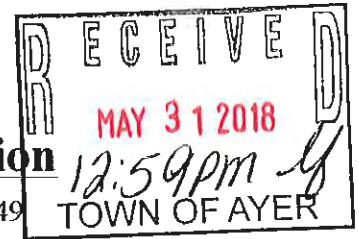




Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for 4/12/2018



Location: Ayer Town Hall, 1st Floor

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

Not Present: Bonnie Tillotson (BT, Member)

APAC taped: No

7:08 PM – Open Meeting

- **Confirmation of Agenda**
 - GB moved to confirm the agenda as posted; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – Pirone Park Perimeter Path, Bligh Street, Ayer Department of Public Works, MassDEP # 100-0422**
 - Jeff Thomas, Ayer Parks Director, and Andrea Tavares, of LandTech Consultants, were present.
 - The draft Order of Conditions (OOC) has been reviewed.
 - Ms. Tavares asked for a change to Special Condition # 20c, which specifies that the Limit of Work (LOW) be marked by erosion controls and staked orange snow fencing.
 - Ms. Tavares asked for the removal of the snow fencing requirement, citing the additional costs to the project which is already running over budget.
 - As a compromise, ConCom will allow the use of orange silt fencing instead.
 - ConCom agreed to modify this condition so that it indicates the snow fencing is not required unless necessary, should problems be encountered.
 - Noting that CA will make this change in the final OOC, BD asked for a motion to issue the final OOC and close the Public Hearing.
 - GB so moved; JS 2nd.
 - Motion approved and the OOC was signed.
- **Discussion: Request for Extension to Order of Conditions – 141 Snake Hill Road, Chris and Meagan Valentine, MassDEP # 100-0381**
 - Chris and Meagan Valentine indicated their intention to now move forward with the project that was first approved on 4/23/2015, with the Public Hearing then closed on 5/14/2015.
 - CA did a site walk and found no changes to the wetlands from 2015.
 - The only thing that will need to be done is for the erosion controls to be refurbished with an additional layer placed on top of the decaying original layer.
 - CA should be notified for inspection of the new controls prior to commencement of work.
 - GB moved to approve a 3-year Extension to OOC # 100-0381, to 5/14/2021; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing: Notice of Intent (NOI) – West Main Street Bridge Replacement Project (crossing Nonacoicus Brook), Ayer Department of Public Works (DPW), MassDEP # 100-0424**



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- DPW Superintendent Mark Wetzel was present, along with consultants Kristopher Surette, of WorldTech Engineering; Aaron LaChance, of Hoyle, Tanner Associates; and Laurie Benoit, of Stantec Consulting Services, Inc.
- Background and Existing Conditions
 - Mr. Wetzel said that West Main Street is one of the main motor vehicle corridors for traffic at the west end of town.
 - A portion of the road, past Union Street, crosses Nonacoicus Brook, a perennial stream.
 - The existing bridge/culvert is a 3-sided, natural bottom structure composed of a concrete slab deck supported by steel railroad ties resting on masonry sidewalls.
 - The current roadway consists of a 15.5-ft.-wide travel way for two-way traffic, and a 2-ft. painted shoulder in each direction.
 - The overall structure is approximately 52 ft. in length.
 - In 2016, MassDOT inspected the bridge and classified it as in poor to severe condition, with portions of the superstructure and substructure described as in a state of advanced deterioration.
- Project
 - The project proposes replacement of the bridge/culvert as well as improvement to the bridge and roadway.
 - The new bridge will restore streambed and widen the span across the brook from 7-10 ft. to 28 ft.
 - This widened-span improvement serves the interests of the Wetland Protection Act (WPA) and improves the crossing relative to the Massachusetts Rivers and Stream Crossing Standards.
 - The proposed project qualifies for consideration as a Limited Project, per 310 CMR 10.53(3)(i), as it consists of a bridge replacement and roadway improvements to an existing public roadway.
 - It is required to comply with applicable resource area performance standards to the maximum practicable extent.
 - The project involves work within numerous WPA jurisdictional resource areas: Previously Developed Riverfront Area; Bordering Vegetated Wetlands (BVW); Bordering Lands Subject to Flooding; and inland Bank and Land Under Water.
 - Review material was submitted to the Natural Heritage and Endangered Species Program (NHESP) on 12/22/2017, pursuant to Massachusetts Endangered Species Act (MESA).
 - NHESP confirmed on 1/8/2018 that portions of the project lie within Estimated and Priority Habitat due to the presence of Blanding's Turtle.
 - Coordination with NHESP will be ongoing to avoid impacts to rare species and their habitat.
 - The finished project involves:
 - Use of a three-sided precast concrete rigid frame for the culvert.
 - A replacement bridge and roadway sized to accommodate two 11-ft.-wide travel lanes, two 5-ft. dedicated bike lanes across the structure, and two 6-ft. sidewalks with corresponding bridge rail, for a "total out-to-out bridge width of 47 feet and 9 inches."
 - Underneath, the span opening for the brook will be widened from up to 10 ft. to approximately 28 ft.



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- Mr. Wetzel said he anticipated this would lessen potential backups further upstream, and improve hydraulic and environmental conditions in the vicinity.
 - Guardrails will be replaced.
 - Sidewalks will be extended to eliminate network gaps and enhance public safety.
 - Existing utilities (water, sewer, gas) that run under the roadway and through the hydraulic opening will be protected during construction but cannot be relocated.
 - Two outfalls on each side of the bridge will be rebuilt.
- Construction will involve removal of existing abutments.
 - In order to widen the streambed, this will also involve excavation and removal of previous anthropogenic fill behind the current abutments.
 - The new abutments will maintain a steep slope.
- Once the footings/sidewalls of the new culvert are installed, stone rip-rap with a median diameter of 24 inches will be placed around the structure in the existing as well as restored streambed to provide "scour protection" beneath the crossing.
 - A special fill – combining rock, cobble, and granular material – will then be placed over and around the rip-rap to mimic a natural stream channel.
- Water control/Dewatering
 - Necessary methods for controlling stream flow during construction were discussed.
 - Mr. LaChance said they planned on using sandbag coffer dams down the middle of the structure.
 - They have also considered the feasibility of temporarily closing the outlet into the brook from Plow Shop Pond.
 - Mr. Wetzel said another possibility for water diversion would be employing another outlet from Plow Shop Pond, by Mill Street, that is currently dammed up.
 - Ms. Benoit, who is a wetland biologist, said that the Army Corps of Engineers would approve flow reductions but would not approve complete blockage of water flow.
- Construction Sequence
 - The construction process for the bridge/culvert itself will be done in two-stages.
 - The westbound side will be replaced in Stage 1; the eastbound side in Stage 2.
 - Pedestrian traffic and one lane of vehicular traffic will be maintained.
 - A temporary traffic signal will regulate alternating two-way vehicular traffic.
 - During construction, work zone speed limit signs will be employed.
 - In addition, a 5.8-mile detour for larger vehicles will be implemented through Devens via Barnum and Jackson roads.
 - MacPherson-Park-Main can also function as a potential detour but it was noted that MacPherson Road is sometimes closed due to flooding from the Nashua River at a low point.
- Timeframe
 - After approval, the project then has to go out to bid.
 - Mr. LaChance said if work begins later in the summer or early fall, he would expect completion of the project would go into the following year.
 - Mr. Wetzel said he anticipated that the bridge work would be done in 2018, but other work, such as the sidewalks, might not be finished until 2019.
 - He anticipated total project completion by June 2019.
- Wetland Impacts



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- Ms. Benoit summarized the anticipated impacts to the various wetland resource areas.
- The permanent impacts would be largely from the placement of scour protection along the bank, affecting up to 48 ft. of natural bank, as well as the sidewalk extensions.
- Except for the sidewalk extensions, the project involves replacement of old impervious surfaces with new impervious surfaces.
- There will be no loss of bank area.
- Other construction impacts are largely related to providing temporary equipment access.
 - To protect wetland soils, fabric will be placed down with crushed stone on top.
 - All of this will be removed when the project is complete.
- Wetland seed mix (grasses, sedges, wildflowers, shrubs) will be used adjacent to existing BVW.
- Abutter comments and questions
 - Ms. Sheila Slarskey, of Shirley Street (which runs parallel to West Main).
 - In addition to asking about the timeframe, Ms. Slarskey expressed concern about how high the brook gets, and whether this posed a flooding risk to Shirley Street.
 - It was noted that several years ago, the bridge/culvert on Shirley Street, also over Nonacoicus Brook, was washed out and has yet to be replaced.
 - Mr. Wetzel indicated that West Main Street, being a main route, was deemed by the Town to be more immediately urgent.
 - Ms. Slarskey asked whether the widening of the traffic lanes, sidewalks, and addition of bike paths, would mean that she will be losing property.
 - Mr. Surette said they would just be reallocating space.
 - Mr. Wetzel said the areas where widening will take place are in a Town Right-of-Way.
 - Any encroachment onto private property would be temporary, for access, and homeowners would be contacted for permission first.
 - Ms. Slarskey also mentioned how work resurfacing West Main a few years ago led to her sewer line being blocked.
 - Mr. Wetzel noted her sewer connection is probably in the construction zone and the DPW would have to work on that.
 - He invited Ms. Slarskey to meet with him individually at the DPW to go over such details and other concerns.
 - Sarah White, of 109 West Main Street, expressed concern over the impact of the project on several large trees in her yard and a neighbor's.
 - Mr. Wetzel said the project is not proposing the cutting down of any trees.
 - BD said it looked like the trees she was concerned about were located outside of the Limit of Work.
 - Ms. White asked where materials would be stored during construction.
 - Mr. Wetzel said it will be up to the contractor to find a staging area.
 - Materials can only be stored on private property if an agreement has been reached with the owner.
- Site walk
 - For the site walk, BD asked for markers to indicate the limit of construction, bridge location, headwalls and how far they will extend, and the mitigation area.
 - A site walk was scheduled for Monday, 4/23, at 6 p.m., meeting at the corner of Union Street and West Main.



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- BD asked that CA be contacted by 4/20 with confirmation that the markers are in place.
- GB moved to continue the Public Hearing to 5/10/2018; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing: Notice of Intent (NOI) – 138 Littleton Road (Pingry Hill Subdivision), Ridge View Realty Trust, MassDEP # 100-0423**
 - Steve Mullaney, of S.J. Mullaney Engineering, was present on behalf of the applicant.
 - The project calls for construction of a single-family house with driveway, retaining wall, drainage, subsurface utilities, lawn, and associated grading.
 - The reference plan is Plan No. 2-A-171.
 - Alteration of 1545 sq. feet of Bordering Vegetated Wetlands (BVW) and 19,392 sq. ft. of buffer zone is proposed.
 - Construction of the driveway requires the alteration of the BVW.
 - While a 1:1 wetland replication area is required, the applicant is proposing a 2:1 replication of 3101 sq. ft.
 - Mr. Mullaney said they could potentially offer a 4:1 replication.
 - Plan 2-A-171 marks four replication areas:
 - Area 'A' is 1545 sq. ft., located on the western property line; this is the amount of replication legally required.
 - Area 'B' is 894 sq. ft., immediately adjacent to Area 'A', lying in between 'A' and the proposed driveway.
 - While 'A' and 'B' form one block, they were marked separately as a means of indicating the add-on ('B') to the legally-required replication ('A').
 - Area 'C' is 651 sq. ft., and is located along the road, on the eastern side of BVW that runs up to, and ends at, Littleton Road (Rte. 2A).
 - Also marked on the plan is a wetland replication area (3101 sq. ft.) further upland, at the northwest corner of the Parcel O-2, abutting existing BVW – Area 'D'.
 - This was proposed originally in a different application for this project as a Request for Amendment to Order of Conditions 100-0272.
 - The addition of this replication area, along with 'A', 'B', and 'C', would quadruple the proposed replication to 4:1.
 - The OOC for 100-0272 was based on a different lot configuration – Lot O (Plan 15-D-11).
 - The parcel for this project was reconfigured by the applicant into Lot O-2 because of significant changes to the wetlands from when the OOC was first issued in 2005.
 - The Planning Board approved this lot reconfiguration on 2/1/2018.
 - See earlier ConCom meetings on 2/8/18, 3/15/18, and 3/22/18.
 - Following ConCom's 2/17/18 site walk, and during discussion on 3/15, ConCom members expressed questions about the viability of the originally proposed replication area, as well as the viability of an Amendment application rather than a new NOI.
 - This discussion led to the creation of replication areas 'A', 'B', and 'C' as alternates, as depicted on the new NOI submission for 100-0423.



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- The new plan for Lot O-2 under the NOI (as well as under the Request for Amendment to 100-0271) shows the driveway moved from the eastern side of the lot to the western side where it now crosses BVW and requires replication.
- The reason for this change in location is that MassDOT rejected the easterly location because of sight line impediments on Littleton Road, which is a state highway (2A).
- The proposed driveway length is 202 ft., will be paved to a width of 12 ft. for a distance of 46 ft., and will have grassed shoulders.
 - The driveway will be pitched westerly to easterly, which will direct run-off to an area that is to be grassed.
 - Per MassDOT requirements in Permit No. 3-2017-0321, the driveway entrance from 2A, with a 45 mph speedlimit, must be 16 ft. wide.
 - Mr. Mullaney said that the driveway also needs to be wide enough for 2-way traffic because of the curvature of the driveway from the road to the house, which would impede visibility for motorists driving in both directions.
 - BD asked what happens to stormwater runoff on the portion of the driveway having an 8% incline.
 - Mr. Mullaney said this water would flow to an existing swale along Littleton Road where it would then be directed into existing highway catchbasins.
- The viability of replication Area 'C' was then discussed.
 - The addition of this replication area would take up a significant portion of the frontage along Littleton Road.
 - ConCom considered the feasibility of protecting a new replication area in this location from a homeowner who might want a front yard extended to the street.
 - Mr. Mullaney noted that 'C' did not need to be built as it was above and beyond the 1:1 replication required – provided by Area 'A'.
- After discussion, it was decided that:
 - Replication areas 'A' and 'B' are to remain as depicted on the plan;
 - Replication area 'C' does not need to be built but the Commission will require signs at the end of a retaining wall and near the street to prohibit activity in the existing BVW to the west of proposed 'C'.
 - Replication area 'D' (the original replication proposed in the Amendment to 0272) is to be left as is, untouched, with signs added to protect the adjacent BVW.
 - ConCom will require the provision of 5 signs to protect the wetlands, two at the front of the property (where 'C' was proposed) and the specific location of the rest to be determined by ConCom in the field.
- Mr. Mullaney felt the need to again question why this project required a new filing rather than being handled under the Request to Amend the OOC for 100-0272.
 - He cited a conversation with a MassDEP contact, Gary Dulmaine, who said he couldn't understand the reason for a new filing.
 - BD reminded Mr. Mullaney that the Commission followed the recommendation of its contacts at MassDEP, including Circuit Rider Judy Schmitz, who did not consider the plan changes to be "minor" in scope because of the addition of a new wetland crossing.
- GB moved to approve the project and draft an Order of Conditions for 100-0423; JS 2nd.
 - Motion approved unanimously.
- GB moved to continue the Public Hearing to 5/10/2018; JS 2nd.
 - Motion approved unanimously.



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- **Public Hearing (cont'd.): Request for Amendment to Order of Conditions – 138 Littleton Road (Pingry Hill Subdivision), Ridge View Realty Trust, MassDEP # 100-0272**
 - Mr. Mullaney asked that this Hearing be continued, until after the conclusion of the Hearing for 100-0423.
 - GB moved to continue the Public Hearing to 5/10/2018; JS 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - GB moved to approve the minutes for 3/22/2018 as written; JS 2nd.
 - Motion approved unanimously.
- **Announcements**
 - CA produced a letter received from KP Law regarding notification of the replacement of the attorney previously handling a complaint from the previous homeowners at 187 Old Farm Way (Pingry Hill).
 - As the original homeowners no longer live in Ayer and the complaint is now moot, BD questioned why Town Counsel was still investing resources, and potentially charging the Town, on this matter.
 - CA will talk to Town Administrator Robert Pontbriand about this.
- **Accounts Payable**
 - Agent Jo-Anne Crystoff, Mileage reimbursement for field inspections, September 2017 to end of March 2018:
 - September 2017 – 9 miles – \$5.04
 - GB moved to approve payment of \$5.04; JS 2nd.
 - Motion approved unanimously.
 - October 2017 – 102 miles – \$57.12
 - GB moved to approve payment of \$57.12; JS 2nd.
 - Motion approved unanimously.
 - November 2017 – 72 miles – \$40.32
 - GB moved to approve payment of \$40.32; JS 2nd.
 - Motion approved unanimously.
 - December 2017 – 91 miles – \$50.96
 - GB moved to approve payment of \$50.96; JS 2nd.
 - Motion approved unanimously.
 - January 2018 – 93 miles – \$52.08
 - GB moved to approve payment of \$52.08; JS 2nd.
 - Motion approved unanimously.
 - February 2018 – 221 miles – \$123.76
 - GB moved to approve payment of \$123.76; JS 2nd.
 - Motion approved unanimously.
 - March 2018 – 86 miles – \$48.16
 - GB moved to approve payment of \$48.16; JS 2nd.
 - Motion approved unanimously.
 - W. B. Mason, \$28.43, office supplies
 - GB moved to approve payment of \$28.43; JS 2nd.



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- Motion approved unanimously.
- Bill Daniels, \$125.00, MACC conference attendance reimbursement
 - JG moved to approve payment of \$125.00; JS 2nd.
 - Motion approved 3-0 (BD abstained).
- Jess Gugino, \$125.00, MACC conference attendance reimbursement
 - With proof of payment now provided, GB moved to approve re-signing authorization to reimburse \$125.00; JS 2nd.
 - Motion approved 3-0 (JG abstained).
- ConCom Budget Report
 - The current balance in the Commission's Wetlands Protection Fund is \$54,619.35.
 - This account is funded by the town's portion of state-required application fees (NOIs, etc.).
 - Money from this account can only be used for very limited purposes as deemed acceptable by the Wetlands Protection Act.
- **Conservation Commission Office Updates**
 - Pingry Hill
 - CA reports the area in active construction, Woodland Way, is in poor shape, with photos documenting this.
 - A portion of the paved road is covered completely with dirt.
 - Desheng Wang, the erosion control specialist, is also upset by the conditions maintained by the contractor.
 - The contractor said their sweeper has been broken, but this is not a valid excuse.
 - With heavy rains forecast for the following Monday (4/16), both Dr. Wang and CA are concerned that a lot of this sediment will wind up in the wetlands.
 - In addition, CA showed the Commission photos of the area behind Lot 75A where a deep gully of washout has formed, outside of the intended swale, and erosion controls have been overtopped.
 - A good amount of sediment has made its way into the wetlands beyond the controls.
 - After discussion, CA will:
 - issue an Enforcement Order for inappropriate conditions at the job site, in violation of the OOC, and require cleanup of Woodland Way and the area behind Lot 75A;
 - contact the contractor tomorrow (4/13) to warn that if, with the heavy rains on Monday, sediment from Woodland Way winds up in the wetlands, then a Cease & Desist will be issued as well.
 - Solitude Contract for 2018 Pond Management
 - BD said he was concerned that the contract cost for treatment this year is \$38,947, but ConCom's remaining funds earmarked for weed treatment fall a couple thousand short.
 - Earlier in the meeting, Town Administrator Robert Pontbriand had briefly stopped by to say hello and took the opportunity to inform the Commission that the FY 2019 funding request for weed control, to be voted on at Spring Town Meeting (5/14/2018), will be \$40,000.
 - This money is not guaranteed as it has yet to be approved by Town Meeting.



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- GB moved to approve presenting the 2018 Solitude contract for pond treatment, for \$38,947, to the Town Administrator for his signature, if he approves the assumption that the Town will make up the shortfall if the Town Meeting article for FY2019 does not pass; JS 2nd.
 - Motion approved unanimously.
 - CA will turn the contract over to Mr. Pontbriand for his signature at the earliest opportunity.
- **10:25 PM – Adjourn Meeting**
 - JG moved to adjourn; GB and JS 2nd.
 - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission: _____

5/10/18

Signature Indicating Approval: _____