

RECEIVED

MAY 14 2019



TOWN OF AYER

Anna Popelard

Town of Ayer Conservation Commission

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

Minutes for 4/11/2019

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**

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

- **Approval of Meeting Minutes**

- BT moved to accept the minutes for 3/28/2019 as written; JS 2nd.
 - Motion approved unanimously.

- **Unscheduled Discussion: Calvin Moore**

- Trevor Trail

- Mr. Moore reappeared with a preliminary plan proposing a solution for water issues on Trevor Trail (Riley Jayne Farm subdivision), which he was hoping to just do without a permitting process.
 - Mr. Moore was appearing on behalf of his son, C. J. Moore.
- As Mr. Moore previously explained (3/28/2019), the hydrological flow of water in the area used to carry water from Washington and Nashua streets down the hill, free-flowing through 2 Taft Street, under Pleasant Street, and eventually onto a Moore lot on Jonathan Drive.
 - Many decades ago, a relative of Mr. Moore's also put in a pipe to more easily convey the water under Pleasant Street, preventing backups from debris.
 - Mr. Moore surmises that maybe 15 years ago, teenagers created an ATV trail near the pipe, and in the process blocked the natural flow and diverted it away from that pipe to where it is now flooding the backyards of new houses on Trevor Trail.
 - The effects of this diversion were not noticed until the houses went in.
- Mr. Moore argues that this is a Town discharge of stormwater (off Washington, Nashua, Taft streets and Mountain Avenue) onto Moore property and hopes the Town will be part of fixing the issue.
 - What Mr. Moore proposes is re-diverting the water back to its original flow pattern so that it again passes through the pipe under Pleasant Street.
 - CA walked the site with Mr. Moore and agreed with his assessment that remnants of a natural swale, demarcating the original flow, are still visible.
- Mr. Moore said the solution is simple:
 - Widen the previous/original channel to better handle heavy rain;
 - Redirect the water to flow toward the Pleasant Street pipe;
 - Build a new berm (from in-place loam, rocks) to block the current flow from the teenagers' ATV intervention.

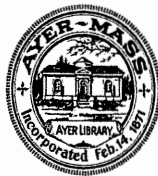


Town of Ayer Conservation Commission

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

Minutes for 4/11/2019

- Mr. Moore said this is a simple solution and that he did not want to pay for an engineered plan, especially since he considers that this is a Town stormwater issue affecting Moore properties.
 - He thought '15 shovelfuls' of dirt could address the problem quite easily.
- CA said a complicating issue is that the effects of the re-directed channel have, in the intervening years, created a wetland area that was flagged 3 or 4 years ago.
 - To redirect this diversion back to the original flow under Pleasant Street, and away from the Trevor Trail backyards, will affect what is now a flagged wetland.
 - CA is not sure how this would be permitted under the Wetlands Protection Act.
 - When CA spoke to MassDEP Circuit Rider Judy Schmitz about another matter, she also brought this up.
 - Ms. Schmitz is coming out to Ayer next Tuesday (4/16) and said she would be happy to look at this as well, as long as the landowner gives permission.
 - CA confirmed that Mark Gallagher, Sr., who is now developing these lots, has given permission.
- GB also noted that a previous letter (12/12/2017) from DPW Superintendent Mark Wetzel to ConCom and the Planning Board had addressed the 'groundwater break-out' issues affecting the subdivision in this area.
 - Mr. Wetzel's letter noted that the break-out was being controlled by the installation of a temporary ditch draining into a retention pond at the end of Trevor Trail.
 - At that time, Mr. Wetzel recommended that the developer hire an engineer to evaluate the groundwater conditions and recommend a long-term solution.
 - If not, Mr. Wetzel's recommendation was that the Town not accept the road as it would be susceptible to pavement damage.
 - GB and BT said that Mr. Wetzel's letter has to be taken into account and that a consensus beyond ConCom will need to be reached to arrive at an acceptable solution that successfully fixes the problem.
- ConCom will continue this discussion after CA meets with Circuit Rider Schmitz next Tuesday.
- 217 West Main Street (MassDEP # 100-0420)
 - While Mr. Moore was still present, he gave a brief update on the construction of his storage facility.
 - Two of the buildings have been built and are in use.
 - The contractor will be finishing the treebox filters and stormwater tanks soon.
 - A water spigot is being installed at the border with 215 West Main Street for use in irrigating new plantings.
 - Mr. Moore is not building the other 3 buildings this year.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – 10 Fox Run Drive (Lot 114), Ridge View Realty Trust, (Pingry Hill subdivision) MassDEP # 100-0435**
 - Assessor's Map 36, Parcel 153
 - Steve Mullaney, of S. J. Mullaney Engineering Inc., was present.

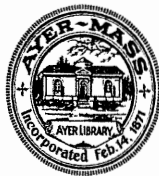


Town of Ayer Conservation Commission

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

Minutes for 4/11/2019

- ConCom performed a site walk on 4/6/2019 with Mr. Mullaney and Dr. Desheng Wang, of Creative Land & Water Engineering LLC, who serves as erosion control specialist for the subdivision.
- Dr. Wang recently reviewed the previous wetland flagging, shifting some flags and removing some others.
 - The result was that the wetland boundary in one section of the area had retreated somewhat, allowing for the creation of a limited backyard.
- Mr. Mullaney submitted a revised plan based on the new flagging.
 - This plan shows a narrow backyard and proposes lining the back edge with approximately 15 trees, set 10 ft. apart, with boulders interspersed between them, also 10 ft. apart, to discourage a future homeowner from extending the yard into the wetlands.
 - It was agreed that these trees should be minimum 1-1/2" caliper shade trees and that they should be new trees, not taken from elsewhere in the subdivision and transplanted.
 - The plan also shows the location of 3 conservation signs along this back edge.
 - It also shows the location of two proposed soil storage piles in the front.
 - Two erosion control lines will be installed, with a 5 ft. separation between them, as required for buffer zone work within the first 50 ft. to wetlands.
- The front corner of this lot also contains stormwater basin 9028.
 - This basin receives runoff from Fox Run Drive and the subdivision.
 - For the proposed 10 Fox Run construction, house drains from the west and front sides of the house will drain to this basin.
 - Water drainage from the other sides of the house will follow gravity sheetflow in the direction of the wetlands, just as it does now naturally.
- Mr. Mullaney also provided ConCom with documentation showing the Board of Selectmen's release letter, dated 8/14/2018, showing that Town Meeting had several times previously rejected accepting this lot and that the BOS was therefore releasing any further claims to it.
- BT moved to approve the NOI and begin drafting an Order of Conditions (OOC); JS 2nd.
 - Motion approved unanimously.
- BT moved to continue the Public Hearing to 4/25/2019; JS 2nd.
 - Motion approved unanimously.
- **Public Meeting: Request for Determination of Applicability (RDA) – 83 Littleton Road (Lot 5), Ali Mohajer**
 - Assessor's Map 35, Parcel 229.
 - Mr. Mohajer was present and described his proposal to construct a 10 ft. x 10 ft. patio within the buffer zone in the back yard, and from there, a 3 ft. wide natural path down to Shaker Mill Pond where he wants to seasonally install a removable 20 ft. floating dock.
 - With the patio, Mr. Mohajer wants to create a place in the shade since the house lots (8 of them) were clearcut when the houses were built.
 - Mr. Mohajer said he would not be cutting down any trees or shrubs.
 - The patio would be natural, constructed from rocks and brick, and no cement would be used.
 - Mr. Mohajer hopes to remove a dead tree in the middle of where he wants to locate the patio.
 - The path would follow a natural route and just be covered with mulch or wood chips.
 - ConCom will do a site walk at 8:30 a.m. on Saturday, 4/20.



Town of Ayer Conservation Commission

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

Minutes for 4/11/2019

- **Discussion: Kohler Place Conservation Restriction (CR)**
 - (MassDep #s: Lot 1 – 100-0392; Lot 3 – 100-0390; Lot 4 – 100-0391; Subdivision – 100-0340)
 - BT suggested some edits in the draft CR to clear up some contradictions and clarify items.
 - ConCom will be doing a site walk with A. J. Bergin at 6 p.m. on Tuesday, 4/16.
 - Mr. Bergin told CA he does not intend to put in a beach, just keep the area cleared of debris.
 - ConCom will revisit the CR draft after the site walk.
 - One thing that needs to be emphasized is that while the CR grants the right to do certain activities and projects within the CR (such as creating an Access Path), where those projects fall within the buffer zone, they must still go through ConCom's review and permitting process for conditioning.
- **Discussion: Ayer Wetlands Protection Bylaw**
 - Based on some feedback and suggestions, JG will work on a new draft.
 - MP will meanwhile go through JG's file folder of regulations from other towns and prepare a summary.
 - While the new bylaw, if passed, will give ConCom the authority to write regulations, all agreed it would be best to have an idea of what those regulations might be in order to answer questions from residents.
- **Conservation Commission Office Updates**
 - Paige-Hill School Oil Spill Clean-up (MassDEP # 100-0425)
 - Plantings of 'red-twigged dogwood' are starting to show new spring growth.
 - The water channel is looking good.
 - Middleton dock, 12 Calvin Street
 - The Middleton's sent CA a copy of a removable floating dock, with their intent to install a 24 ft. long one.
 - ConCom has concerns over how far the dock will extend into the water.
 - CA will look into this further.
 - 0 Rosewood Avenue (MassDEP # 100-0434)
 - CA reports that the chainlink fence in back of this new house construction has been removed and the fabric taken off the posts, which were left in place, as requested.
 - CA will be contacting Beauchemin Engineering about keeping the road clean in front of the construction.
 - 0 Sedgeway (MassDEP # 100-0429)
 - While some erosion controls need repair, the construction looks good.
 - No extra trees have been removed.
 - Ayer Solar I
 - CA spoke to Calvin Moore about the 150 plastic pots, from remediation planting, that were left up there.
 - Mr. Moore will see to their removal.
 - Balch Dam (East Main Street Spillway)
 - The Fire Department has re-installed the boards for spring.
 - 0 Central Avenue, John Hillier, Central Avenue Compassionate Care, Enforcement Order
 - Mr. Hillier emailed CA that he does not, as yet, have an engineered plan.
 - CA will communicate with him that ConCom is anxious to proceed with a finalized conceptual plan.



Town of Ayer Conservation Commission

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

Minutes for 4/11/2019

- GB asked CA to talk with Building Inspector Charlie Shultz and Town Planner Mark Archambault for their thoughts on the tree-clearing, which may be a violation of the Town's revised Zoning Bylaw.
- Elizabeth Estates, Norwood Avenue
 - After a communication from former ConCom member Bill Daniels, CA looked into some problematic conditions on the site.
 - This project is under a Superseding OOC from MassDEP, and further, the SOOC has expired.
 - This is the primary reason Circuit Rider Judy Schmitz is coming to Ayer on Tuesday.
- Social Media
 - CA has been experimenting with ConCom-sponsored posts on the Town's Facebook page and Twitter account.
 - She has already done postings on Pine Meadow Conservation Land and on the Rail Trail.
 - Foreseeing that she may eventually run out of ideas, CA asked ConCom members to think about suggestions as well.
- Autumn Ridge CR
 - Steve Smith will be presenting the annual monitoring report at ConCom's next meeting.
- **Executive Session (approximately 9:35 PM)**
 - Executive Session pursuant to MGL, Chapter 30A, Section 21A, Exemption #6 (to consider the purchase, exchange, lease or value of real property)
 - Chair GB stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy.
 - JG moved to go into Executive Session to consider the purchase, exchange, lease or value of real property, and to reconvene in Open Session for the purpose of adjourning from the regular meeting; JS 2nd.
 - A Roll Call vote was taken: MP Aye; JS Aye; BT Aye; JG Aye; GB Aye.
 - Motion approved unanimously.
- **[EXECUTIVE SESSION, recorded in a separate set of minutes]**
 - **10:05 PM – Adjourn Meeting from Executive Session**
 - JG moved to close the Executive Session and return to Open Session for the purpose of adjourning from the regular meeting; BT 2nd
 - A Roll Call vote was taken: MP Aye; JS Aye; BT Aye; JG Aye; GB Aye.
 - Motion approved unanimously.
- **10:05 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: _____

Signature Indicating Approval: _____