

RECEIVED

SEP 27 2019

TOWN OF AYER

*Mark Phillips*

## **Town of Ayer Conservation Commission**

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

Minutes for 8/22/2019

Location: Ayer Town Hall, 1st Floor

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

Not Present: Bonnie Tillotson (BT, Vice-Chair), Jon Schmalenberger (JS, Member)

APAC taped: Yes

### **7:10 PM – Open Meeting**

- **Confirmation of Agenda**
  - MP moved to confirm the agenda as posted; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Approval of Meeting Minutes**
  - MP moved to accept the minutes for 8/8/2019 as written; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Announcements**
  - National Grid is invoking the utility exemption for buffer zone work to install replacement fencing near Bishop Road and Park Street.
- **Public Meeting: Request for Determination of Applicability (RDA) – 8 Standish Avenue, Ronald Krieser**
  - Assessor's Map 15, Parcel 46
  - Mr. Krieser was present to describe the various projects proposed under the RDA for his property abutting Sandy Pond:
    - Creating a slate paver path from the back deck ramp to a sitting area by the bank to the pond – the pavers will simply be laid on the ground and allowed to fill in naturally;
    - Removing a rotting fence and flower bed next to the deck, flattening out the bed, and laying flagstone pavers for a patio over that area;
    - Replacing an existing shed with a new wooden one with a smaller footprint.
    - Any dirt that would need to be removed would just be spread elsewhere on the property, but not near the water or the bank.
  - MP moved to issue a Negative Determination of Applicability (DOA), with no conditions; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
  - CA will mail the signed form to Mr. Krieser when it is ready.
- **Public Meeting: RDA – Old Towne Village, Old Towne Road and Daybrook Drive, Massachusetts Electric Company (MECO)**
  - Assessor's Map 35, Parcel 1A-1/2A
  - Theresa Portante, Project Manager from BSC Group, was present on behalf of the applicant, MECO.
  - MECO is upgrading electrical service to residents on Daybrook Drive, off Rte. 2A, a portion of which is within the outer 200 ft. Riverfront Area to the nearby brook.
    - The project involves installing approximately 60 linear feet of underground conduit, running next to an existing parking lot, to replace existing direct buried cable.

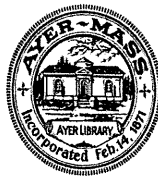


## **Town of Ayer Conservation Commission**

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

Minutes for 8/22/2019

- In addition, a new pull box to access the conduit within the duct bank will be installed.
  - The new underground conduit will be installed beneath existing maintained lawn and cement walkway.
    - Best Management Practices (BMPS), including sedimentation barriers, will be implemented to contain runoff and prevent adverse impact to the resource area.
    - A 2-3 ft. wide trench will be excavated for the 60 ft. duct bank installation.
  - Long term stockpiling of excavated soil is not anticipated.
    - In the event soil storage is needed, it will either be stockpiled on lawn area or stored in a truck while the trench is open.
  - Catch basins within the project area will be protected during construction activities.
  - Upon completion of the project, disturbed areas will be restored to previous conditions – the lawn area will be re-seeded and the cement walkway restored and stoned.
  - In addition, an existing transformer (6029-3) will be replaced and raised from subsurface to above ground on an existing concrete pad.
    - This portion of work is considered exempt maintenance under 310 CMR 10.02(2)(a)2.
- JG moved to issue a Negative DOA, with the condition that CA be notified when the work commences; GB 2<sup>nd</sup>.
  - Motion approved 2-0 (MP abstained as he works for National Grid).
- **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
  - Following receipt of a letter from Goldsmith, Prest & Ringwall (GPR) asking for a continuance, MP moved to continue the Public Hearing to ConCom's 9/12 meeting; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion (cont'd.): Request for Certificate of Compliance (COC) – 165 Hemlock Drive, Ridge View Realty Trust, MassDEP # 100-0411**
  - Assessor's Map 36, Parcel 120
  - ConCom signed the COC as previously approved at the 8/8 meeting.
  - GB asked CA to remind Steve Mullaney, of S. J. Mullaney Engineering, that he and/or the applicant should be informing ConCom of the house-type to be constructed on each lot.
    - ConCom previously had been asked to issue a number of Orders of Conditions (OOCs) based on the most-impactful design, giving the developer the flexibility to offer potential home buyers up to eleven different styles.
      - However, the applicant was also supposed to notify ConCom, via Mr. Mullaney, on the actual house design selected by the home buyer, and ConCom would then either approve a field change or ask for an OOC amendment filing.
      - [See ConCom minutes for 9/6/2018 and 9/27/2018.]
- **Public Meeting (cont'd.): 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**
  - The Negative DOA, voted on 8/8, was signed by ConCom.

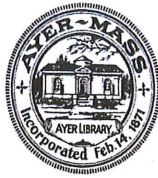


## **Town of Ayer Conservation Commission**

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

Minutes for 8/22/2019

- **Discussion: Ayer Wetlands Bylaw**
  - The Bylaw draft is in the hands of Town Counsel.
- **Discussion: Kohler Place Conservation Restriction (CR)**
  - (MassDEP #s: Lot 1 – 100-0392; Lot 3 – 100-0390; Lot 4 – 100-0391; Subdivision – 100-0340)
  - Back in February, Town Counsel provided comments to an earlier draft of the CR, which CA forwarded to Commission members as well.
    - Somehow, these comments got lost in the shuffle by CA and the Commission and were not incorporated into subsequent drafts circulated to the State as well as property owner A. J. Bergin and his lawyer.
  - After discussion, per GB, CA will revise the current draft to incorporate Town Counsel's edits.
    - CA will then send this new draft back to the State and the applicant.
- **Conservation Commission Office Updates**
  - 113 Oak Ridge Drive, Mary Walker
    - CA will inform Ms. Walker that erosion controls need to be put in place immediately.
  - ConCom budget
    - CA heard from Town Accountant Lisa Gabree that \$4000 remains unspent from the 2016 Pond survey report.
      - She would like to absorb this money back into Town funds.
      - As the Geosyntec pond report was funded from several sources, including the Community Preservation Committee and the DPW, CPC and the DPW must be contacted first as to where this money goes.
        - For example, unspent CPC grant money always goes back into CPC's funds.
    - In addition, CA said Ms. Gabree is no longer opposed to including annual pond weed control funds within the Omnibus budget and/or as a line item.
    - Similarly, per CA's query, she also supports including funds for maintenance of the several beaver deceivers that ConCom and the Town have installed within the annual Omnibus budget.
  - 0 Central Avenue, John Hillier, Central Avenue Compassionate Care, Enforcement Order (EO)
    - CA sent a letter to Mr. Hillier requesting his attendance at ConCom's 9/26 meeting to discuss his plans to address the EO issued back in February.
      - Other than the flagging of the wetlands on site and the installation of erosion controls, Mr. Hillier has not moved forward in submitting a plan, as required by ConCom.
    - CA said that Assistant Town Manager Carly Antonellis recently called Mr. Hillier to see what the delay was about and was told by Mr. Hillier that he felt the Commission was being unreasonable and that addressing this issue was at the bottom of his list of priorities.
  - 217 West Main Street (MassDEP # 100-0420)
    - Erosion controls have been repaired, blown plywood has been fished out of the floodplain, and the footings for the remaining two buildings are in and have been backfilled.
      - Final paving can now be done, after which the stormwater structures can be completed as well.



## **Town of Ayer Conservation Commission**

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

Minutes for **8/22/2019**

- Per GB's request, CA will ask Calvin Moore for a copy of his planting plan.
  - CA said approximately \$4000 worth of plants have been purchased and are ready to go in.
  - A water line has been run from Mr. Moore's property at 215 West Main so that they plants can be watered as they take root.
- Rosewood Avenue culvert and beaver fencing (MassDEP # 100-0388)
  - JG suggested CA invite Mike Lotti, of Industria Engineering, to attend ConCom's 9/26 meeting to discuss the replication area that was supposed to go in a couple years ago.
    - Mr. Lotti has not been responding to CA's phone calls or emails.
- **8:25 PM – Adjourn Meeting**
  - MP moved to adjourn; JG 2<sup>nd</sup>.
    - Motion approved unanimously.

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

**Date Minutes Approved by Conservation Commission:** 9/26/2019

**Signature Indicating Approval:** 