Dear Board Members:

The DPW Office has reviewed the submittals for the above referenced project. Documents that were reviewed included:

- Stormwater Management Report, revision dated January 16, 2018
- Plans- Permit set revision dated January 16, 2018
- East basin tankage calculations SKC 1-5

#### Site Design:

- 1) Install vertical granite curb at entrance.
- 2) Provide fence on top of retaining walls over 4 ft. high.
- 3) Water service shall comply with Ayer DPW requirements.
  - a) Tap to existing main needs to be relocated to the east side of the water valve (approx. 20 feet).
  - b) Water service shall be minimum of 1-inch diameter.
  - c) Install curb stop at property line.
  - d) Water meter may be installed in the building or in a meter pit.
- 4) Install lateral shut off and clean-out on sewer force main.
- 5) Force Main Trench Detail – cover less than 4 ft. must be approved by DPW.
- 6) No site signage is shown.

#### Stormwater Management:

- 7) Site appears to be about 1 acre disturbed area and may need a NPDES construction permit.
- 8) Stormwater Management Report and design appears to comply with MassDEP Stormwater Management Report requirements, Massachusetts Stormwater Management Standards and Town Bylaws. This includes calculations for stormwater retention, infiltration and TSS removal. However, the functionality of the system relies on proper construction and maintenance. I have concerns about the long term operation as these features are on private property with minimal public access. Preference would be for a more traditional stormwater system design.
- 9) Stormwater O&M Plan is adequate. It provides estimated annual maintenance costs totaling \$850. The Board should consider an agreement with the owner that provides surety for the maintenance costs.



10) The concern with the tree box filter is plugging of the top layer of material with sediment in the run-off. The preferred design would include a catch basin inlet or a pre-treatment sump.

11) East Infiltration Basin

- a) I received calculations related to the tank anchoring but have not completed the review.
- b) Each tank should have an access manway for future maintenance.
- c) Mesh grates shall be stainless steel
- d) Steel Plate Bolt Connection Detail does not show plate dimensions and all hardware shall be corrosion resistant material or coating.

Should you have any questions or comments, please do not hesitate to contact this office.

Regards,

**AYER PUBLIC WORKS DEPARTMENT**



Mark L. Wetzel, P.E.  
Superintendent



## DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent  
Pamela J. Martin, Business Manager  
Daniel S. Van Schalkwyk, Town Engineer



Water, Wastewater, Highway & Solid Waste Divisions

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February 7, 2018

Ayer Conservation Commission  
Town of Ayer  
Town Hall  
Ayer, MA 01432

### **RE: 217 West Main Street Commercial Development – CALCO, LLC**

Dear Commissioners:

As requested, the Ayer DPW has reviewed the Stormwater Management Report and design for the 217 West Main Street project. Note that we reviewed this project for the Planning Board with comments presented in our letter dated January 29, 2018.

Based on our review, we offer the following:

- 1) Site appears to be about 1 acre disturbed area and will require a NPDES construction permit.
- 2) Stormwater Management Report and design appears to comply with MassDEP Stormwater Management Report requirements, Massachusetts Stormwater Management Standards and Town Bylaws. This includes calculations for stormwater retention, infiltration and TSS removal.
- 3) The tree box filter as designed will have plugging of the top layer of material with sediment in the run-off. This will reduce the effectiveness and result in overflow to the wetlands. The DPW recommends a design with either a catch basin inlet or a pre-treatment sump.
- 4) East Infiltration Basin
  - a) Each tank should have an access manway for future maintenance.
  - b) Mesh grates shall be stainless steel
  - c) Steel Plate Bolt Connection Detail does not show plate dimensions and all hardware shall be corrosion resistant material or coating.
  - d) Our primary concern with this design is the potential for movement / failure of the chambers. While the design calculations indicate that this will be a stable infiltration structure, the stability and effectiveness depends on proper construction and maintenance. There are a number of variables that could impact the stability, including the size and intensity of the storm, the types of soil and materials supporting the structure, soil saturation, vegetation growth, flood conditions etc.
- 5) The functionality of the system relies on proper construction and maintenance. The DPW has concerns about the long term operation as these features are on private property with minimal public access. Preference would be for a more traditional stormwater system design. This could include hydrodynamic separators for TSS removal instead of tree box filters.
- 6) Stormwater O&M Plan is adequate. It provides estimated annual maintenance costs totaling \$850. The Board should consider an agreement with the owner that provides surety for the maintenance costs.





217 W Main St / Cons Comm.  
February 7, 2018

Should you have any questions or comments, please do not hesitate to contact this office.

Regards,

**AYER PUBLIC WORKS DEPARTMENT**

A handwritten signature in black ink, appearing to read "Mark Wetzel", with a stylized flourish at the end.

Mark L. Wetzel, P.E.  
Superintendent

