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AUG 26 2019

TOWN OF AYER

*Miriam Gopland*

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 8/8/2019

Location: Ayer Town Hall, 1st Floor

Present: George Bacon (GB, Chair), Jessica Gugino (JG, Member/Clerk), Jon Schmalenberger (JS, Member), Mark Phillips (MP, Member), Jo-Anne Crystoff, (CA, Conservation Administrator)

Not Present: Bonnie Tillotson (BT, Vice-Chair)

APAC taped: Yes

### **7:05 PM – Open Meeting**

- **Confirmation of Agenda**
  - JS moved to confirm the agenda as posted; MP 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Approval of Meeting Minutes**
  - JS moved to accept the minutes for 7/25/2019 as written; MP 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Accounts Payable**
  - Solitude Lake Management, 2019 pond treatments for invasive weeds:
    - \$2250, Task 3, Sonar treatment of Sandy Pond, 7/26.
      - JS moved to approve payment of \$2250; MP 2<sup>nd</sup>.
        - Motion approved unanimously.
    - \$12,750, Task 4, Diquat treatment of Sandy, Flannagan, and Pine Meadow ponds, 7/30.
      - JS moved to approve payment of \$12,750; MP 2<sup>nd</sup>.
        - Motion approved unanimously.
- **Public Meeting: Request for Determination of Applicability (RDA) (cont'd.) – 113 Oak Ridge Drive, Mary Walker**
  - Assessor's Map 28, Parcel 40
  - The presence of the applicant was not required.
  - Based on the original RDA meeting on 6/13 and a Violation Notice (discussed on 7/11), Ms. Walker was directed to file an Abbreviated Notice of Intent (ANOI), which she did at ConCom's 7/25 meeting.
  - To close out the original RDA, GB asked for a vote to issue a Positive Determination of Applicability (DOA).
    - JS so moved; MP 2<sup>nd</sup>.
      - Motion approved unanimously.
  - No additional action was required with regard to the Violation Notice.
  - CA is keeping a close watch on work being conducted under the ANOI.
- **Public Meeting: RDA (cont'd.) – 89 Littleton Road, Milton Raimundo**
  - Previously discussed at 7/11 meeting.
  - CA received no reply as to whether anyone would attend this meeting.
  - This item will be taken off the agenda until the applicant next contacts CA.



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- **Discussion: Request for Certificate of Compliance (COC) – 165 Hemlock Drive, Ridge View Realty Trust, MassDEP # 100-0411**
  - Assessor's Map 36, Parcel 120
  - Steve Mullaney, of S. J. Mullaney Engineering, Inc., and Dr. Desheng Wang, of Creative Land & Water Engineering, were present.
  - The OOC was approved for the most impactful house design, the 'Hawthorne'.
    - The actual 'As-Built' was based on the less impactful 'Summerset' design.
  - Dr. Wang provided a comparison table of the differences in impact based on proposed vs. actual.
    - The total proposed disturbance (house, deck & stairs footprint, landscape & lawn, driveway & walkway) was for 14,846 sq. ft.; actual disturbance from the change to the Summerset design was 11,932 sq. ft.
    - The As-Built reflects 2,914 sq. ft. less disturbance.
      - Of this, impervious surface was reduced 808 sq. ft.
    - The original retaining wall was to be 104 ft. in length; the wall as built is 77 ft. in length, 45 ft. of which is block wall and the remaining 32 ft. comprised of boulders.
    - The site is stabilized according to Dr. Wang.
  - CA performed a site walk, ensuring that 3 conservation land warning signs were installed as required along the retaining wall.
    - A small area of erosion was also observed at one corner, where stormwater from the cul-de-sac is affecting a portion of lawn.
      - Once the driveway is completed, and something similar to a 'speed bump' is added to this area, the erosion problem should cease.
    - CA observed that the grass that was seeded does not look great.
      - Dr. Wang said it needs to be over-seeded in the fall.
  - JS moved to approve the issuance of a COC; MP 2<sup>nd</sup>.
    - Motion approved unanimously.
    - The COC will be ready for signature at ConCom's next meeting, 8/22.
- **Public Meeting: RDA – Roadway Safety Improvement Project, Main/East Main Street (Rte. 2A) – "Reclamation & Related Work on Route 2A, from Harvard Road to Main Street" – Ayer Department of Public Works**
  - DPW Superintendent Mark Wetzel and Kristopher Surette, of WorldTech Engineering, LLC., were present.
  - The project, which has been worked on since 2013, will provide safety and operational improvements along a nearly half-mile segment of East Main.
    - Improvements, which will take place within the existing footprint, include:
    - rehabilitation of roadway pavement, resulting in 11-ft. wide travel lanes in both directions;
    - reconstruction of sidewalks, including addition of ADA-compliant wheelchair ramps;
    - installation of curbs and guardrails at various points;
    - implementation of 5-ft. wide dedicated bike lanes on either side of the roadway;
    - new signs and pavement markings;
    - streetscape enhancements;
    - reconstruction of the street drainage system that discharges into School House Pond and Balch Pond, including deep sump catchbasins and special manholes for sediment removal prior to this discharge.



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- the new sidewalks will be offset from the roadway with a new 3-ft. wide grass strip, leading to an overall reduction in the impervious surface.
  - A portion of the roadway project, in the vicinity of 56-58 and 64 East Main Street, is located within the 100-ft. buffer zone to School House Pond.
    - No disturbance to the vegetated buffer adjacent to the resource area will take place.
    - Temporary erosion and sedimentation controls will be installed at the limits of disturbance during construction.
    - No direct impact to the resource areas is anticipated.
    - None of the project takes place within the nearby ACEC.
  - JS moved to issue a Negative Determination of Applicability, with no added conditions; MP 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Added Discussion: Other DPW project questions**
  - While Superintendent Wetzel and Mr. Surette were still present, ConCom took the opportunity to ask about some other issues.
  - Regarding the West Main Street Bridge Replacement project over Nonacoicus Brook (MassDEP # 100-0424, Public Hearing opened 4/12/2018), Mr. Wetzel said this project is still sitting at MassDOT (Department of Transportation).
    - DOT has concerns with the risk of increased 'scour' to the brook if the proposed plan is followed.
      - Some design changes are being worked on to address this.
    - Mr. Surette said these changes might involve changes to the foundation design (e.g. going to sheet pilings) and asked how such a change would be formally presented to the Commission.
      - GB said to send a letter to the Commission when they are ready, describing the proposed changes in detail.
      - If ConCom decides the changes lead to less impact, it could decide to approve a field change.
      - If the changes are significant and/or have a greater impact, ConCom will require a Request to Amend the OOC filing.
    - In addition, coordination with National Grid has to be worked out for area utility structures.
    - Mr. Wetzel thought DOT was getting close to putting the project out to bid.
  - Regarding the growing beaver dam impoundment of water on the stream between Rock Meadow and Pine Meadow ponds, JG asked if Mr. Wetzel would support the Commission's request to the Town for funds to install a beaver deceiver.
    - Given the 2011 collapse of the upper beaver dam on this stream that took out a portion of Oak Ridge Drive, there is a public safety issue.
    - The Commission does not have sufficient funds in its beaver activity account to handle the cost.
    - Mr. Wetzel took CA's copy of the estimate for installation of a beaver deceiver (from Mike Callahan, Beaver Solutions), and said he would talk to Town Manager Pontbriand about this.
      - If there is no objection, he thought he could cover this installation using the DPW's stormwater money.



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- **Public Hearing (cont'd.): Notice of Intent (NOI) – John Carroll Reserve subdivision, 54 & 56 Littleton Road, LR Properties, LLC, MassDEP #100-0436**
  - Assessor's Map 36, Parcels 2, 21, 22 & 24, Littleton Road
  - An 8/5 letter from Limhuot Tiv, of Goldsmith, Prest & Ringwall, was received formally asking that the Public Hearing be continued to 8/22.
  - CA reported that the site walk by the 3<sup>rd</sup> party consultant, BSC Group – hired to review this project for ConCom and the Planning Board – is scheduled for Monday, 8/12, at 10 a.m.
  - JS moved to continue the Public Hearing to 8/22; MP 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Request for Partial COC – 3 Lilac Lane, DR Law for Robert M. Hicks, Inc., MassDEP # 100-0234**
  - Assessor's Map 7, Parcel 4
  - The OOC covers the entire project.
  - CA did a site inspection.
    - 3 Lilac Lane does not have any wetlands in proximity.
  - JS moved to approve the issuance of a Partial COC for 100-0234; MP 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Ayer Wetlands Bylaw**
  - No additional public comments or input have been received for the most current draft of the bylaw, dated July 18, 2019.
  - GB asked for a motion to submit the July 18 draft as written to Town Counsel for review, after which it will be presented to the Board of Selectmen for placement on the Warrant for Fall Town Meeting 2019.
    - JS so moved; MP 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Discussion: Kohler Place Conservation Restriction (CR)**
  - (MassDEP #s: Lot 1 – 100-0392; Lot 3 – 100-0390; Lot 4 – 100-0391; Subdivision – 100-0340)
  - The State has approved the CR with two minor edits.
  - JS moved to accept the changes to the CR and forward to Town Counsel for final review; MP 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Conservation Commission Office Updates**
  - 0 Central Avenue, John Hillier, Central Avenue Compassionate Care, Enforcement Order (EO)
    - Given the inaction on coming up with an engineered plan since the issuance of the EO in February (see 2/14 and 3/14 ConCom meetings), the Commission will consider the use of fines if Mr. Hillier does not submit a plan soon.
      - CA said this was also the suggestion of the Land Use Committee.
    - CA has also asked that someone from MassDEP (either Judy Schmitz or Denise Child) make a phone call urging compliance.
    - JG suggested giving Mr. Hillier a firm deadline.
      - ConCom decided on its Sept. 12 meeting, at which point Mr. Hillier will have had to submit an application and plan.



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- If not, after that the Commission could decide to move forward with imposing daily fines.
- 217 West Main Street (MassDEP # 100-0420)
  - CA provided photos showing not a sprig of knotweed in sight following the clean-up of the invasive.
  - Meanwhile, excavation has begun for the footings for the smaller buildings yet to be constructed.
- Rosewood Avenue culvert and beaver fencing (MassDEP # 100-0388)
  - CA has not had a reply from Mike Lotti, of Industria Engineering, re plans for replication.
  - Comparison photos of the water flow under the culvert – from 4/1, 5/8, 5/22, and 8/7 – indicate something downstream is likely affecting waterflow.
    - The area where the replication was supposed to go is generally drier than it should be.
- MassDOT stormwater project at Frederick Carleton Circle (MassDEP # 100-0426)
  - MassDOT is in the process of moving the water main that cuts through the location of the planned stormwater basin.
- Other projects looking good at present upon inspection:
  - New 'Alltown Fresh' gas station/convenience store currently under construction -- 28 Harvard Road, Global Partners LP (MassDEP # 100-0429)
  - Pirone Park Perimeter Path (MassDEP # 100-0422)
  - New house construction – 0 Sedgeway, Paul Bresnahan, MassDEP # 100-0429
- **Member Updates**
  - GB said the Board of Selectmen want ConCom to prepare a presentation for them explaining the new bylaw.
    - GB is waiting to hear back from Town Manager Pontbriand as to what elements should be covered in the presentation.
    - The preparation of a Question & Answer sheet for Fall Town Meeting was discussed as a good idea to pursue.
- **8:40 PM – Adjourn Meeting**
  - JS moved to adjourn; MP 2<sup>nd</sup>.
    - Motion approved unanimously.

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

**Date Minutes Approved by Conservation Commission:** 8/22/2019

**Signature Indicating Approval:** 