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TOWN OF AYER

TOWN CLERK

8:46 AM *lf*

Town of Ayer Conservation Commission

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

Minutes for 12/27/2018

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

7:05 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 12/13/2018 as amended; JS 2nd.
 - Motion approved unanimously.

- **Public Hearing: Request for Determination of Applicability (RDA) – 1 Sandy Way, Scott Murray**

- Assessor's Map 15, Parcel 38
- Scott Murray was present.
- The proposed project entails knocking down an existing shed that directly abuts the house and extending an existing deck into that area for a screened porch.
 - A stair to the existing deck will also be removed.
 - This area is approximately 75-80 ft. from Sandy Pond.
 - The pad underneath the shed will remain.
 - Up to 8 holes for piers (sonotubes) to support the deck addition will need to be dug.
 - Removed soil will be spread on the northern side of the house.
- CA suggested the following conditions:
 - all soil excavated will be moved outside of the buffer zone on the same day as the excavation;
 - no demolition material will remain in the buffer zone beyond 7 days;
 - all construction material will be stored on paved surfaces;
 - straw wattle is to be installed to protect the intermittent stream.
- BT moved to issue a Negative Determination of Application (DOA) with the above conditions; JS 2nd.
 - Motion approved unanimously and the DOA was signed.

- **Public Hearing: RDA – 11 Amandrey Way, Johnathan Buttles**

- Assessor's Map 3, Parcel 81
- Johnathan Buttles was present.
- The proposed project entails installing an in-ground swimming pool with a surrounding security fence.
 - The pool is outside of the buffer zone but part of the fence falls within the buffer zone to an old drainage ditch/intermittent stream.
 - The chainlink fence, to be installed to meet pool regulations, will use posts driven into the ground.



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- CA suggested one condition, that all soil removed for the installation of fence posts and pool deck will be moved to a location outside of the buffer zone on the day of excavation.
- BT moved to issue a Negative DOA with the above condition; JS 2nd.
 - Motion approved unanimously and the DOA was signed.
- **Request for Certificate of Compliance (COC) – 3 Pingry Way, The Law Office of Richard Shea, MassDEP # 100-0092**
 - Assessor's Map 37, Parcel 54
 - This lot is high and dry.
 - The old OOC (1990s) was probably for subdivision infrastructure but there is no way to tell from incomplete file records.
 - MassDEP Circuit Rider Judy Schmitz recommended to CA that ConCom go ahead and sign a Partial COC.
 - BT moved to issue a PCOC; JS 2nd.
 - Motion approved unanimously and the COC was signed.
- **Request for Certificate of Compliance (COC) – 3 Pingry Way, The Law Office of Richard Shea, MassDEP # 100-0126**
 - Assessor's Map 37, Parcel 54
 - The same applies as in the previous COC request, for the same lot.
 - BT moved to issue a PCOC; JS 2nd.
 - Motion approved unanimously and the COC was signed.
- **Discussion: Conservation Analysis for Open Space Residential Development (OSRD) Zoning Bylaw**
 - The revised Zoning Bylaw, adopted at Spring Town Meeting 2018 and approved 7/26/2018, includes Section 10.1, creating a new Open Space Residential Development requirement.
 - Amendments were made to this Bylaw at Fall Town Meeting, 10/22/2018.
 - Section 10.1.3.B.3 states that the Planning Board, in consultation with ConCom, will study a Conservation Analysis and conduct field visits in order to determine which land should be preserved and where development may be located.
 - ConCom has been asked to prepare instructions for a Conservation Analysis, and will make recommendations to the Planning Board based on this document.
 - CA circulated a draft of modifications she made to the Southeast Wisconsin Regional Planning OSRD document, with edits from GB, MP, and JG incorporated.
 - Following tonight's discussion, a final version will be prepared, to be passed on to the Planning Board.
 - CA tentatively plans to attend their meeting on 1/8.
 - The draft document was reviewed, commented upon and edited.
- **Discussion: Conservation Analysis for OSRD at 54, 56 & 64 Littleton Road**
 - Next up for discussion was the unofficial Conservation Analysis prepared by Oxbow Associates, Inc., for a project in the process of being proposed for 64, 56 & 54 Littleton Road.
 - The 11/2/2018 Analysis was prepared without the kind of instruction as discussed just above.



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- In addition, while this project falls under the OSRD provision in the new Zoning Bylaw, Section 10.1, the amendments to the Bylaw passed at Fall Town Meeting 2018 will not apply to this project.
 - This means that the percentage proportion for how much wetlands and steep slopes can be counted as open space, as delineated in amended Section 10.1.3.C, will not apply to this project as its submission process to the Planning Board began prior to the adoption of the amendment.
- ConCom members had various thoughts on reviewing the preliminary plan, including:
 - asking for the 100 ft. buffer zone line to match the set-aside open space line;
 - suggesting the houses be reoriented in facing the street;
 - creating an access corridor from the street to the open space area.
- GB said the developer/representative and Oxbow should present the project to ConCom directly prior to ConCom making its recommendation to the Planning Board.
 - In addition, ConCom should do a site walk to see the terrain prior to responding to the Oxbow Analysis.
 - Accordingly, a site walk was scheduled for 9 a.m. on Saturday, 1/5/2019, parking on Shaker Road nearby.
 - CA will contact Goldsmith, Prest & Ringwall (GPR) to set this up as well as have them attend ConCom's next meeting on 1/10/2019.
- **Conservation Commission Office Updates**
 - 21 Westford Road
 - A request has been made to the Town asking permission to construct an accessory shed at the industrial site, where up to 80 tractor-trailers are parked.
 - Bridgette Braley, of the Nashoba Associated Boards of Health (NABOH), has said no to this request as no information has been provided as to what will be stored in the shed.
 - The location of the project request is directly over aquifer.
 - CA was asked for her opinion by the NABOH.
 - She noted that one of the protected interests identified by the Wetlands Protection Act is the protection of groundwater.
 - However, apart from expressing an opinion, as there are no surface wetlands in proximity to the site, ConCom has no actual jurisdiction.
 - Pirone Park Perimeter Path (MassDEP # 100-0422)
 - The contractor has been back several times working to restore the damaged erosion controls.
 - 217 West Main Street (MassDEP # 100-0420)
 - The paving has been done around the two already-completed storage unit structures (with 3 to go).
 - ConCom allowed the early paving, as requested by developer Calvin Moore, to better stabilize the ground prior to winter.
 - However, CA has received a memo from DPW Superintendent Mark Wetzel saying that now a Certificate of Occupancy has been requested by the developer for the two buildings now up.
 - Mr. Wetzel has recommended that this request be denied, given the project is far from complete.



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- He also noted that, in his view, the site was not yet stable.
 - ConCom presumes this refers to stormwater structures not yet completed, as from a ConCom perspective, the erosion control measures protecting wetlands appear to be stable.
- CA agrees with Mr. Wetzel's recommendation to say no.
 - ConCom never imagined that its approval of the request to pave for site stabilization would lead to a request for an occupancy permit at this stage of the project.
- 231 Snake Hill Road (MassDEP # 100-0412)
 - The developer, Gary Shimmel, of White Horse Builders, asked CA for information on the kind of signs that he'll need to post, per the OOC, warning of protected wetlands to future homeowners.
 - Using a wetlands sign previously employed at Pingry Hill, CA will modify this for ConCom approval.
 - GB asked that the sign not only specify 'no disturbance' of 'wetland resource/buffer', but also specify 'no dumping' of material into the wetlands.
 - GB advised CA to contact graphic artist Kim Becker, who designed a similar sign for ConCom years ago.
 - CA will also contact MassCor (Mass Dept. of Corrections) for more information on using them to produce such signs.
 - ConCom can then have an already-prepared sign that developers then obtain with reimbursement.
- Page-Hilltop School Oil Spill Cleanup (MassDEP # 100-0425)
 - CA said not much progress had been made recently on the oil spill clean-up.
 - Outside consultant Paul McManus, of EcoTec, Inc., has reviewed the 12/11/2018 memorandum from Omni Environmental Group re their approach, methods and findings.
 - CA circulated Mr. McManus's comments in response, dated 12/20/2018, to ConCom.
- Violation Notice, Lots 6 & 7, Shaker Road, Justin Smith
 - A violation notice was issued to Justin Smith for unpermitted earthwork performed on two lots located within buffer zone.
 - Loam has been stripped and pushed into piles.
 - In a phone conversation with Mr. Smith, he indicated that he thought he might get in trouble for that work.
 - CA also talked with Kevin Conover, of David E. Ross Associates, who said they would be filing an NOI on behalf of Mr. Smith.
 - DPW Superintendent Wetzel has also indicated that he has concerns over the treatment of stormwater on this project.
- **Member Updates**
 - JG
 - Eagle Scout Bridge (Robert Houde)
 - JG showed photos of the completed bridge over the stream that runs into Pine Meadow Pond on the Town's conservation land.
 - It looks great and it works!
 - Annual Report



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- JG reminded GB it was time to prepare the draft ConCom Annual Report; JG will provide the numbers for how many and what kind of permits, etc., were issued by ConCom during the year.
- ConCom Letter of Support for Community Garden
 - JG provided GB with a draft letter of ConCom support for a Community Garden project being presented to the Community Preservation Committee for funding.
 - GB signed the letter of support.
 - If approved by CPC at its Public Hearing on 1/9/2019, the project will go to Spring Town Meeting for final vote.
- BT
 - House development behind the Town's Transfer Station, abutting Pine Meadow Conservation Land
 - BT asked if anyone knew why what appears to be flagging for a house lot has gone up in this area.
 - It is not directly on Groton-Harvard Road but behind some industrial lots there.
 - CA will look into it.
 - Snake Hill Road Causeway Bridge
 - BT also asked who owns the Snake Hill Road land on which the causeway bridge is located, especially the Sandy Pond side.
 - This area is experiencing erosion, including from recent beaver activity.
- GB
 - Devens Jurisdictional Disposition Study Community
 - GB noted that the Town is looking for volunteers to participate in this committee.
 - The final disposition of Devens has to be accomplished by 2033.
 - The deadline for submitting interest is tomorrow (12/28).
- **9:45 PM – Adjourn Meeting**
 - BT moved to adjourn; JS 2nd.
 - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date Minutes Approved by Conservation Commission: 1/10/2019

Signature Indicating Approval: Jessica G. Gugino