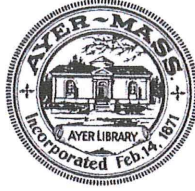


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Town of Ayer Conservation Commission

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

Minutes for 2/24/2022

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, Interim Office Administrator; Member/Clerk)

APAC Recorded: Yes

7:00 PM – Open Meeting

- **Confirmation of Agenda**
 - GB moved to confirm the agenda as posted; JA 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 2/10/2022 as written; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Public Meeting (cont;d.): Request for Determination of Applicability (RDA) – 66 Nashua Street, Danielle and Keith Scheffer**
 - Assessor's Map 13, Parcel 38
 - ConCom conducted a site walk on Saturday, 2/12, with the Scheffers, to review the project area where they would like to regrade and flatten a portion of the sloped backyard next to the house and build a 510 sq. ft. patio and walkway.
 - The patio would be constructed with pavers, in 2 tiers, using 2 retaining walls.
 - The closest point of work would be approximately 25 ft. from nearby Bordering Vegetated Wetlands (BVW).
 - A retention basin also abuts the BVW and the patio would be constructed so as to drain stormwater toward the basin.
 - As long as the following conditions were imposed, ConCom members did not have any issues with this project proceeding forward under the RDA permitting process:
 - Erosion controls to be installed between the work area and BVW, and inspected prior to the commencement of work;
 - No storage of soil piles within the buffer zone; excavated soil to be immediately spread elsewhere in the yard for lawn enhancement or removed from the buffer zone.
 - GB moved to issue a Negative Determination of Applicability (DOA) with the above two conditions as stated; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
 - JG will issue the DOA to the Scheffers the following week, and make sure they are aware of DEP's 10 day appeal period.



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- **Discussion: Notice of Intent (NOI) – K137/L138 Mainline OPGW Installation Project Construction Phase, New England Power Company (NEP), MassDEP # 100-0479**
 - JS opened the Public Hearing under the Wetlands Protection Act (WPA) and the local wetlands bylaw.
 - Alison Milliman, of BSC Group, was present via Zoom on behalf of NEP.
 - A site walk, per the Discussion held at ConCom's 2/10 meeting, was conducted on Saturday, 2/12.
 - Ms. Milliman gave a brief presentation with screen-sharing of plans.
 - This is a multi-town project, entirely within existing Right-of-Way (ROW), to replace and/or upgrade line support structures along the K137/L138 high tension lines and Tap spur connecting to the Bishop Road substation.
 - The project will also install overhead optical groundwire (OPGW) along the line, replacing an existing shield wire.
 - The OPGW will enhance communication between substations, allowing NEP to better locate the source of outages or problems and respond more quickly.
 - Previously, ConCom had issued an OOC for a soil borings project on this utility line ROW to test the substrate in preparation for this construction phase (MassDEP # 100-0448, 9/10/2020).
 - ConCom's site walk focused on those areas where the temporary or permanent impacts were more marked, including an area where some wetland replication will have to take place (near the end of Pleasant Street Extension).
 - In some cases, existing wooden pole structures are to be replaced with larger metal structures (galvanized steel) requiring a concrete foundation.
 - Other existing wooden pole structures in poor condition were just to be replaced with a new but same-sized galvanized steel pole.
 - Access to the work areas will be through previously established/historical access points, for which deeded easement agreements have been confirmed.
 - Property owners will be notified before access is to be used.
 - Some access areas will need to be mowed, or widened (all within the ROW), or have their gravel stone surfaces refreshed.
 - During the project, temporary construction matting will be used for access where needed (i.e. crossing wetlands), per Best Management Practices.
 - This will distribute the weight of construction equipment and prevent rutting and soil compaction.
 - Areas around replacement structures that have been mowed and re-graded will be reseeded and stabilized afterwards.
 - Given some of the work will take place within Priority Habitat, NHESP (Natural Heritage & Endangered Species Program) reviewed the project and determined it will have no adverse effects. (See NHESP letters of 2/17/2022 and 10/28/2021, NHESP File No. 21-40549).

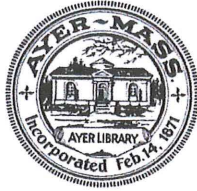


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- Ms. Milliman responded to a question about MassDEP's comment letter of 2/15//22, with the issuance of the DEP file number, where the reviewer noted the absence of impact area and replacement values in certain areas.
 - She said she will follow-up with the reviewer as DEP itself has previously advised that information regarding the temporary impacts of construction matting were exempt from the WPA and should specifically not be included in NOIs as it unnecessarily complicates the review process.
 - At the request of ConCom, she will provide copies of the previous guidance that NEP received from MassDEP regarding a similar project in Billerica in 2021.
- Ms. Milliman responded to a few questions from resident Ken Diskin, of Washington Street, regarding temporary impact on habitat areas (all material, either geotextile mats or stone will be removed when work is completed) and the access rights to the line through the existing construction road in the Stratton Hill area.
 - No other public comments or questions were received.
- With the understanding that the DEP correspondence previously received, that addresses the separate DEP reviewer comment, will be submitted before ConCom's next meeting, GB moved to approve the NOI and begin drafting an Order of Conditions (OOC); JA 2nd.
 - Motion approved unanimously by Roll Call Vote 4-0, with MP recused from voting as he is employed by National Grid.
- GB moved to continue the Public Hearing to 3/10/2022; JA 2nd.
 - Motion approved unanimously by Roll Call Vote 4-0-, with MP recused.
- **Discussion: Waterways Signs Project**
 - Also on its 2/12/2022 site walk, ConCom members visited and photo-documented potential sign locations for this grant-funded project.
 - One of the next steps is to confirm permission to use chosen sites with relevant entities – the Parks Department, the Department of Public Works (DPW), and others.
 - JG will see to this next week and cc MP and GB on all communications.
 - MP said signs will now be made for single-sided use, rather than double-sided, and he will get a new estimate from Express Signs for this.
 - JG will also contact the DPW for further information on supporting pole materials as well as advice on anchoring poles in the ground.
- **Discussion: Review of Special Conditions Boilerplate**
 - JG is working on overhauling ConCom's Boilerplate.
 - GB said that some towns use a boilerplate with check boxes next to each condition, so that only the applicable conditions for a particular project are checked off, an excellent suggestion.
 - GB also said ConCom should try to move existing Special Conditions into local bylaw Regulations where appropriate.
 - When a new draft Boilerplate is ready for review, ConCom members should read it with this in mind.



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- **Conservation Commission Office and Member Updates**
 - Flannagan Pond Public Access for canoes and kayaks
 - JG reminded ConCom members that the Community Preservation Committee (CPC) Public Hearing to review the DPW application for funding a feasibility study to create public access to this pond will be held on Wednesday, March 30, the Zoom meeting to start at 6 p.m.
 - JG also provided a draft letter of support to CPC from ConCom for the DPW's funding request.
 - GB moved to approve the letter of support; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **8:04 PM – Adjourn Meeting**
 - GB moved to adjourn; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: _____

3/10/2022

Jessica G. Gugino