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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 9/9/2021

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (JS, Chair), Mark Phillips (MP, Vice-Chair), George Bacon (GB, Member), Jen Amaya (JA, Member), Jessica Gugino (JG, Member/Clerk),

Not Present: Jo-Anne Crystoff, (CA, Conservation Administrator)

APAC taped: YES

Unless otherwise noted, all Public Hearings and Public Meetings will open under both the Wetlands Protection Act and the Ayer Wetlands Bylaw.

7:00 PM – Open Meeting

- **Confirmation of Agenda**
 - A discussion of the draft ad for an assistant to CA was added.
 - GB moved to confirm the agenda as amended; MP 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 8/26/2021 as amended; MP 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – 43A Groton Harvard Road, Ayer Department of Public Works (DPW), on an easement on property owned by Edward Ouelette, MassDEP # 100-0459**
 - Assessor's Map 20, Parcel 39
 - Town Engineer Dan Van Schalkwyk was present.
 - Mr. Van Schalkwyk reviewed the draft Order of Conditions (OOC) and finds no issues.
 - GB moved to approve the OOC as written; MP 2nd.
 - Motion approved unanimously 5-0 and the OOC was signed.
 - At Mr. Van Schalkwyk's request, the original OOC will be put into the DPW's Town Hall mailbox on the following day (9/10).
 - GB moved to close the Public Hearing for 100-0459; MP 2nd.
 - Motion approved unanimously 5-0.
- **Public Meeting: Request for Determination of Applicability (RDA) – West Main Street Right-of-Way Infrastructure Improvements, Ayer DPW**
 - Assessor's Maps 32, 38 & 39
 - Town Engineer Van Schalkwyk remained present.
 - A previous presentation on this as an upcoming project was given to ConCom by Mr. Van Schalkwyk and Alan Manoian, Director of the Office of Community and Economic Development, at ConCom's 1/28/2021 meeting.



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- At that time, it was announced that the DPW and OCED had been successful in applying for a MassWorks grant, of \$31 million, to upgrade the West Main Street area that functions as a 'gateway' to Ayer from the west.
 - Since then, work on designing the project proceeded forward.
 - The work area will run on West Main Street from Scully Road heading west to the far side of Devens' Verbeck Gate, to Grant Road and the town line with Harvard.
 - Scope of work is within the right-of-way of West Main Street and Scully Road.
 - Portions of the project are within the 100 ft. buffer zone.
 - Wetlands include BVW (bordering vegetated wetlands) and an intermittent stream, Willow Brook.
 - The most recent delineation of the wetland areas was in May 2021.
 - As a 'replacement' project, the project is exempt from needing to file under MEPA (Mass. Environmental Policy Act), in accordance with 301 CMR 11.02.
 - Portions of the project on Devens property are being permitted by Devens.
 - Reviewing the project narrative, upgrades and reconstructions include:
 - installation of 3600 ft. of new 12-in. ductile iron water main;
 - repaving 2600 ft. of West Main, and milling and repaving Scully Road;
 - construction of cement concrete sidewalks, ADA ramps, driveway aprons;
 - installation of vertical granite curbing;
 - on-street parking and bike lanes;
 - construction and/or upgrade of stormwater structures;
 - re-alignment of Devens Verbeck Gate intersection;
 - construction of shared use path between Jackson Road and Harvard boundary;
 - construction of a regional bus shuttle waiting station, near the Devens Shopping Center;
 - signage, striping, streetscape and other road-related improvements;
 - replacement of existing 60-in. corrugated metal pipe (CMP) on Devens, near Job Corps, with in-kind HDPE culvert;
 - utility poles will be avoided but some existing fencing will need to be relocated.
 - Inlet protection at all catchbasins and erosion and sedimentation controls will be used.
 - Mr. Van Schalkwyk said he would be updating the plans to add in additional erosion controls in the Willow Brook area.
 - The project is out to bid now and the DPW hopes to begin work on utilities this fall, then complete utilities and start road reconstruction next year.
 - A site walk was scheduled for Tuesday, 9/21, at 4:30 p.m., meeting at the Devens Shopping Plaza.
- **Public Hearing (cont'd.): NOI – 0 Washington Street, "Panther Place" Open Space Residential Development (OSRD) subdivision, Northeast Site Development, Joseph Levine, MassDEP # 100-0460**
 - Assessor's Map 13, Parcels 12, 13 & 14
 - Present in person were Joe Levine, of Northeast Site Development, and Brian Butler, of Oxbow Associates.



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- Before leaving for vacation, CA prepared two versions of the draft OOC, one requiring the use of just silt fencing for erosion controls, the other requiring both silt fencing and silt socks/wattles.
 - Mr. Levine said they have to do silt fencing, per NHESP (Natural History & Endangered Species Act) requirements for turtle exclusion, including in areas outside of ConCom's jurisdiction.
 - He said it would be onerous to have to do both fencing and socks, but also made it clear that if erosion/sedimentation problems were observed in any area during project construction, then he would be sure to add in additional controls promptly at that point.
 - After some discussion, ConCom members were in agreement that this was sufficient.
- GB moved to approve the OOC for 100-0460, the version requiring only silt fencing, as written; MP 2nd.
 - Motion approved unanimously 5-0 and the OOC was signed.
 - JG will have the original copy ready for Mr. Levine to pick up in person on the following day, 9/10, around 11:30 a.m.
- GB moved to close the Public Hearing for 100-0460; MP 2nd.
 - Motion approved unanimously 5-0.
- **Public Meeting: RDA – 72 Nashua Street, Jennifer and David Amaya**
 - Assessor's Map 13, Parcel 41
 - JA, being an applicant, recused herself as a commissioner from just this portion of the meeting.
 - Ms. Amaya and her husband David then described their project to the Commission.
 - The Amaya's are seeking permitting to install a 10'x12' shed, and possibly also a 10'x12' greenhouse, on the north side of their house, in an area within the outer 50 ft. of the 100 ft. buffer zone.
 - While on another site walk next door, on 8/31, ConCom members looked at this area in advance as well.
 - The area next to the house is currently lawn grass and very flat.
 - Rather than dig up dirt, the Amayas plan is to lay down cardboard to kill the grass in the work area, then overlay that with at least 4 inches of gravel on which the shed, and potential greenhouse, would then rest.
 - GB moved to issue a Negative Determination of Applicability (DOA); MP 2nd.
 - Motion approved unanimously 4-0 and the DOA was signed.
 - Ms. Amaya will pick up the original of the DOA in person on the following morning, 9/10.
- **Public Meeting: RDA – 21 Oak Ridge Drive, Denise and Marian Simion**
 - Assessor's Map 27, Parcel 171
 - Dr. and Mrs. Simion were both present for the meeting.



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- The Simions have a large leaning tree by a back corner of their house that they are concerned about as a potential hazard, given the increased severity of recent storm events.
 - They would like to take this tree down, but would leave the stump in place; removing the stump would compromise not only the hillside but potentially the house foundation.
- GB moved to issue a Negative DOA to allow this project; MP 2nd.
 - Motion approved unanimously 5-0 and the DOA was signed.
 - Dr. Simion will pick up the original of the DOA in person on the following morning, 9/10.
- **Public Meeting: RDA – 270 Woodland Way, David Grubb**
 - Assessor's Map 36, Parcel 181
 - David Grubb was present and described the project.
 - The Grubbs would like to add a 16'x16' addition off the side of their house, to be set on a new concrete foundation that will support the extension of both the existing basement and first floor above.
 - A small corner of the addition encroaches just a few feet into the 100 ft. buffer zone.
 - Any extra dirt will be hauled off site.
 - CA previously visited the site, reviewed the plans, and recommended that ConCom approve the project by issuing a Negative DOA.
 - Mr. Grubb said they hope to start the project in the next few weeks and have the addition sealed up by December.
 - GB moved to issue a Negative DOA; MP 2nd.
 - Motion approved unanimously 5-0 and the DOA was signed.
 - Mr. Grubb will pick up the original of the DOA in person on the following morning, 9/10.
- **Discussion: Administrative Approval process**
 - JA and CA have been working on a draft form, based on the Town of Westford, that would allow CA to issue approval for very simple projects that don't rise to the level of needing Commission oversight or formal permitting.
 - Other towns do this as well as a means of expediting small projects and lessening the impact on their commissions' full agendas.
 - Procedurally, ConCom members decided that, once this goes forward, it should be added as a standing agenda item for CA to inform the Commission of administrative approvals, if any, issued since the previous meeting, and for recordation in the minutes.
 - ConCom members are all comfortable with Ms. Crystoff's judgment, noting that she is likely more conservative on projects than commission members.
 - However, ConCom does not want this power to transfer automatically to a new Administrator, were Ms. Crystoff to leave.



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- The Commission would want to be able to assess the judgment and capabilities of any succeeding new Conservation Administrators.
- GB said authorizing Administrative Approval should be done under the Bylaw and through the Regulations.
- JA will edit the draft based on tonight's comments, and then have CA do a final edit.
 - Following that, ConCom will have to hold a Public Hearing in order to add it to its Regulations under the local bylaw.
 - In turn, the regulation will be written such that each and any succeeding Conservation Administrator would need to be individually authorized by vote of the Commission in order to commence issuing Administrative Approvals.
- **Discussion: Draft ad for temporary assistant for CA**
 - MP and JA have been working on initial drafts of an ad for ConCom to seek a temporary (through June 30 2022), part-time assistant for CA, to be funded by the Commission's Wetlands Fund until, hopefully, the position can be made permanent under the FY2023 budget next year.
 - Following edits suggested by CA through JG, MP revised the draft in two forms, one in the limited format required by MACC postings (Mass. Association of Conservation Commissions), and the other for postings seeking college paid internships.
 - ConCom members reviewed these drafts and made edits.
 - It was decided that the ads should target more than just college students, and be worded to seek those interested in internships, work-study, or entry-level positions.
 - Next steps:
 - have CA provide feedback and edits;
 - once that is done, MP will revise the drafts and then forward them to Town Manager Robert Pontbriand, Assistant Town Manager Carly Antonellis, and Benefits & Payroll Manager Kevin Johnston for their review.
 - Outstanding questions include:
 - salary range – given ConCom hopes to make this position permanent, it will therefore have to conform to the Town's union pay grid;
 - work study – can this be done in a municipal setting?
 - Once ready, JA said she can easily circulate it to local colleges.
- **8:40 PM – Adjourn Meeting**
 - GB moved to adjourn; MP 2nd.
 - Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: _____

9/23/2021 