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TOWN OF AYER  
TOWN CLERK



## **Town of Ayer Conservation Commission**

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

Minutes for 12/2/2021

Location: Remote Meeting via Zoom, accessible to public, due to ongoing COVID 19 Pandemic

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

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

APAC Recorded: Yes

### **7:00 PM – Open Meeting**

- **Confirmation of Agenda**
  - Following rearranging some items, GB moved to confirm the agenda as amended; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.
- **Approval of Meeting Minutes**
  - GB moved to accept the minutes for 11/18/2021 as written; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.
- **Public Input**
  - No comments offered.
- **Certificate of Vote**
  - While ConCom continues to meet remotely, GB moved to authorize Chair Jon Schmalenberger to physically sign Orders, Permits, etc., on behalf of the Commission, after votes taken by the Commission, on applications reviewed in Open Meeting; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.
- **Discussion: Administrative Approval – 37 Hemlock Drive, Ryan Gough**
  - Ryan Gough was present via Zoom.
  - The Gough's, who took possession of their new home earlier in the day, previously contacted CA Crystoff about their need to install a fence from the front sides of the house circling around the side property lines and around the backyard up to the brush line.
    - The purpose of the fence is for safe containment of their dog.
  - CA Crystoff previously started the paperwork for an Administrative Approval and thought this would be approvable under that device.
    - GB moved to approve the Administrative Approval for fence installation at 37 Hemlock Drive; MP 2<sup>nd</sup>.
      - Motion approved unanimously by Roll Call Vote.
      - JS will sign and JG will put in the mail on the following day.
  - If the Goughs want to put in a shed in the future, they were advised that if it involved any digging in the ground within the buffer zone, they would need to contact ConCom.

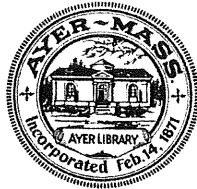


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Minutes for 12/2/2021

- **Public Meeting: Request for Determination of Applicability (RDA) – 270 Woodland Way, David Grubb**
  - Assessor's Map 36, Parcel 181
  - Opened under the Wetlands Protection Act and Ayer Wetlands Bylaw.
  - David Grubb was present via Zoom.
  - At ConCom's 9/9/2021 meeting, the Grubbs were permitted under an RDA to construct an addition to their house, a very small portion of which was in buffer zone.
    - Continuing their project, the Grubbs now want to replace an existing deck with a 3-season screened-in porch.
    - The existing deck area would be widened by 6 feet.
      - This also encroaches into the buffer zone by a few feet.
    - The porch would be set on posts, no foundation to be dug.
      - Any excess dirt from the posts would be used to backfill the foundation around the addition.
    - They hope to do this project now while the area is already disturbed from the previous project, thereby allowing them to repair and reseed for both projects all together in the spring.
  - CA Crystoff previously visited the site and saw no problems with this RDA.
  - GB moved to issue a Negative Determination of Applicability; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.
    - JS will sign and JG will issue and mail on the following day.
- **PUBLIC HEARINGS (cont'd.) FOR NOTICES OF INTENT (NOIs) – “PANTHER PLACE” OSRD (Open Space Residential Development) SUBDIVISION, NORTHEAST SITE DEVELOPMENT, LLC., JOSEPH LEVINE**
  - Assessor's Map 13, Parcels 12, 13 & 14
  - Opened under the Wetlands Protection Act and Ayer Wetlands Bylaw.
  - Joe Levine, of Northeast Site Development, was present via Zoom.
  - **Public Hearing (cont'd.): NOI – Lot 14, MassDEP # 100-0469**
    - Updated plans for this lot having been received from Brian Butler, of Oxbow Associates, and Mr. Levine having no issues with the draft Order of Conditions (OOC):
      - GB moved to approve /issue the OOC for Lot 14, MassDEP # 100-0469; MP 2<sup>nd</sup>.
        - Motion approved unanimously by Roll Call Vote 5-0
    - GB moved to close the Public Hearing for 100-0469; MP 2<sup>nd</sup>.
      - Motion approved unanimously by Roll Call Vote 5-0.
  - **Public Hearing (cont'd.): NOI – Lot 15, MassDEP # 100-0470**
    - Updated plans for this lot having been received from Brian Butler, of Oxbow Associates, and Mr. Levine having no issues with the draft OOC:



## **Town of Ayer Conservation Commission**

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Minutes for 12/2/2021

- GB moved to approve /issue the OOC for Lot 15, MassDEP # 100-0470; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0
  - GB moved to close the Public Hearing for 100-0470; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.
  - **Public Hearing (cont'd.): NOI – Lot 16, MassDEP # 100-0471**
    - Updated plans for this lot having been received from Brian Butler, of Oxbow Associates, and Mr. Levine having no issues with the OOC:
      - GB moved to approve / issue the OOC for Lot 16 MassDEP # 100-0471; MP 2<sup>nd</sup>.
        - Motion approved unanimously by Roll Call Vote 5-0
    - GB moved to close the Public Hearing for 100-0471; MP 2<sup>nd</sup>.
      - Motion approved unanimously by Roll Call Vote 5-0.
      - JS will sign the 3 approved OOCs and JG will have them ready for Mr. Levine to pick up on the following day.
  - **Public Hearing NOI Continuances**
    - GB moved to continue the Public Hearings for the remaining 4 “Panther Place” NOIs to 12/16/2021; MP 2<sup>nd</sup>.
      - **Lot 17, MassDEP # 100-0472**
      - **Lot 19, MassDEP # 100-0473**
      - **Lot 20, MassDEP # 100-0474**
      - **Lot 21, MassDEP # 100-0475**
    - Motion approved unanimously by Roll Call Vote 5-0.
- **Public Hearing (cont'd.): NOI – 65 Westford Road, New England Power Company / National Grid, Cory Schultzman, MassDEP # 100-0476**
  - Assessor’s Map 8, Parcel 9
  - Opened under the Wetlands Protection Act and Ayer Wetlands Bylaw.
  - Kelan Koncewicz, of VHB (engineering firm Vanasse, Hangen, Brustlin, Inc.), was present via Zoom on behalf of National Grid.
    - MP recused himself, being an employee of National Grid.
  - Mr. Koncewicz had no issues with the draft OOC and Special Conditions prepared by JG.
    - The Special Conditions include the condition for turtle protection required by NHESP (Natural Heritage & Endangered Species Program).
  - GB moved to approve and issue the OOC for 100-0476; JA 2<sup>nd</sup>.
    - Motion approved by Roll Call Vote 4-0, with MP abstaining.
  - GB moved to close the Public Hearing for 100-0476; JA 2<sup>nd</sup>.
    - Motion approved by Roll Call Vote 4-0, with MP abstaining.
    - JS will sign and JG will mail, via certified, the OOC to Mr. Koncewicz on the following day.
- **Public Hearing (cont'd.): NOI – Willow Road and Route 2A, Massachusetts Department of Transportation (MassDOT) – Highway Division, Danielle Spicer, MassDEP # 100-0477**



## **Town of Ayer Conservation Commission**

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

Minutes for 12/2/2021

- Assessor's Map 30
- Opened under the Wetlands Protection Act and Ayer Wetlands Bylaw.
- An email request was received from Danielle Spicer, on behalf of MassDOT, asking that the Hearing again be postponed while they continue responding to MassDEP's comment letter.
- GB moved to continue the Public Hearing to 12/16; MP 2<sup>nd</sup>.
  - Motion approved unanimously by Roll Call Vote 5-0.
- **Public Meeting: Conservation Analysis, "Stratton Hill" (OSRD), Fox Meadow Realty Corp., David Moulton**
  - Assessor's Map 17, Parcels 1-3, 7, 8, 11-55
  - No one representing the applicant responded to JG's email to Attorney Bob Collins asking if they would be in attendance while ConCom reviewed a draft Request for Proposals for third-party peer review of the submitted Conservation Analysis.
  - The draft RFP and cover letter prepared by JG were reviewed and edited.
    - GB asked for wording that allowed the reviewer(s) to contact the applicant's representatives directly if necessary, with the provision that all communication was copied to ConCom.
    - MP wanted the review Scope to apply to the whole of the approximately 200 acres of the parcel in Ayer, not just the area in the apparent vicinity of the proposed development.
      - JG thought this was a great suggestion, remembering that CA Crystoff thought the Conservation Analysis should be done as thoroughly as possible so as to provide the basis for Baseline Monitoring Documentation for the 165-some acres that are proposed to go into a Conservation Restriction.
    - MP also asked that wording be added asking both about whether a brand-new Conservation Analysis should ideally be done, given the apparent problems with the existing one, and whether this was feasible.
    - JA questioned the original dating of the RFP proposal submission deadline.
      - The dates were then altered, assuming the RFP will be issued on the following Monday, 12/6, after edits.
        - Deadline for proposal submission: December 27, 2021
        - ConCom meets to review proposals, select vendor and start the process of drawing up the contract so that preliminary review may begin: January 6, 2022
        - ConCom's first meeting with peer reviewer(s): January 27, 2022
        - ConCom's second meeting with peer reviewer(s), ideally with presentation of Final Report and Recommendations: February 10, 2022.
  - Planning Board Chair Geoff Tillotson, on-screen via Zoom, was asked for his thoughts.
    - Mr. Tillotson did not have an opinion on this per se, but did say that the Planning Board does not yet have a revised set of plans, just a map with a hand-drawn line



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Minutes for 12/2/2021

of the rough project area; essentially at this point in time, the Planning Board 'has nothing from the proponent'.

- It was also noted that the Planning Board received word from the applicant's representative, Bob Collins, that they would not be back before the Planning Board until at least January.
- JG will edit the RFP and cover letter to reflect comments made in this discussion.
  - She will then circulate it to Commission members for final review, but since time is of the essence, it was agreed that JS would give the final okay following tonight's vote.
- JG moved to approve the RFP and cover letter, to be amended as discussed, with the amended copies to be approved by Chair Schmalenberger; GB 2<sup>nd</sup>.
  - Motion approved unanimously by Roll Call Vote 5-0.
- **Conservation Commission Office and Member Updates**
  - North County Land Trust (NCLT)
    - Town Manager Robert Pontbriand is working with NCLT on drafting a contract between the Town and NCLT, for NCLT to take over work on Conservation Restrictions and their monitoring.
      - When finalized, the contract will come before ConCom for its approval.
  - Ayer Solar II
    - A message was received from Rohit Garg that some problems had occurred with erosion controls around the footing for the culvert and will be corrected.
  - Ayer Pond Weed Treatment 2021
    - JG received word from Joe Onorato, of Water & Wetlands, that they will have their final report ready for ConCom review by its 12/16 meeting.
      - This report is necessary for ConCom to plan budgeting for next year's RFP and treatment plan.
  - Hudlin property, end of High Street
    - JG received word from Janet Providakes (Chair of Community Preservation Committee) that 7.38 acres of the Hudlin property are now up for sale, at a cost somewhere between \$1.2-1.5 million.
      - Ms. Providakes asked to appear before ConCom at its next meeting on 12/16, to discuss whether there is interest in this property as an open space acquisition, using the Conservation Fund.
        - It was also noted that the Council on Aging may be interested in this as a potential site for a Senior Center, and that there is a developer possibly interested in the property as well.
    - The Hudlin property abuts a small Town-owned parcel, 'Nonacoicus Park', and that, in turn, abuts some property owned by the Sifakis family, which several years ago expressed interest in conserving that land as open space.
    - Resident Laurie Nehring, currently head of PACE (People of Ayer Concerned about the Environment), spoke up via Zoom.

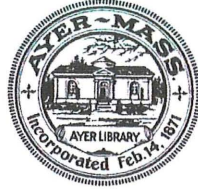


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Minutes for 12/2/2021

- She is also interested in protecting this property as open space.
- She just learned of a grant associated with the Massachusetts Vulnerability Program (MVP) to provide nature-based funding of climate solutions to improve “tiny forest” plots of land within neighborhoods.
  - These ‘pocket parks’ can serve as a means of helping the environment as well as provide walkable areas for neighborhoods, something that increasingly has become important since the onset of the COVID pandemic.
- Further discussion of the Hudlin property will be placed on ConCom’s 12/16 agenda.
- Nashua River Wild & Scenic Grant Program
  - Ms. Nehring asked to speak about a possible grant idea for 2022 submission.
  - The invasive water chestnut patch at the beginning of Grove Pond needs to be addressed while it is still manageable.
    - Because of the known existence of contaminated sediments (including mercury) in Grove Pond, Ms. Nehring raised the idea of a grant seeking to provide funding for chemical testing of the water, plants, and sediment prior to seeking a volunteer effort to remove the invasives and ensure the safety of participants.
  - JS said this was a great idea but that ConCom currently does not have the ability to take this on as its human resources are stretched thin.
    - He said ConCom would be happy to write a letter of support.
  - JG mentioned that resident Faith Salter had done most of the work on the grant proposal for the signs project, and suggested Ms. Nehring contact her.
    - Ms. Nehring will do so.
  - The idea was also raised that such a grant application could be worded as a joint project between PACE, ConCom, and possibly the AMC (Appalachian Mountain Club), which Ms. Salter is affiliated with.
- Beaver Management
  - JS and JG will be meeting with Mr. Pontbriand and DPW Director Dan Van Schalkwyk next week to talk about handling beaver management, as it affects manmade dams and culverts, going forward.
- Signs Project
  - MP reached out to MassDOT asking about permission for the location of 2 of the proposed signs on State roadways; he is still waiting to hear back.
  - MP also reached out to Express Sign & Graphics, in Chelmsford, to ascertain the status of the project from their end, but has not heard back.
  - GB was working with CA Crystoff on the website, including the use of the QR code on the signs that will link to the website, where photos and text still need to be put together.
    - IT Director Cindy Knox, monitoring the meeting via Zoom, spoke up that a ‘landing page’ for the QR code has already been made.



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Minutes for **12/2/2021**

- It will need content to be provided; content is uploaded to Town webpages via Ms. Knox.
- JA asked Ms. Knox to forward the link to the landing page.
- **8:36 PM – Adjourn Meeting**
  - GB moved to adjourn; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.

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

**Date / Signature of Approval:** \_\_\_\_\_

*12/16/2021 Jessica G. Gugino*