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NOV 30 2018

TOWN OF AYER  
TOWN CLERK

12:15 pm  
*Mary Opeland*

## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 11/8/2018

Location: Ayer Town Hall, 1st Floor

Present: George Bacon (GB, Chair), Bonnie Tillotson (BT, Vice-Chair), Jessica Gugino (JG, Member/Clerk), Jon Schmalenberger (JS, Member), Mark Phillips (MP, Member), Jo-Anne Crystoff, (CA, Conservation Administrator)

APAC taped: Yes

### 7:03 PM – Open Meeting

- **Confirmation of Agenda**

- The posted Pingry Hill Public Hearings would not take place this evening.
- BT moved to confirm the agenda as amended; JS 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Approval of Meeting Minutes**

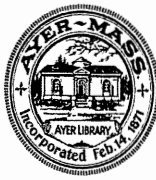
- BT moved to accept the minutes for 10/25/2018 as written; JS 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Accounts Payable**

- Ecotec: \$1269.60, for Paul McManus, outside consultant services (9/17-10/28), Page-Hilltop Oil Spill Clean-up (MassDEP # 100-0425).
  - \$1140 for consulting; \$129.60 reimbursement for 240 in mileage.
  - BT moved to approve payment of \$1269.60; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- Solitude Lake Management: \$3000, for Task 6, post-treatment inspection, project completion report, 2018 pond treatments for invasive weeds.
  - BT moved to approve payment of \$3000; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- Change in legal ad invoice processing
  - Under the Town Manager form of government, CA may now sign off approval of payment for ConCom Hearing/Meeting legal ads without waiting for ConCom vote.
    - Legal ads are paid through a revolving fund, and Accounting does not release payment until reimbursement has been received from applicants.
  - BT moved to approve this change of procedure; JS 2<sup>nd</sup>.
    - Motion approved unanimously.

- **Public Hearing: Notice of Intent (NOI) – 0 Rosewood Avenue, Riley Jayne Farm LLC, MassDEP # 100-0434**

- Assessor's Map 3, Parcel 48
- Tim Beauchemin, of Beauchemin Engineering, Inc., was present on behalf of the applicant.
- The NOI proposes construction of a new 4-bedroom house on a 24,000 sq. ft. lot subdivided from 22 Rosewood Avenue (Parcel 3-49).
- ConCom performed a site walk on 10/27 and added a site-specific condition to its draft OOC.
  - An existing chain-link fence runs across the parcel, through the location where the house will be built and on into the wetlands.
  - The Special Condition requires removal of all the chain-link fence fabric and top rails.
    - Fence posts in the upland area must also be removed.
    - Fence posts in wetlands are to be removed by hand or left in place if not possible.



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- This was noted on the final revision of the plan, dated 11/8/2018.
- Mr. Beauchemin has read and approved the draft OOC.
- BT moved to sign the OOC and close the Public Hearing for 100-0434; JS 2<sup>nd</sup>.
  - Motion approved unanimously and the OOC was signed.
- **Public Meeting: Enforcement Order (EO): 62 Nashua Street, Ayyanna Jagarlamudi and Radhika Bondalapati**
  - Assessor's Map 13, Parcel 10
  - Ayyanna Jagarlamudi and Radhika Bondalapati, the homeowners for the newly constructed house on Lot 1 of the Nashua Street Extension subdivision, were present.
  - CA previously received a phone call from builder Mark Gallagher alerting her to the homeowners' tree-cutting activity in the buffer zone, including the beginning removal of a large triple-trunk oak.
    - CA required the activity to cease and then consulted with Denise Child, of MassDEP, as the subdivision is under a Superceding OOC of the State rather than a ConCom OOC.
    - At Ms. Child's recommendation, CA issued an EO requiring completion of the oak's removal, removal of brush piles, and the prior notification of ConCom for any future earthwork in the yard.
  - The homeowners were very cooperative and have completed the EO's requirements.
    - Ms. Bondalapati said the builder had not informed them at the time of purchase regarding the need for ConCom permission to do work in buffer zone.
      - As a result, they simply did not know.
    - GB noted that this notification is a standard condition in ConCom OOCs but not in State Superceding OOCs.
  - BT asked about in-kind remediation, perhaps of lower-lying shrubs that pose no risk to the house.
    - Mr. Jagarlamudi said they planned to do this.
    - CA offered help next spring in picking shrubs likely to do well in a shady environment.
  - BT moved to ratify the EO; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Nashoba Associated Boards of Health (NABH), 30 Central Avenue**
  - Assessor's Map 27, Parcel 44
  - James Garreffi, Director of NABH, was present.
  - This was previously briefly discussed under CA Updates at ConCom's 10/25 meeting.
    - The existing parking lot for NABH is gravel and difficult to maintain.
      - The parking lot gets little sun and is prone to rutting in winter, creating icy/slushy patches that are a safety concern for employees and the public.
      - In addition, the catchbasin in the street in front of NABH floods during heavy stormwater events.
  - NABH wants to pave the parking lot and install a riprap sump drainage area in the front corner to better disperse stormwater runoff and keep it off the road.
    - DPW Superintendent Mark Wetzel has seen their plan and agrees that it will help.
  - After discussion, ConCom agreed that an RDA application would suffice for this project.
    - NABH will proceed accordingly, and hopes to do the work next summer.

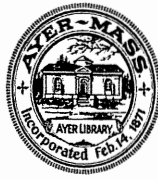


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- **Public Meeting: Request for Certificate of Compliance (COC): 26 Oak Ridge Drive, Roger Kanniard, R.D. Kanniard Homes, Inc., MassDEP # 100-0405**
  - Assessor's Map 27, Parcel 206
  - An As-Built has been received and CA has performed a site walk.
    - CA noted that the builder, Mr. Kanniard, did an excellent construction job on a tough lot and recommended issuance of a COC.
  - BT moved to issue a COC for 100-0405; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing: Request for Determination of Applicability (RDA) -- 8 Standish Avenue, Ronald Krieser**
  - Assessor's Map 15, Parcel 46
  - Ron Krieser was present and described the project to remove 7 dead pine trees located in the buffer zone to Sandy Pond.
    - The trees likely died from insect activity, or possibly some from lightning damage.
    - CA and JG have done a site visit.
    - The 3 trees on the bank to the pond would be removed but their stumps left in place.
    - The 4 other trees are a little further from the pond and downslope so runoff into the pond would not be a concern.
      - These trees would be taken down and their stumps could be ground but not removed by digging.
  - BT moved to issue a Negative Determination of Applicability, with above specifications; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): Request for Amendment to OOC – 259 Woodland Way (Lot 142A), Richard Roper, Ridge View Realty Trust, MassDEP # 100-0418**
  - Assessor's Map 36, Parcel 184
  - The draft OOC has not yet been read and approved by the applicant's representative.
  - BT moved to continue the Public Hearing for 100-0418 to 11/29/2018; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): Request for Amendment to OOC – 237 Woodland Way (Lot 76A), Richard Roper, Ridge View Realty Trust, MassDEP # 100-0417**
  - Assessor's Map 36, Parcel 118
  - The draft OOC has not yet been read and approved by the applicant's representative.
  - BT moved to continue the Public Hearing for 100-0417 to 11/29/2018; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing: Request for Amendment to OOC – 219 Woodland Way (Lot 75A), Richard Roper, Ridge View Realty Trust, MassDEP # 100-0416**
  - Assessor's Map 36, Parcel 117
  - The draft OOC has not yet been read and approved by the applicant's representative.
  - BT moved to continue the Public Hearing for 100-0416 to 11/29/2018; JS 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Conservation Commission Office Updates**



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- Pirone Park Perimeter Path (MassDEP # 100-0422)
  - After successful completion of a new bidding process, this project has now begun and should take approximately 2 weeks to complete.
  - CA has inspected the erosion controls and was happy to note that the contractor was able to find orange silt fencing (for better visibility).
- Ayer Community Garden (ACG)
  - CA has been meeting with Sheila Carman, who is leading this grass-roots project.
    - ACG has been approved by the Board of Selectmen to lease a parcel of land on Barnum Road from the Town.
    - The DPW will be putting in a water line to the garden.
    - Tree-clearing and grading will have to be done to prepare the site.
  - In addition to some of the land being in buffer zone, a portion of this area along the shore of Grove Pond is ACEC (Area of Critical Environmental Concern), and the area is also partially in flood plain.
    - CA noted that DEP will want to see actual flood plain elevations, and she has asked Ms. Carman to ask the DPW to provide this information.
    - CA is also asking for a “measured drawing” from DPW for ConCom’s application process.
  - ConCom will add this to its planned Saturday site walk, on 11/10, in order to evaluate whether an RDA or an NOI will need to be used for permitting.
- 2018 Pond Weed Treatments
  - The final report from Solitude Lake Management was distributed to ConCom members, including recommendations for 2019 treatments.
  - GB asked BT to take the lead on this and prepare a short presentation on the report, including what the Town should do for next year, what it will need to budget, and scope of activities.
  - BT also noted she would like to see the water testing results from the DPW.
- 231 Snake Hill Road (MassDEP # 100-0412)
  - With all the rain lately and saturation of the water table, CA reports that a garden hose has been hooked up to the cellar sump and is draining into 16 inches of crushed stone under the deck off the back of the house.
    - Even the erosion controls behind the house are now in the water as the pond level has been very high.
  - CA reminded the builder, Gary Shimmel of White Horse Builders, that his approved plan does not show discharge from a sump pump.
  - ConCom will add this to its 11/10 site walk, to evaluate the conditions.
    - GB said the builder will have to come to a ConCom meeting with a proposed permanent solution for handling sump pumped water as it is evident this will likely be an ongoing issue for this property.
- Page-Hilltop Oil Spill Cleanup (MassDEP # 100-0425)
  - At CA’s request, stone was laid at the end of the pumping area to slow water velocity.
  - An updated replication plan with more detail has been submitted by Ducharme & Dillis, and passed on to consultant Paul McManus (EcoTec) for review.
  - The cleanup is moving into the area that will require a lot of replanting.
    - Because of wet conditions, Trident Environmental needs approval for entering this area via a different pattern.



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- Going in straight, via the original plan, the temporary mats were sinking.
  - Instead, Trident proposes going horizontal to the initial path, at multiple points – crosswise rather than lengthwise.
  - ConCom will be visiting this site on 11/10 and make its evaluation at that point.
- Pingry Hill, Woodland Way
  - On its 11/10 site walk, ConCom will check out the situation reported by CA of an overflowing stormwater basin at the back of Woodland Way.
    - The basin is not yet complete, and the outlet structure has yet to be constructed.
    - The outlet structure cannot be built while the basin is full.
    - Some material is getting into the wetlands.
- 11/10 site walk
  - ConCom plans a general site walk, checking on various open sites, for Saturday, starting at 8 a.m. and meeting first at Woodland Way.
- Fire Chief Pedrazzi
  - The boards have now been taken out of Balch Dam (aka East Main Street Spillway) for the season, as per request of ConCom.
  - Chief Pedrazzi will also be meeting next week with CA to discuss a potential plan to mitigate flooding at the back of the Fire Station.
- Ice House Partners
  - An 11/1 letter from the Federal Energy Regulatory Commission recommended to Liisa Marino, VP/GM of Ice House Partners, Inc., the removal of several dead trees adjacent to water retaining structures, where erosion and undercutting are occurring.
    - This followed a dam safety inspection of the dam performed on 5/22/2018.
  - CA will invite Ms. Marino to a ComCom meeting to discuss further.
  - The Commission has an open OOC on this dam, set up jointly by Ayer and Shirley, to provide for regular maintenance.
- Beaver activity
  - DPW Superintendent Wetzel says there is again beaver activity, with some flooding, reported by a resident on Mechanic Street.
    - Several years ago ConCom had a beaver deceiver installed on Nonacoicus Brook near this area to address previous complaints.
  - CA will call Mike Callahan, of Beaver Solutions, to see if he has checked on this site, as well as performed annual maintenance on several other Town beaver deceivers.
- Office change
  - Prior to Thanksgiving, CA's office will be moved from the 3<sup>rd</sup> floor to the first floor, per decision of Town Manager Robert Pontbriand.
- **9:05 PM – Adjourn Meeting**
  - JG moved to adjourn; BT 2<sup>nd</sup>.
    - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Guginio, Clerk

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

11/29/2018

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

*Jessica G. Guginio*