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OCT 29 2021

TOWN OF AYER
TOWN CLERK

Town of Ayer Conservation Commission

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

Minutes for 6/24/2021

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (JS, Chair), Mark Phillips (MP, Vice-Chair), George Bacon (GB, Member), Jennifer Amaya (JA, Member), Jessica Gugino (JG, Member/Clerk), Scott Murray (SM, Associate Member), Jo-Anne Crystoff, (CA, Conservation Administrator)

APAC taped: Yes

7:00 PM – Open Meeting

- **Confirmation of Agenda**

- GB moved to confirm the agenda as amended; MP 2nd.
 - Motion approved unanimously.

- **Approval of Meeting Minutes**

- GB moved to accept the minutes for 6/10/2021 as written; MP 2nd.
 - Motion approved unanimously.

- **Discussion: Waterways Signs Project Work Plan**

- The signs will be 12" x 24" aluminum, intended to be easily visible from a passing car.
- Discussion focused on narrowing down the list of locations for the 10-sign project.
 - Once the 10 sites are finalized, CA will visit them with the artist who will provide drawings.
 - In addition, graphic artist Kim Becker, who is doing the sign design, will meet with CA next week.
- CA also learned from Beth Suedmeyer and Faith Salter that the Nashua River Stewardship Council, from which the grant funding this project was received, is interested in using Ayer's signage as a template for other towns to follow.
- Efforts will be made to work with the Department of Public Works (DPW) to ensure that the placement of signs will not interfere with snow plowing.

- **Discussion: Update on Conservation Office Workload**

- CA, JS, and JG initially met with Town Manager Robert Pontbriand and Assistant Town Manager Carly Antonellis on June 3.
 - A second meeting is scheduled for tomorrow morning (June 25).
- The agenda includes focusing on the distinction between:
 - what the CA position and Commission are currently doing and have to do, on behalf of the Wetlands Protection Act, local bylaw, and needs of the town – nondiscretionary priorities;
 - e.g. application permitting and oversight, pond weed management, Conservation Restrictions;
 - what CA and the Commission need to be doing more of but haven't had the time or work support – need to become priorities;
 - e.g. open space purchases using Conservation Fund, fertilizer use bylaw, Flannagan Pond public access;

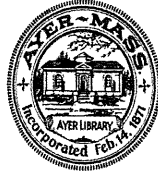


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- projects CA and the Commission would like to engage with, such as re-starting a Greenway Committee – aspirational and discretionary goals.
- **Public Meeting (cont'd.): Request for Determination of Applicability (RDA) – 34 Wright Road, Patricia Timmins**
 - Assessor's Map 15, Parcel 63
 - ConCom performed a site walk on June 15.
 - GB moved to issue a Negative Determination of Applicability; MP 2nd.
 - Motion approved unanimously and the DOA was signed.
- **Public Hearing: Notice of Intent (NOI) – 43A Groton Harvard Road, Ayer Department of Public Works (DPW), MassDEP # 100-0459**
 - Assessor's Map 20, Parcel 39
 - This DPW project is for a stormwater outfall improvement on a town drainage easement located on property owned by Edward Ouelette.
 - DPW Town Engineer Dan Van Schalkwyk presented the application.
 - Two catchbasins on Groton Harvard Road direct stormwater into an existing pipe that runs through the easement to where the pipe is exposed and then discharges down toward Flannagan Pond.
 - From the road, the 20 ft. wide easement runs in an ESE direction and midway takes about a 45-degree turn to run in SSE the rest of the way to the pond.
 - After the easement makes the turn to the SSE, a portion of the existing pipe, now exposed, is located outside of the easement, on the abutting property at 45 Groton Harvard Road.
 - After this pipe daylights, evidence of scouring and erosion are evident.
 - For this project, the upper portion of the stormwater pipe will remain as is.
 - Midway down, the project proposes:
 - to relocate the estimated 12" drainage pipe to within the existing drainage easement;
 - to install a bioretention cell/raingarden close to the bank of the pond and into which the flared end of the relocated pipe will discharge;
 - the proposed outfall will then discharge stormwater via a shallow grass swale running from the cell right up to Flannagan Pond
 - a patch of riprap (i.e. river stone) will be used at the outfall from the cell and again at the end of the grass swale.
 - The goal of project is to correct the existing deteriorating system and also to reduce nutrient loading into the pond by providing an area for stormwater treatment.
 - The DPW performed soil probes to identify ledge near the proposed drain line's relocation.
 - Because of presumed ledge, some minor grading may need to be done over the new pipe to maintain a depth of 1-foot below grade.
 - No work is proposed within any wetlands



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- Goldsmith, Prest & Ringwall flagged the BVW (bordering vegetated wetlands) on 8/27/2020.
- CA asked if there is enough protection and depth to the raingarden to prevent a washout during a heavy storm.
 - Mr. Van Schalkwyk said they wanted to keep the raingarden small since it is on private property, even if on a town easement.
 - In the event of an extremely heavy storm and given the slope, there would likely be sheet flow everywhere.
 - He added that the DPW would be adding this raingarden to their maintenance list.
- A site walk was scheduled for 5 p.m. on Tuesday, June 29.
- GB moved to continue the Public Hearing to July 8; MP 2nd.
 - Motion approved unanimously.
- **Discussion: West Main Street culvert removal proposal, Ayer DPW**
 - Town Engineer Van Schalkwyk remained present.
 - It was noted that this culvert in Nonacoicus Brook is hydrologically controlled at its outlet, the Nashua River, from which backflow during large storms may have an unavoidable impact.
 - Mr. Van Schalkwyk said the DPW has decided the best course of action is to remove the destroyed culvert entirely and return the area to a natural stream flow.
 - The culvert was initially installed decades ago when a back entrance to the DPW's Brook Street facility was being considered.
 - The project would aim to remove the existing culvert, then regrade and stabilize the sideslopes.
 - Although the base of the stream flow should remain the same, Mr. Van Schalkwyk said they would expect the channel to widen over time.
 - As outlined in his 6/14 letter to the Commission, Mr. Van Schalkwyk sought guidance on whether a Notice of Intent or the simpler Request for Determination of Applicability should be submitted.
 - Commissioners were unanimous in agreeing that the extent of work proposed in a resource area required a Notice of Intent.
- **Discussion: Beaver Management Plan**
 - Town Engineer Van Schalkwyk remained present for this discussion as well.
 - CA and ConCom are in receipt of the Holliston beaver management plan forwarded by Mr. Van Schalkwyk.
 - CA has been unable to find any other such plans for towns in Massachusetts, and found nothing through MACC (Mass. Association of Conservation Commissions) either.
 - Holliston breaks beaver management into 3 categories:
 - one where beavers are left to do their thing;

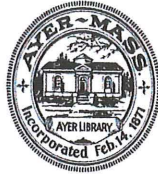


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- a middle category where nonlethal strategies, such as the installation of flow control devices (aka beaver deceivers) are used;
 - no tolerance zones where beavers are trapped and killed.
- CA talked about making a map, working together with the DPW, to track natural areas and man-made culverts with known or new beaver activity.
 - Mr. Van Schalkwyk said developing a management plan was more of a ConCom thing, but he would be willing to help when he had time.
 - He said the DPW does regularly check culverts for blockages.
- Bligh Street swales
 - Regarding the recent removal of a non-culvert beaver dam in a drainage swale near Pirone Park and Bligh Street, CA said she heard back from Mike Callahan, of Beaver Solutions.
 - Installing a beaver deceiver in this area is not feasible.
 - Mr. Callahan said the only way to prevent damming here was to trap and kill the beavers, something that neither JA nor JG reacted well to.
 - CA wondered if stormwater in that channel could be put into a pipe?
 - For now, Mr. Van Schalkwyk said the DPW would monitor.
 - There is no public safety issue unless the damming was significant enough to back up onto the road or affect nearby residents' properties.
- Shaker Road beaver dam
 - DPW Superintendent Mark Wetzel recently forwarded an email from Littleton resident Leon Weaver, who then contacted ConCom directly, asking the DPW to clear beaver blockage at the inlet to Shaker Mill Pond from Bennett's Brook.
 - Mr. Weaver claimed this blockage downstream affected the water level of Spectacle Pond, and therefore its healthy outflow into the Merrimack River watershed.
 - ConCom will look at this after its Tuesday evening site walk, to evaluate the potential for use of a beaver deceiver.
 - MP suggested that if this was being requested to benefit Littleton, perhaps Littleton should pay for it.
- **Discussion: DRAFT Conservation Restriction (CR) – 0 Washington Street, Ayer Solar IIB LLC, Rohit Garg, MassDEP # 100-0444**
 - Assessor's Maps 13, 12 & 4, Parcels 13-1, 13-2, 12-1, 4-49
 - CA spoke recently to John Gioia, of the Department of Conservation & Recreation (DCR), who is the reviewer for draft CRs.
 - He received a draft of the Solar IIB CR from Rohit Garg's lawyer and returned it with comments.
 - CA has not had time to review the draft or DCR comments yet.
 - Mr. Gioia noted that he generally defers to a town's timeline, not the developer's, so Ayer should take what time it needs to review and edit the draft.
 - In addition, for this CR, CA noted we do not have a 'Conservation Analysis' to guide us in specifying the concrete conservation values of the CR.



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- This analysis also forms the basis for a baseline monitoring document that will guide subsequent required annual CR monitoring.
 - CA will contact Mr. Garg to ask that this analysis be drawn up.
 - Meanwhile, CA will also forward the DCR marked up draft to commissioners for their review and input as well.
- **Discussion: DRAFT Conservation Restriction (CR) – 0 Washington Street, Open Space Residential Development (OSRD) subdivision ‘Panther Place’**
 - Similar to Ayer Solar IIB above, the applicant’s lawyer, Alex Parra, also submitted a draft CR to DCR without ConCom’s input.
 - CA will forward the draft with DCR comments thus far to the rest of the Commission.
- **Public Meeting: Request for Certificate of Compliance (COC) – 217 West Main Street, Calco LLC, Calvin Moore, MassDEP # 100-0420**
 - Assessor’s Map 32, Parcel 51
 - This item was removed from the agenda because the application was not submitted as promised.
- **Discussion: Non-Point Source Pollution Brochure mailing**
 - The informative brochure, created by Girl Scout Keziah Salter, is ready to be mailed.
 - JA will fold and stuff the envelopes and JG will prepare a cover letter with ConCom support for the Silver Award project.
- **Discussion: Regulations for exempt minor activities within buffer zones**
 - One thing to consider is that the town of Harvard has given its agent the authority to issue ‘Administrative Approval’ for simple projects that seek ConCom input but are so minor as to not rise to the level of requiring submission of an RDA much less an NOI.
 - CA noted this is a good way to encourage residents to seek guidance on simple projects done in buffer zone areas.
- **Discussion: Review and Update of Ayer Conservation Commission Special Conditions Boiler Plate**
 - No time remained for this discussion.
- **8:52 PM – Adjourn Meeting**
 - GB moved to adjourn; JA 2nd.
 - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

7/8/2021 