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DEC 14 2018

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for 11/29/2018

TOWN OF AYER
TOWN CLERK
12:15pm *lf*

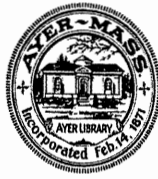
Location: Ayer Town Hall, 1st Floor

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

7:01 PM – Open Meeting

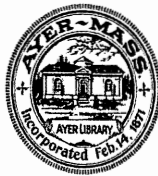
- **Confirmation of Agenda**
 - BT moved to confirm the agenda as posted; JS 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - BT moved to accept the minutes for 11/8/2018 as written; JS 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Jessica Gugino: \$110.00, reimbursement for attendance at MACC Conference, 10/20/2018.
 - BT moved to approve payment of \$110.00; JS 2nd.
 - Motion approved unanimously.
 - George Bacon: \$110.00, reimbursement for attendance at MACC Conference, 10/20/2018.
 - BT moved to approve payment of \$110.00; JS 2nd.
 - Motion approved unanimously.
- **Request for Partial Certificate of Compliance (PCOC) – 3 Pingry Way, Ali and Rebecca Aslam, MassDEP # 100-0073**
 - Assessor's Map 37, Parcel 54
 - This is a very old OOC for Bennett's Crossing and the files are incomplete.
 - No plan is on file, but the work probably was for general subdivision infrastructure.
 - On site visit, CA ascertained that the property itself is not in or near wetlands.
 - BT moved to issue a PCOC for 3 Pingry Way, DEP #100-0073; JS 2nd.
 - 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
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - The draft OOC has been reviewed and was now ready to sign.
 - BT moved to sign the OOC and close the Public Hearing for MassDEP # 100-0418; JS 2nd.
 - Motion approved unanimously and the OOC was signed
- **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
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - The draft OOC has been reviewed and was now ready to sign.



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- BT moved to sign the OOC and close the Public Hearing for MassDEP # 100-0417; JS 2nd.
 - Motion approved unanimously and the OOC was signed
- **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
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - The draft OOC has been reviewed and was now ready to sign.
 - CA received a request for departmental review for this lot as it will have to go before the Zoning Board of Appeals for a variance.
 - Some 45 years ago, an arbitrary line was drawn delineating a light industrial zoning district from a general residential A1 zoning district.
 - That line bifurcates this lot.
 - When the lots for Woodland Way were reconfigured, the previous variance for this was voided and a new variance must now be applied for.
 - ConCom has no issues with this variance.
 - BT moved to sign the OOC and close the Public Hearing for MassDEP # 100-0416; JS 2nd.
 - Motion approved unanimously and the OOC was signed.
- **Discussion: Resident interest in ConCom**
 - New resident Jesse Caney came to observe a ConCom meeting.
 - He is new to Ayer and currently works for Fish & Wildlife.
 - He has previously worked with the National Park Service as well as Forest Service.
 - ConCom will look into the possibility of an Associate Member appointment.
- **Discussion: 2018 Pond Treatment Report Summary**
 - BT reviewed and summarized the recent report of this year's pond treatment provided by Solitude Lake Management.
 - The ponds treated were Sandy, Flannagan, and Pine Meadow ponds.
 - For 2018, Solitude was asked to attain a 90% reduction in invasive weed growth.
 - Instead, their report indicates they achieved a 95% reduction, and BT observed that by the end of 2018, the treated ponds are in great shape, with non-invasive species coming back in spots.
 - BT also prepared a chart showing the historical cost of weed treatments from 2000 to 2018.
 - From this chart, it is clear that treatment costs rise dramatically after periods of no treatment, such as 2009-11 and 2015-16.
 - 2017 treatment costs were \$61,500, and 2018 were \$38,947.
 - Treatment gaps lead to significant resurgences of invasive plant species (i.e. milfoil, fanwort), and result in higher costs.
 - BT concludes that the wait-and-treat approach is neither useful nor cost-effective.
 - The question now is how to move forward with a cost-sensible maintenance plan that will enable the Town to maintain a healthy pond system.
 - The goal is to maintain these 3 ponds in a oligotrophic or mesotrophic state, and avoid eutrophic or hypereutrophic states.
 - An oligotrophic state is low in plant nutrients such as phosphates, nitrates, yielding clear water with low algal production, i.e. 'good' water quality.



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- A mesotrophic state similarly has a moderate amount of dissolved nutrients, i.e. 'fair' water quality.
 - A eutrophic pond state has an overabundance of nutrients that support a dense growth of algae and invasive weeds, the decay of which depletes shallow waters of oxygen in summer, i.e. 'poor' water quality.
 - A hypereutrophic pond state is one that is excessively enriched with nutrients and prone to algal blooms and low transparency.
 - Right now all 3 of the treated ponds are in the desired oligotrophic or mesotrophic state. In the past, Flannagan Pond in particular has devolved into a eutrophic state.
 - BT suggests a treatment plan moving forward that responds with spot treatments if invasive weed regrowth exceeds 20% over now-current levels.
 - This will require monitoring in the spring, to see if treatment need is triggered, as well as in fall, for end-of-year evaluation and budget planning for the following treatment year.
 - ConCom will ask for \$25,000 for weed treatment in the coming fiscal year.
 - CA will contact Solitude to see if they can meet with ConCom over the winter to discuss the feasibility of the above-described 'trigger' approach to maintenance.
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- **Discussion: 231 Snake Hill Road, White Horse Builders LLC, MassDEP # 100-0421**
 - Assessor's Map 21, Parcel 11
 - Gary Shimmel, of White Horse Builders, was present.
 - Following a ConCom site walk on 11/10, CA invited Mr. Shimmel to meet with the Commission to discuss how stormwater is being handled on the property.
 - Because of a very wet fall and high groundwater/pond levels, a sump pump has been running in the basement and discharging into a 2 ft. deep gravel bed under the deck.
 - Mr. Shimmel said this is working well handling stormwater and the situation is under control.
 - The top of the concrete basement floor is still 9 in. higher than the top of the pond.
 - He then asked if some outlets could also be made through the backyard earthen berm, to alleviate water backing up toward the house foundation.
 - In issuing its OOC, ConCom had requested an earthen berm across the backyard to visually and physically discourage a future homeowner from trying to expand the yard into the adjacent wetlands.
 - At the same time, however, it appears the berm is also acting as a dam holding in stormwater runoff from the street and exacerbating the need for basement sump pump use.
 - CA said the natural vegetation on the other side of the berm is such that erosion would not be a problem were some openings in the berm made.
 - ConCom agreed with this strategy and Mr. Shimmel will work with CA to decide the best locations.
 - **Discussion: 0 Snake Hill Road – Fishing and Boating Access**
 - CA met recently with Doug Cameron at a narrow lot off Snake Hill Road, near the Town Beach, that might provide access to Flannagan Pond if acquired by the Town.
 - Mr. Cameron is Assistant Director for Fishing & Boating Access, Mass. Fish & Game.
 - The State has a budget to help communities develop access to water resources.
 - Complicating matters in this case, however, is that a private resident owns about 30 acres of Flannagan Pond bottom – the land under the water – that abuts the parcel in question.



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- Mr. Cameron will look into whether this would present an access problem.
 - ConCom will look forward to hearing back from Mr. Cameron.
- **Discussion: Conservation Analysis for Open Space Residential Development (OSRD) Zoning Bylaw**
 - While the new Zoning Bylaw includes a requirement for OSRD, the Bylaw as passed by Town Meeting needs more detail, including a more fully formed idea of what the Conservation Analysis portion of the OSRD entails.
 - The primary purpose of Ayer's OSRD (Section 10.1 Special Regulations) is to encourage less sprawling and more flexible/efficient subdivision development that consumes less open space.
 - This is to encourage permanent preservation and protection of open space, important water resources, forest and farm land, wildlife habitat, and other natural resources.
 - Prior to submitting an application to the Planning Board, applicants are encouraged to meet with the Board first to discuss conservation resources on the site.
 - Town Planner Mark Archenbault has asked for input from ConCom regarding what it thinks should go into a Conservation Analysis.
 - CA provided commissioners with several sample Conservation Analyses, including from Southeastern Wisconsin Regional Planning, Pioneer Valley Planning Commission, and more.
 - CA will prepare a compilation of best suggestions from these samples for ConCom to review at its next meeting.
 - One thing is already clear.
 - Typically developers approach Town boards with already complete plans, including building and roadway design and layout.
 - A well-written Conservation Analysis approach would require a site analysis as first step.
 - This would entail looking at the topography and natural resources and deciding, as the first step, what portions should be preserved in order to meet the requirements of the OSRD Bylaw.
 - Street and lot layout would then follow.
 - Re-training engineers to follow this order will be a challenge.
- **Discussion: Approval of 2019 Conservation Commission Calendar of Meeting Dates**
 - A draft schedule was reviewed and approved by ConCom.
 - January-October will continue to have regular meetings scheduled on the 2nd and 4th Thursdays of each month
 - November and December require adjustment for Thanksgiving and Christmas holidays.
 - For 2019, ConCom will plan to meet on the 1st and 3rd Thursday of those two months.
- **Conservation Commission Office Updates**
 - Ayer Solar II (MassDEP # 100-0403)
 - Due to a legal challenge to the solar project made by abutters, the original applicant (Ayer Solar II LLC) will be going before the Board of Selectmen (BOS) on 12/4 with an alternate concept proposal for Chapter 40B housing.
 - An 11/13/2018 letter to the BOS from Attorney Adam J. Costa, of Mead, Talermin & Costa LLC, describes a 'friendly 40B' proposal for residential development instead.
 - This development would entail 55 townhouses, including low and moderate income affordable housing.



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- This potential development area is all within the Petapawag ACEC (Area of Critical Environmental Concern), and almost all of it is listed by the State as Priority Habitat for Rare Species, or Estimated Habitat of Rare Wildlife.
 - Beaver Deceivers
 - CA met recently with Mike Callahan, of Beaver Solutions, who was performing annual maintenance at several of the beaver deceivers he previously installed (i.e. Long Pond Dam, Rockmeadow Pond).
 - He and CA also took a look at beaver activity by the Rosewood Avenue culvert and at the end of the Pleasant Street Extension subdivision (Riley Jayne Farm).
 - Pirone Park Perimeter Path (MassDEP # 100-0422)
 - While this project has begun, continued work has been temporarily suspended due to recent heavy rainfall.
 - The contractor is hoping to have the path paved before asphalt plants close for the winter.
 - 217 West Main Street (MassDEP # 100-0420)
 - Calvin Moore has been preparing the site for the winter, including paving around the two buildings that are up and digging a temporary trench around what will eventually be the northwest stormwater basin.
 - Pingry Hill, Woodland Way
 - CA has been having continued conversations/meetings with erosion control specialist Desheng Wang and site contractor Luke Pyburn.
 - Sedimentation has been observed at the outlet of the wetland crossing on Woodland Way.
 - This water should be clear, but walking further up the hill toward the water tower, CA and Mr. Pyburn discovered the stormwater basin up near the tower was extremely turbid.
 - The outlet structure is missing a gasket and turbid water is escaping to flow downhill.
 - CA and Dr. Wang have also met up there for extensive discussions of winter stabilization plans, given the number of lots that are now 'opened up'.
 - One thing both agreed on was the need to reduce construction entrances on the open lots to lessen the amount of dirt currently being tracked off the open lots.
 - Dr. Wang is preparing a winter stabilization plan.
 - Page-Hilltop Oil Spill Clean-up
 - Clean-up work is continuing.
 - 37 tons of contaminated material have been removed from the site thus far.
 - ConCom Office
 - CA's office has now been moved from the 3rd floor to the 1st floor of Town Hall.
 - A new office computer has been installed as well.
- **9:47 PM – Adjourn Meeting**
 - BT moved to adjourn; JG 2nd.
 - Motion approved unanimously.

Date Minutes Approved by Conservation Commission: _____

12/13/2018

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

Jessica G. Gugino