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TOWN OF AYER
TOWN CLERK

2:30pm *lf*



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for 5/9/2019

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)

Not Present:

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 4/25 as corrected; JS 2nd.
 - Motion approved unanimously.
- BT moved to accept the minutes for 4/11/2019 as written; JS 2nd.
 - Motion approved unanimously.

- **Accounts Payable**

- Jon Schmalenberger: \$135.00, reimbursement for attendance at MACC Annual Conference on 3/2/2019.
 - BT moved to approve payment of \$135; MP 2nd.
 - Motion approved unanimously.

- **Public Meeting (cont'd.): Request for Determination of Applicability (RDA) – 83 Littleton Road (Lot 5), Ali Mohajer**

- Assessor's Map 35, Parcel 229.
- Mr. Mohajer was present.
- The RDA project proposes 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 Mr. Mahajer wants to seasonally install a removable 20 ft. floating dock.
 - ConCom did a site inspection on 4/20/2019.
 - Per the Wetland Protection Act's Regulations (310 CMR 10.00), the path cannot be wider than 30-inches to meet the qualification of a "minor" project.
 - Mr. Mohajer agreed to this.
 - The patio will be loose-fit bricks set on crushed stone.
 - The path to the pond will be 30 inches wide and lined with wood chips, not mulch.
- Per ConCom's suggestion, Mr. Mohajer will have a professional tree company look at a large tree tilted toward the area between Mr. Mohajer's and the neighboring house.
 - The tree was observed to have a very large hole in the trunk and should be evaluated for its hazard potential.
 - Were the tree to need to be taken down, it's possible this could be the source of the wood chips for use on the path.



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- BT moved to issue a Negative Determination of Applicability (DOA) with above notations; JS 2nd.
 - Motion approved unanimously.
- **Public Meeting (cont'd): Request for Extension of Order of Conditions (OOC): Riley Jane Farm, Pleasant Street Extension, C. J. Moore (MassDEP #100-0389)**
 - CA had the Extension ready to sign, as approved at ConCom's 4/25 meeting.
 - BT moved to sign the Extension; JS 2nd.
 - Motion approved unanimously.
- **Public Meeting (cont'd.): RDA – Isaac Lane - Ayer Housing Authority**
 - Assessor's Map 11, Parcel 25.
 - For maintenance repaving of the drive isle, turnaround, and driveway aprons (curb radius) on Isaac Lane for the Ayer Housing Authority's state-supported family housing complex consisting of six 2-unit dwellings.
 - CA did a site visit and confirmed the need for repairs.
 - ConCom voted to issue a Negative Determination of Applicability (DOA) for the RDA on 4/25/2019.
 - BT moved to sign the DOA; JS 2nd.
 - Motion approved unanimously.
- **Public Meeting: RDA – 66 Littleton Road,, Rebecca and Frederick Jones**
 - Assessor's Map 36, Parcel 207.
 - Rebecca Jones was present.
 - The RDA proposes the removal of 3 hazard trees from the property.
 - Per CA's suggestion following a site visit, H.M. Flagg Tree Services was consulted.
 - A letter from Flagg accompanies the RDA and confirms the poor state of the trees and the irreversible damage they suffered.
 - A culvert on Rte. 2A was blocked by beaver activity for two years before the MassDOT finally cleared it in May 2018.
 - During that time, flooding of a marsh area, with standing water from 1-4 ft. deep, led to significant damage to the three trees in question.
 - After a year, the trees have not recovered, are dead or dying, are dropping limbs, and could damage the house if they should fall.
 - BT moved to issue a Negative Determination of Applicability; JS 2nd.
 - Motion approved unanimously.
 - CA will have the paperwork ready for ConCom to sign at its next meeting, but meanwhile the Jones can proceed with arranging for the trees to be removed.
- **Request for Certificate of Compliance (COC) (cont'd.) – Lot 3, Orion Park Drive, Foresite Engineering, Scott Hayes, MassDEP # 100-0292**
 - Assessor's Map 7, Parcels 5 & 7
 - No response still from the engineer or the company.
- **Discussion: Kohler Place Conservation Restriction (CR)**
 - (MassDep #s: Lot 1 – 100-0392; Lot 3 – 100-0390; Lot 4 – 100-0391; Subdivision – 100-0340)



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- Comments received from Misty-Anne Marold, Natural Heritage & Endangered Species Program (NHESP), in response to ConCom edits, were reviewed.
 - In particular, she requested that language be removed that mixed the terms of the CR with ConCom's regulatory authority under the Wetlands Protection Act.
 - They should be kept separate matters and not tangled within the CR document.
 - CA removed the language in question.
 - Ms. Marold was fine with ConCom's definition of 'beach' that it added to the CR.
- A question was raised as to whether the rough drawing plan submitted by A.J. Bergin needs to be more specific as to the precise location of the path and the dock, or whether it is enough that the CR notes 'there is a path and a dock' without pinpointing the exact location along the shoreline.
 - CA will check with Ms. Marold on this.
- **Discussion: Ayer Wetlands Protection Bylaw Draft Review**
 - JG circulated copies of the latest draft for review.
 - ConCom went through the document, with various suggestions made.
 - Additional edits and comments should be sent to JG by 5/21.
 - JG will also send copies to Town Manager Robert Pontbriand, DPW Superintendent Mark Wetzel, and Town Planner Mark Archambault for their review and comment.
 - Going forward, ConCom will propose scheduling a special Commission meeting for public comment on Thursday, June 20.
 - It will also then plan to schedule time at its regular meetings on June 27 and July 11 for additional public response.
 - This will allow for the draft to be finalized for submission to Town Counsel for their review in August.
 - Following Town Counsel review and changes made therein, ConCom will then hold a noticed Public Hearing on the draft bylaw, ideally in September, in advance of Fall Town Meeting 2019.
 - CA will check with Assistant Town Manager Carly Antonellis about ConCom doing a mailing to inform Ayer residents of this timeline.
- **Conservation Commission Office Updates**
 - 0 Central Avenue, John Hillier, Central Avenue Compassionate Care, Enforcement Order (EO)
 - CA has had no response to phone calls or emails.
 - No erosion controls have been put in.
 - The EO was issued in early February, with Mr. Hillier appearing before ConCom on 2/14/2019.
 - GB asked CA to send Mr. Hillier a note giving him a firm date to have a plan prepared, and to put in erosion controls right away.
 - JG suggested that ConCom give Mr. Hillier a firm deadline with notification that after that date, ConCom could exercise its right to impose fines per Town Bylaw LIII, Enforcement.
 - While no decision on giving a fine warning was made, CA will attempt to contact Mr. Hillier yet again.
 - Pirone Park Perimeter Path (MassDEP # 100-0422)
 - The contractor will be returning to do final grading and seeding.



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- CA contacted Ayer Parks Director Jeff Thomas to let him know that portions of the silt fence, for erosion control, need repair.
- 217 West Main Street (MassDEP # 100-0420)
 - Grading and hydroseeding have been done.
 - CA showed photos of one of the tree box filters.
 - A pump line is being installed at the edge of the property for watering purposes.
- Rosewood Avenue culvert and beaver fencing (MassDEP # 100-0388)
 - Someone has pulled material up onto dry land that had been piled against the beaver fencing.
 - On the downstream side of the culvert, the waterflow has narrowed into a very tiny stream.
 - Mike Lotti, of Industria Engineering, expressed concern that the water level in this area is not stable enough to preserve wetland plantings.
 - Mr. Lotti is responsible for constructing a wetland replication area, per the OOC, which has yet to go in.
 - If the area initially planned for replication is no longer suitable for a successful replication, another area will need to be selected.
- Trevor Trail
 - CA has informed the Gallaghers, who are constructing some of the houses here, that the road is a mess and needs to be swept.
- 0 Washington Street (MassDEP # 100-0394) – now 156 Washington Street
 - House is coming along fine but the erosion controls need some attention.
- 113 Oak Ridge Drive
 - The resident contacted CA about spreading dirt in her backyard.
 - The yard is shady and slopes fairly steeply down to Flannagan Pond.
 - She should come in to talk to ConCom about her plans.
- Pingry Hill
 - Part of Hemlock Drive needs to be swept.
 - Several lots on Woodland Way have now been loamed and are ready for seed.
 - The replication area off Woodland Way is looking great.
- Well #8 PFAS Treatment
 - CA met with DPW Superintendent Wetzel, a representative from the Army Corps of Engineers, and a contractor, about plans to install a temporary treatment plant next to the wellhead off Barnum Road.
 - A small portion of the location for this plant is in the buffer zone but CA said it is very level.
 - Two 12' x 20' treatment plants, each holding 20,000 pounds of carbon, will be installed by the first week of June.
 - The treatment plants will be placed on steel plates resting on crushed stone, and will be in place for approximately a year.
- 28 Harvard Road, Global Partners LP (MassDEP # 100-0429)
 - CA attended a pre-construction meeting for the upcoming gas station project.
 - Erosion controls will go in shortly.
- May 30
 - A reminder that ConCom will be holding an additional meeting this month to meet with potential 'land protection partners'.



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- ConCom Database
 - The estimate from Kimberlee Martin for constructing a searchable database is \$6000.
 - Mr. Pontbriand said using the Commission's wetland fund would be suitable.
 - Before committing, ConCom would like to meet with Cindy Knox (IT person) and Ms. Martin for more information.
- Emergency beaver permit
 - ConCom received notice that the Board of Health issued a 10-day Emergency Beaver Permit to Keolis Commuter Services.
 - Beaver damming is causing flooding at a railroad culvert (KCS 3.23, off Willow Road), saturating the road bed and risking weakening the track structure.
- **Member Updates**
 - With the end of the fiscal year approaching, GB asked members if there were any expenditures ConCom should make at this time.
 - BT brought up the \$750 requested by Steve Smith when he delivered his Autumn Ridge CR Monitoring Report to ConCom on 4/25.
 - \$750 would cover half the cost of having Goldsmith, Prest & Ringwall refresh the survey markers for the CR, last done in 2005.
- **10:10 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: _____

5/23/2019

Signature Indicating Approval: _____

Jessica G. Gugino