



RECEIVED
OCT 04 2018

TOWN OF AYER

TOWN CLERK

2:40pm lf

Town of Ayer Conservation Commission

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

Minutes for 9/6/2018

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), Jo-Anne Crystoff, (CA, Conservation Administrator)

Not Present: Member Vacancy

APAC taped: Yes

7:02 PM – Open Meeting

- **Confirmation of Agenda**

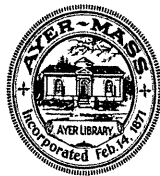
- JG moved to confirm the agenda as posted; JS 2nd.
 - Motion approved unanimously.

- **Accounts Payable**

- MACC: \$371.00, Massachusetts Association of Conservation Commissions (MACC) annual dues (\$281) plus individual commissioner electronic access to MACC's Environmental Handbook for Massachusetts Conservation Commissioners (additional \$90).
 - BT moved to approve payment of \$371.00 to MACC; JS 2nd.
 - Motion approved unanimously.
- MSMCP: \$20.00, annual membership dues for CA for the Massachusetts Society of Municipal Conservation Professionals (MSMCP).
 - BT moved to approve payment of \$20.00; JS 2nd.
 - Motion approved unanimously.
- Erosion Control Field Day: \$45.00, CA attendance at all-day event, 9/12, sponsored by Middlesex County Conservation Districts.
 - BT moved to approve payment of \$45.00; JS 2nd.
 - Motion approved unanimously.
 - It was noted that CA may have to pay for this personally and then submit an invoice for reimbursement, depending on the Town Accountant's office requirements for bill submission.

- **Public Hearing (cont'd.): Notice of Intent (NOI) –28 Harvard Road, Global Partners LP, MassDEP # 100-0429**

- Assessor's Map 35, Parcels 52, 53 & 54
- Jim Bernadino, of Bohler Engineering (Southborough, MA), was present on behalf of the applicant.
- Mr. Bernadino updated the Commission re revisions to the plans based on ongoing coordination with the Planning Board and DPW.
 - The latest revised plan that addresses outstanding comments from Planning, DPW, and ConCom, was distributed.
- Mr. Bernadino summarized key changes made:
 - The southern property line will now be designed with a 14-20 ft. wide maintained lawn at the edge of the facility with the rest, stretching to the property line, to be planted with a conservation meadow mix with only limited maintenance needs.

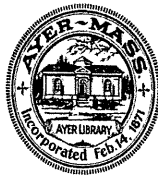


Town of Ayer Conservation Commission

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

Minutes for 9/6/2018

- New landscaping at the front south corner has been added, noting 24 plantings and ornamental trees.
- Per request of the DPW, details have been added to improve erosion controls and stabilization at the front southern corner by the roadway.
- At the rear of the facility, 6 landscape beds are now proposed, between the back paved area and the drainage swale.
 - Mr. Bernadino passed on that Jesse Johnson had noted to him that these beds were not exactly what the Commission was looking for to mitigate impact on air quality and drainage in the back.
 - Mr. Bernadino added that they could also address these concerns with 8-9 trees if the Commission wanted, and that the applicant was comfortable with this.
 - They would work with staff (i.e. CA) to coordinate details of that additional landscaping.
 - ConCom members expressed their interest in adding the 8-9 trees mentioned by Mr. Bernadino, with tree types to be confirmed by CA.
 - CA will add this as a condition to the draft OOC.
- To address concerns about clear sight lines on Harvard Road, two trees at the south corner will be removed.
 - The stumps will be left in place to avoid destabilizing the roadway.
 - CA said one of the two trees is an Ash and is already diseased.
 - The presence or absence of Emerald Ash Borer should be confirmed with a draw knife sampling of the bark.
 - If confirmed, the proper means of disposal should be checked on with the State.
- CA also noted additional changes to the plans since ConCom last reviewed them:
 - Per request of the Planning Board, vegetative screening on the north side of the lot, between the site and the cemetery, has been enhanced.
 - Three check dams, to dissipate stormwater runoff velocity, have been added to the drainage swale in the back.
 - Plantings (e.g. low-lying shrubs) by the front entrances have been doubled.
- GB asked for a brief review of the subsurface infiltration system, with deep sump catchbasins designed to remove excess sediment prior to runoff entering the subsurface system.
 - Mr. Bernadino said that, if properly maintained, this system should last about 50 years.
- Regarding BT's question as to how stormwater flow runs off the impervious surfaces of the paved area, Mr. Bernadino said undulations in the paved area are designed to direct water to the catchbasins.
 - In addition, the standard engineering practice of adhering to a 1 to 1-1/2 % slope/pitch of the pavement will encourage stormwater, by design, to run off rather than puddle.
- JG moved to approve CA drafting an OOC for review by the applicant; BT 2nd.
 - Motion approved unanimously.
- BT moved to continue the Public Hearing to 9/27, at which time the final OOC can be reviewed and signed if there are no further issues; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 0 Sedgeway, Paul Bresnahan, MassDEP # 100-0429**
 - Assessor's Map 15, Parcel 28



Town of Ayer Conservation Commission

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

Minutes for 9/6/2018

- John Boardman, of Places Associates, was present on behalf of the applicant.
- The draft OOC has been reviewed with the applicant/applicant's representatives.
- BT moved to issue the OOC as prepared and close the Public Hearing; JS 2nd.
 - Motion approved unanimously and the OOC was signed.
- **Discussion: Abbreviated Notice of Resource Area Delineation (ANRAD) – Shaker Mill Pond, Aho Development Corp. (Daniel Aho), MassDEP # 100-[tbd]**
 - Assessor's Map 36, Parcel 18
 - John Boardman, of Places Associates, was present on behalf of the applicant.
 - Not having been officially advertised, no further discussion of the project took place other than the scheduling of a site walk, for 8 a.m. on Saturday, 9/22.
- **Public Hearing: Request for Determination of Applicability (RDA) – 76 Sandy Pond Road, Cannongate Condominium Association**
 - Assessor's Map 29, Parcel 4
 - Steve Stapinski, of Merrimack Engineering Services (Andover), was present on behalf of the applicant.
 - The project area was flagged for wetlands last fall (2017) or this spring (2018) by Norse Environmental.
 - The RDA proposes a repaving project for the condominium complex:
 - reconstruction of existing pavement, including driveways, walks, and parking areas;
 - additional paving to add parking spaces and improve safety and access for emergency vehicles;
 - new curbing, dumpster pads and enclosures,, and appurtenances included with this work.
 - Adding new parking spaces to existing parking lots along with applying a standard width of 24 ft. to the roadway is intended to disallow parallel parking along the roadway.
 - Parallel parking on the roadway itself has been an ongoing issue and has narrowed safety and access for emergency vehicles.
 - In addition:
 - Existing catchbasins will be cleaned prior to commencement of repaving.
 - If some are found in need of rebuilding, they will be rebuilt.
 - Nothing in the paved areas will be flatter than 1% slope/grade.
 - Existing pavement will be ground up for a recycling mix.
 - Some deemed necessary to adjust grading during the project will remain on site.
 - A pile of ground-up mix will be stored in the back of the site for future maintenance.
 - The rest will be removed from the site.
 - CA has performed a site walk and noted the isolated wetland at the back section of Cannongate.
 - This area is not jurisdictional to ConCom.
 - Nevertheless, CA advised that someone should locate a drain, near the isolated wetland and railroad tracks, that she observed, and mark this on the plan survey (sheet 5 of 8).
 - The location of the drain should be kept in mind when deciding on the location of the storage pile in that area, of ground-up pavement mix for future maintenance needs.
 - Per GB's request, Mr. Stapinski said they would add some erosion controls to this back (SW) corner, though he also noted there will be no change in grading in this area.



Town of Ayer Conservation Commission

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

Minutes for 9/6/2018

- BT moved to issue a Negative Determination of Applicability, with the added condition of requiring erosion controls at the SW corner of the lot along the isolated wetland; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd): NOI – 273 Woodland Way (Lot 143A), Ridge View Realty Trust (Richard Roper, Trustee), MassDEP # 100-0431**
 - Assessor's Map 36, Parcel 185
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - ConCom performed a site walk on 8/18, with further discussion having taken place at ConCom's 8/23 meeting.
 - GB noted a clarification email received on 8/29 from Denise Child, Wetlands Section Chief for MassDEP.
 - Ms. Child's suggestion was that the "most impactful single plan," for this lot, and 10 other applications submitted at the same time, be submitted.
 - The applicant had asked for OOCs approving in advance any of eleven different house plans, each with different buffer zone work impacts (i.e. to house locations, driveways, possible retaining walls, etc.)
 - Per Ms. Child, if a different design was selected later, the applicant could ask ConCom for a further amendment or for agreement to a "field change," per ConCom's discretion.
 - Regarding Lot 143A, a Special Condition will be added requiring up to 3 signs on posts, denoting the presence of wetlands and limiting yard expansion, to be placed at locations to be determined by CA/ConCom.
 - BT moved to approve the NOI for Lot 143A (MassDEP # 100-0431) and draft an Order of Conditions (OOC); JS 2nd.
 - Motion approved unanimously.
 - BT moved to continue the Public Hearing to 9/27; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing: Request for Amendment to Order of Conditions (OOC) – 130 Woodland Way (Lot 134A), Ridge View Realty Trust (Richard Roper, Trustee), MassDEP # 100-0275**
 - Assessor's Map 36, Parcel 176
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - ConCom performed a site walk on 8/18, with further discussion having taken place at ConCom's 8/23 meeting.
 - A revised plan was distributed with trees added, per ConCom comments on 8/23.
 - Mr. Mullaney said that the erosion control specialist, Dr. Desheng Wang, has proposed transplanting saplings, with at least a 1-1/2 inch diameter, from the woods for this purpose.
 - If the transplants do not take successfully, the applicant must still plant additional trees.
 - CA asked for a copy of the tree table referenced.
 - Special Conditions will require two signs on posts (delineating wetlands, limiting yard expansion), to be placed at each end of the retaining wall, between the boulders and wall, as well as the use of 1-1/2-in. caliper trees.
 - BT moved to approve the Amendment Request and draft an amended OOC for Lot 134A (MassDEP # 100-0275); JS 2nd.
 - Motion approved unanimously.
 - BT moved to continue the Public Hearing to 9/27; JS 2nd.



Town of Ayer Conservation Commission

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

Minutes for 9/6/2018

- Motion approved unanimously.
- **Public Hearing: Request for Amendment to OOC – 150 Woodland Way (Lot 135B), Ridge View Realty Trust (Richard Roper, Trustee), MassDEP # 100-0279**
 - Assessor's Map 36, Parcel 177
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - ConCom performed a site walk on 8/18, with further discussion having taken place at ConCom's 8/23 meeting.
 - Special Conditions will be added requiring augmentation of the existing stone wall at the Limit of Work, to a height of 2-1/2 ft., and two signs on posts (denoting the presence of wetlands and limiting yard expansion) to be placed at either end of the wall on this lot.
 - BT moved to approve the Amendment Request and draft an amended OOC for Lot 135B (MassDEP # 100-0279); JS 2nd.
 - Motion approved unanimously.
 - BT moved to continue the Public Hearing to 9/27; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing: Request for Amendment to OOC – 186 Woodland Way (Lot 137B), Ridge View Realty Trust (Richard Roper, Trustee), MassDEP # 100-0280**
 - Assessor's Map 36, Parcel 179
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - ConCom performed a site walk on 8/18, with further discussion having taken place at ConCom's 8/23 meeting.
 - Per the 8/23 discussion, numerous shade trees and boulders 10 ft. on center have been added to the rear of the lot line and front left corner.
 - A Special Condition will be added requiring the addition of two signs on posts (denoting the presence of wetlands and limiting backyard expansion).
 - BT moved to approve the Amendment Request and draft an amended OOC for Lot 137B (MassDEP # 100-0280); JS 2nd.
 - Motion approved unanimously.
 - BT moved to continue the Public Hearing to 9/27; JS 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – 252 Woodland Way (Lot 138B), Ridge View Realty Trust (Richard Roper, Trustee), MassDEP # 100-0432**
 - Assessor's Map 36, Parcel 180
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - ConCom performed a site walk on 8/18, with further discussion having taken place at ConCom's 8/23 meeting.
 - A Special Condition will be added requiring the addition of two signs on posts (denoting the presence of wetlands and limiting backyard expansion) at the back of the property.
 - BT moved to approve the NOI for Lot 138B (MassDEP # 100-0432) and draft an OOC; JS 2nd.
 - Motion approved unanimously.
 - BT moved to continue the Public Hearing to 9/27; JS 2nd.
 - Motion approved unanimously.



Town of Ayer Conservation Commission

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

Minutes for 9/6/2018

- **Discussion: Acceptance of Request for Amendment to OOC – 77 Woodland Way (Lot 68), Ridge View Realty Trust (Richard Roper, Trustee), MassDEP # 100-0408**
 - Assessor's Map 36, Parcel 110
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - This is an after-the-fact request to address work done on this lot without ConCom notification or approval, to address drainage coming from the next door non-jurisdictional lot.
 - BT moved to approve acceptance of the Amendment Request for Lot 68 (MassDep # 100-0408) and to schedule a Public Hearing to formally vote on the Request; JS 2nd.
 - Motion approved unanimously.
- **Conservation Commission Office Updates**
 - Beaver dams
 - CA anticipates receiving a request from the Nashoba Boards of Health for ConCom to sign off on an Emergency Certification approving the dismantling of a beaver dam.
 - The dam is to be taken apart by manually by Ruth Callahan, of Integrated Wildlife Control.
 - The location is the beaver dam in question is off Willow Road, by the train tracks in that area.
 - Keolis says that leaving the beaver dam in place risks undermining the commuter rail tracks.
 - 112 Washington Street
 - A subcontractor hired by the DPW began work on 9/5 to install a new drain pipe from the catchbasin in front of this residence, as discussed by ConCom on previous occasions.
 - The work is being done under an Emergency Certification previously issued by ConCom.
 - 217 West Main Street (MassDEP # 100-0420)
 - Previously discussed by ConCom on 8/23.
 - CA is monitoring the DPW's work to encapsulate an existing outfall pipe, from the road, with a new pipe.
 - The location of this outfall pipe was discovered after clearing as work commenced on the eastern stormwater basin.
 - More information is needed as to the adequacy of how far the new pipe extends as well as how it connects to the existing pipe.
 - High Street culvert replacement
 - CA learned from a former commissioner/chair, Mr. Bill Daniels, that the DPW was replacing a culvert and catchbasins on High Street.
 - Unfortunately the DPW did not file with ConCom in advance but instead hired an outside company to replace the 36-in. wide culvert with a new of same size.
 - In addition, two existing catchbasins are being replaced with new catchbasins that will now have sumps.
 - Some erosion controls were placed on the downstream side of the intermittent stream, though CA said the placement could have been more effectively aligned.
 - Intermittent streams are jurisdictional to ConCom, with a 100 ft. buffer zone.
 - The Commission discussed the possibility of requiring an application after-the-fact (i.e. NOI or RDA).



Town of Ayer Conservation Commission

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

Minutes for 9/6/2018

- GB advised issuing a Violation Notice and having someone from the DPW attend ConCom's 9/27 meeting.
- The Willows
 - The mitigation area adjacent to the building housing unit 95 is still being mowed.
 - Desheng Wang provided CA with the name of the Condo Association Manager.
 - This will have to be subject to a future enforcement action by the Commission.
- Snake Hill Road
 - CA provided ConCom members with a map showing Parcel 21-3 on Snake Hill Road, an undeveloped lot between Sandy Pond and Flannagan Pond.
 - The current owner has expressed an interest in conveying it to the Town, possibly in lieu of back taxes.
 - This 5,940 sq. ft. lot is not buildable according to the Building Inspector.
 - The possibility of the Town acquiring this lot for the purpose of providing boat access to Flannagan Pond was of interest to the Commission.
 - GB said the State can assist with developing public boat launches.
 - GB asked CA to contact the property owner for permission for ConCom to perform a site walk at a future date.
- **Member Updates**
 - GB
 - It is expected that Mark Phillips will be appointed to fill the Commission's vacancy at the Board of Selectmen's next meeting on 9/11.
 - Following that, he suggested that ConCom schedule a site walk in the future to review current active sites and bring Mr. Phillips up to speed.
- **Committee Updates**
 - Open Space & Recreation Plan Update Committee
 - JG, who represents the Commission on the OSRP Committee, said CA had recently been contacted by Carolyn McCreary as to the status of CA completing a portion of work to address comments from the State regarding the submitted draft OSRP.
 - CA has been unable to do the necessary research, which BT estimated looked like would take at least 40 hours.
 - JG said it was clear that the current workload for Commission business cannot at this time accommodate such an additional work request.
 - The Commission also agreed that significant requests for use of CA's time should go through the Chair.
 - In addition, JG said the OSRP Committee had received CPC funding from Town Meeting several years ago, to pay for outside consultant services to complete the updated plan.
 - Over \$20,000 in CPC funds remain for this purpose.
 - It is JG's opinion that the OSRP Committee should be advised to meet to discuss the use of these funds.
 - GB and the rest of the Commission agreed with this, and that CA's time/workload at present – and for the foreseeable future -- does not have the leeway to take on additional projects like this.
 - JG also noted that Town Hall employees cannot be paid overtime, even if they wanted to.



Town of Ayer Conservation Commission

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

Minutes for **9/6/2018**

- JG will contact the Chair of OSRP to request a meeting to discuss the above recommendation.
- **10:02 PM – Adjourn Meeting**
 - JG moved to adjourn; JS 2nd.
 - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission: 9/27/2018

Signature Indicating Approval: 