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AUG 26 2019

TOWN OF AYER

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249
Minutes for 7/11/2019

Murray Copeland

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**

- A Request for an Extension to an Order of Conditions (OOC) was added;
- An RDA for 89 Littleton Road was added.
- BT moved to confirm the agenda as amended; JS 2nd.
 - Motion approved unanimously.

- **Approval of Meeting Minutes**

- BT moved to accept the minutes for 6/27/2019 as written; JS 2nd.
 - Motion approved unanimously.

- **Announcements**

- MCPPO (Massachusetts Certified Public Purchasing Official program) is holding a free 3-hour training session (“Know Your Responsibilities”) for members of public boards and commissions on Wednesday, August 7, from 6-9 p.m., at the Littleton Police Department, 500 Great Road.

- **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
- Nick Pauling and Limhuot Tiv, of Goldsmith, Prest & Ringwall Inc. (GPR) provided an update.
- The subdivision is being designed according to Section 10.1 of the new Zoning Bylaw, “Open Space Residential Development” (OSRD) and is concurrently going through Planning Board review.
 - Mr. Pauling outlined some of the latest changes to the plans as a result of the Planning Board review, including:
 - The number of proposed house lots has been reduced from 20 to 19;
 - The wet basin is being moved closer to the cul-de-sac and away from the wetlands;
 - The road will be a crowned rather than slanted;
 - The request for a waiver from the requirement for the planting of street trees on both sides of the road was denied;
 - The Planning Board is going forward with an outside peer review of the groundwater and proposed stormwater management;
 - The scope of work for the outside consultant is being coordinated between the Town Planner, CA, and the DPW.
 - The scope requires the outside consultant also meet with, and address questions from, ConCom.



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- In issuing the DEP number on 7/2, one of the comments from MassDEP Circuit Rider Judy Schmitz questioned GPR's selection of a Category 2 filing fee rather than Category 3(a).
 - Category 2's fee is \$500; Category 3's fee is \$1050.
 - Mr. Pauling said GPR was prepared to defend its fee selection.
 - GB asked Mr. Pauling to respond directly to MassDEP and copy ConCom on the exchange.
- Ms. Schmitz's 7/2 comment letter also stated that the design of the wet basin did not appear to meet DEP's design criteria.
 - This is one of the things that an outside consultant would be expected to review.
- With the changes made thus far, the open space total for the OSRD is approximately 55.7%, including the stormwater structures.
 - Not counting the land set aside for stormwater, the open space total drops to just over 50%, a reduction from earlier plans.
- CA asked if it would be necessary to cross the drainage swale to get to the open space.
 - Mr. Pauling said maybe; CA said this was not an ideal design.
- Mr. Pauling asked that ConCom continue the Public Hearing on a meeting-by-meeting basis until the peer review is complete and the plans finalized via the Planning Board, after which ConCom should be in a position to rule on the NOI.
 - BT moved to continue the Public Hearing to 7/25; JS 2nd.
 - Motion approved unanimously.
- **Discussion: Review of draft scope of work for peer review of John Carroll Reserve subdivision**
 - Mr. Pauling remained present for this brief discussion.
 - ConCom reviewed the draft put together by Town Planner Mark Archambault and CA, with input from DPW Town Engineer Dan Van Schalkwyk.
 - BT moved to approve the scope of work; JS 2nd.
 - Motion approved unanimously.
- **Discussion: Violation Notice – 113 Oak Ridge Drive, Mary Walker**
 - Assessor's Map 28, Parcel 40
 - Mary and Joe Walker were present.
 - The Violation Notice was sent in response to work having been done already in the buffer zone, without a permit, that threatens to impact wetland resources – in this case, Flannagan Pond.
 - Following a Request for Determination of Applicability (RDA) meeting on 6/13, ConCom performed a site walk on 6/29.
 - At that time, ConCom observed that several truckloads of dirt had already been brought in to extend and level out the backyard, prior to ConCom having ruled on the RDA application.
 - In addition, a large pile of additional dirt was present on site.
 - At the 6/13 RDA meeting, Ms. Walker had indicated that soil would not be stored on site but immediately spread on delivery.
 - The height of the dirt fill thus far is such that ConCom has concerns over its stability without the presence of a retaining wall.
 - Given the steepness of the backyard's slope down to the pond, this is a concern for potential impact to the resource area.
 - JS also pointed out:



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- The dirt fill brought in had a lot of dead wood in it.
 - This wood will eventually rot, making the fill that much more unstable.
 - In addition, when the dirt fill was used to raise/level the grade, it also resulted in building up the soil around a large 3-trunk oak next to the house.
 - Joe Walker estimated that the soil was built up 2-3 feet around the trunk of the tree and over its roots.
 - JS said this soil had to be pulled back right away or it will kill the tree.
 - Discussion turned to whether the scope of work planned could be handled under the RDA or whether it should require an NOI filing (regular or Abbreviated NOI).
 - BT said, with the amount of work proposed (or already done), an NOI or Abbreviated NOI was appropriate as ConCom would need to impose some conditions on the project.
 - JG agreed, and expressed appreciation that Ms. Walker had contacted ConCom in the first place with her RDA application.
 - ConCom members felt the amount of dirt being used to build up the back yard requires a retaining wall to provide stability and protect the pond.
 - MP, JS, and BT discussed ways to adjust the slope so that such a retaining wall did not need to be higher than 4 ft. – which would then require an engineered plan and a building permit.
 - Mary Walker also mentioned the need to fill in some large holes, especially under a shed, which ConCom had not known about previously.
 - BT stressed that a natural vegetation buffer needs to be left in place at the base of the slope, between the yard and the pond.
 - GB said a more detailed plan needs to be submitted to ConCom that includes:
 - The full extent of the area where fill will be placed;
 - The vegetation plantings that will be used to stabilize the soil;
 - The length, location and height of the retaining wall.
 - CA said she can help with the plan and the application, and will meet on site with Ms. Walker and the fellows doing the work next Tuesday, 7/16, at 6 p.m.
 - CA stressed that no further work can be done until ConCom has issued a permit.
 - The one exception to this is that the dirt piled up around the 3-trunk oak should be pulled back soon.
 - Given the input ConCom is providing to Ms. Walker's unfolding plan, JG suggested ConCom perform another site visit with the new plan in hand.
 - A site visit was scheduled for Saturday, 7/20, at 8:30 a.m.
 - GB asked that the work area be staked.
 - As time is important, CA will plan to run a legal notice for the NOI Hearing next week, for a Public Hearing at ConCom's 7/25 meeting.
- **Discussion: Ayer Wetlands Protection Bylaw**
 - The most recent draft (7/1/2019) was reviewed and minor edits were made.
 - Tom Poole, who had been a member and chair of ConCom many years ago, was present and given a copy of the latest draft.
 - JG will update the draft for posting to the ConCom website.
 - This draft will be advertised as the last draft prior to it being sent to Town Counsel for final review in mid-August.
 - Residents will then have until 8/8 to provide comments or suggestions to ConCom for its final review at its 8/8 meeting that night.



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- **Discussion: Request for Extension of Order of Conditions (OOC) – Ridge View Realty Trust, Woodland Way Subdivision Modification Infrastructure, MassDEP # 100-0393**
 - Steve Mullaney, of S. J. Mullaney Engineering, Inc., was present on behalf of the applicant.
 - A 3 year extension is being requested.
 - Half of the 36 houses planned for Woodland Way are now complete.
 - The infrastructure (i.e. roadway, basins) cannot be finalized until all of the houses are done.
 - In addition, a wetland replication area will require monitoring for 2 years.
 - BT moved to issue an Extension of the OOC for 100-0393 for 3 years; JS 2nd.
 - Motion approved unanimously.
- **Public Meeting: Request for Determination of Applicability, 89 Littleton Road (Lot 8), Milton Raimundo**
 - Note: A Certificate of Compliance for the house construction for this lot is discussed below.
 - Chayton Durham was present on behalf of Mr. Raimundo.
 - Mr. Durham said Mr. Raimundo doesn't plan to do this work until next spring.
 - Mr. Raimundo's RDA proposes:
 - to clean up the backyard area in the buffer to Shaker Mill Pond, removing some fallen/hung-up trees and cleaning up deadfall;
 - and to construct a small path made of natural stone linking the yard to the shore of the pond where he wants to construct a small deck.
 - Mr. Durham was unsure if the deck would be on the shore or on the water.
 - If it is on the water, it is essentially a dock.
 - While the plan locates it on land, Mr. Durham thought it was more likely to be a removable dock on the water.
 - Mr. Durham described the proposed path as using stepping stones placed on top of the ground, not dug in.
 - BT said she would recommend a wood chip path rather than a stone path.
 - As for cleaning up wood in the buffer zone, 20-30 ft. from the wetland line, it was pointed out that even deadfall is part of the natural environment and provides beneficial habitat and ecological functions.
 - CA suggested the deadfall be picked up and relocated, rather than removed, elsewhere in the buffer zone.
 - Hung-up trees present a hazard and could be removed.
 - JG expressed reservation about 'cleaning up' the floor of the woods in the buffer zone as this would set a bad precedent for 'no-disturb' maintenance of buffer zone areas in their natural state.
 - GB asked Mr. Durham to come back with more information, including on the dock, including size, material, and how far out onto the water it would extend.
- **Discussion: Request for Certificate of Compliance (COC) – Littleton Road (Rte. 2A), Lot 7, Aho Development Corps, MassDEP # 100-0406**
 - Assessor's Map 36, portion of Parcel 18
 - Previously discussed with John Boardman, of Places Associates, at 6/27 meeting.
 - CA did a site walk with Mr. Boardman and found no issues.



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- A black chainlink fence was constructed along the Limit of Work line in the buffer zone at the edge of the backyard.
 - The previously constructed raingarden has been removed per MassDOT.
 - The trees from the raingarden have been replanted along the property line between Lot 7 and Lot 8 and along the back of Lot 8 (below) and all look like they are doing well.
- BT moved to issue a COC for 100-0406; JS 2nd.
 - Motion approved unanimously.
- **Discussion: Request for Certificate of Compliance (COC) – Littleton Road (Rte. 2A), Lot 8, Aho Development Corps, MassDEP # 100-0407**
 - Assessor's Map 36, portion of Parcel 18
 - Previously discussed with John Boardman, of Places Associates, at 6/27 meeting.
 - CA observed on the site walk that required no-disturb conservation signage has now been put up.
 - BT moved to issue a COC for 100-0407; JS 2nd.
 - Motion approved unanimously.
- **Discussion: Request for COC – 231 Snake Hill Road, White Horse Builders, MassDEP # 100-0421**
 - Assessor's Map 21, Parcel 11
 - ConCom performed a site walk on 6/29.
 - CA provided photos showing the homeowners placed some bricks to slow the sump pump pipe discharge at the edge of the work area, as requested.
 - Erosion controls have already been removed, per ConCom's agreement on 6/29.
 - BT moved to issue a COC for 100-0421; JS 2nd.
 - Motion approved unanimously.
- **Discussion: Office Data Base**
 - ConCom reviewed the project scope and estimate from North Port Solutions, LLC, to construct a database for tracking permits and supporting documentation.
 - The estimated cost is not to exceed \$6,000.
 - Town Manager Pontbriand has agreed that, while permits etc. will be scanned, ConCom can still keep hard copies in its files as well.
 - BT moved to approve the scope of work for the database, with the \$6,000 to be paid from the Commission's wetland fees fund; JS 2nd.
 - Motion approved unanimously.
- **Discussion: Interpretive Signs**
 - CA asked ConCom members to look at the online catalog for interpretive signs from Pulse Design Inc.'s Nature Series.
 - The signs are printed on heavy aluminum with an anti-graffiti surface.
 - Ready-to-order stock in Pulse's catalog include signs water and wetlands, such as signs on pond ecosystems or aquatic plant identification.
 - Signs can also be customized for additional costs.
 - Potential locations for such interpretive signage could be at the Town Beach on Sandy Pond, or at Pirone Park on Grove Pond.
 - GB noted that the Cultural Council could be approached for a funding grant.
 - ConCom's wetland fees fund can only be used for actions that facilitate the Commission's administration of the Wetlands Protection Act.



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- **Conservation Commission Office Updates**

- 28 Harvard Road, Global Partners LP (MassDEP # 100-0429)
 - The steel framing for the new gas station/convenience store is up and subsurface work is also proceeding.
- Pirone Park Perimeter Path (MassDEP # 100-0422)
 - The DPW has summer kids who will be raking out the loose soil and reseeded.
- Beaver Solutions
 - CA met with Mike Callahan, of Beaver Solutions, to look at the growing impoundment of water along the stream running between 'Rock Meadow Pond' (and an upper beaver dam) and a lower beaver dam before Pine Meadow Pond.
 - Mr. Callahan will prepare a proposal and cost estimate for the installation of a leveling pipe.
 - In addition to flooding on a nearby trail, this impoundment has a public safety component.
 - In 2011, the collapse of this dam and the one just above it led to the release of a deluge of water that significantly damaged and closed a portion of Oak Ridge Drive between Pine Meadow and Flannagan ponds.
 - GB said ConCom will need to seek replenishment of its beaver funds at the next Spring Town Meeting as these funds are also used for annual maintenance costs for existing beaver deceiver devices.
- James Brook Riverfront Restoration (MassDEP # 100-0404)
 - CA heard from Cal Goldsmith, of GPR, that at least half the plastic planting pots left in place after the restoration (for identification and monitoring purposes) have now been removed.
 - The restoration area is lush and growing well.
 - More pots will be searched for and removed in the fall when leaves die back.

- **Member Updates**

- GB said members should think about reorganization of ConCom soon as GB will have been Chair for a year in August.
- GB also said the Historical Commission and Alan Manoian (Community & Economic Development) are looking for ideas and activities for Ayer's upcoming 150th year anniversary to be celebrated in 2021.

- **9:31 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: _____

7/25/2019
Jessica G. Gugino