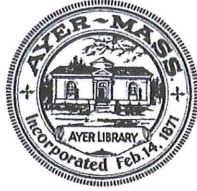


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TOWN OF AYER
TOWN CLERK



Town of Ayer Conservation Commission

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

Minutes for 3/10/2022

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; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 2/24/2022 as written; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Public Hearing (cont'd.): Notice of Intent (NOI) – K137/L138 Mainline OPGW Installation Project Construction Phase, New England Power Company (NEP), MassDEP # 100-0479**
 - Alison Milliman, of BSC Group, was present via Zoom on behalf of NEP.
 - The draft Order of Conditions (OOC) has been reviewed.
 - Ms. Milliman asked that the Conditions for overnight staging of equipment be changed to allow for the use of secondary containment instead.
 - Unlike the soil borings project that preceded this construction phase, NEP will be using larger equipment that will have to stay in place overnight.
 - While soil piles are typically not allowed in resource areas, since some of the replacement structures for existing poles are in resource areas (i.e. Bordering Vegetated Wetlands), NEP cannot help but have soil piles there.
 - They will contain the piles with filter fabric and straw wattles, but the utility maintenance exemption also applies to this project.
 - Ms. Milliman also said that the calculation for the coverage by temporary construction matting during the project had gone up to 105,153 sq. ft., an increase of about 11,000 square feet.
 - The Commission did not have an issue with this being considered a field change.
 - In addition, Ms. Milliman said that on further investigation by NEP, two of the structures that were to be replaced with larger structures set on larger cement footprints, no longer need this increased-size replacement.
 - They will instead be replaced with same-sized new structures.
 - This therefore reduces the amount of permanent impact of the project, but NEP will still commit to the same sized wetland replication area as originally proposed.

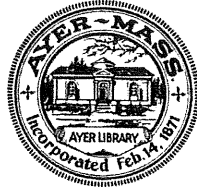


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- GB moved to approve and issue the OOC for 100-0479 as amended; JA 2nd.
 - Motion approved unanimously by Roll Call Vote 4-0, with MP having recused himself.
- GB moved to close the Public Hearing for 100-0479; JA 2nd.
 - Motion approved unanimously by Roll Call Vote 4-0, with MP having recused himself.
- **Public Meeting: Request for Determination of Applicability (RDA) – 8 Standish Avenue, Ronald and Colleen Krieser**
 - Assessor's Map 15, Parcel 46
 - The Kriesers were present via Zoom.
 - Last September (2021), a powerful lightning strike severely damaged a large white pine at the top of the bank to Sandy Pond and close by to the Krieser's house.
 - An Emergency Certification was issued at that time to allow Flagg Tree Services to immediately remove the tree.
 - Flagg found that the tree was also hollow, and determined that the only safe way to bring the tree down without damaging nearby houses was to drop it into the pond.
 - This then destroyed the Krieser's wooden staircase that extended from the top of the steep bank down to the water.
 - The RDA seeks permission to 1) rebuild a new wooden stair in the same location; and 2) take down another pine located at the bottom of the bank, right next to the previous stair, about a foot above the high-water line.
 - This tree is also now dying and presents a hazard.
 - Flagg Tree Services will be able to use a crane to take down this pine.
 - (They were unable to use a crane with the previous tree removal last fall because it would have been 3 weeks before they could have accessed a crane, and that tree was a hazard to come down any time and needed to be removed quickly.)
 - The new stair will be anchored to the bank with 6 precast footings dug in.
 - Pressure-treated wood will likely be used for the steps, and a tiny platform will be put at the top, along with railing and bannisters.
 - There will be no posts or steps permanently left in the water because of the likelihood of ice damage in the winter.
 - For the previous stair, the bottom 3 steps were removable and taken out each winter.
 - A site walk was scheduled for 9 a.m. on Saturday, 3/19.
- **Discussion: Review of Proposals for 2022 Ayer Ponds Weed Management**
 - Two proposals were received, one from Water & Wetlands, the second from SOLitude Lake Management.
 - The proposals were comparable in detail and cost.



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- Commissioners had been very happy with the treatment and services provided in 2021 by Water & Wetlands.
- GB moved to approve hiring Water & Wetlands to perform invasive weed management in Sandy, Flannagan, and Pine Meadow ponds in 2022; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Discussion: Update on Waterways Signs Project**
 - Still working on details.
 - JG will check into whether the project is committed to cement footings for the signs.
 - MP is also going to secure a new estimate for the cost of sign production from Express Signs.
- **Discussion: Review of Special Conditions Boilerplate**
 - Still a work in progress.
- **Conservation Commission Office and Member Updates**
 - North County Land Trust (NCLT)
 - JG learned from Town Manager Robert Pontbriand that ConCom's review comments – of the draft contract between the Town and NCLT to manage Ayer's Conservation Restrictions – have been passed on to NCLT and the Town now awaits their response.
 - Fertilizer Use Bylaw
 - Still no word from the Attorney General's Office on this.
 - The AG's office requested a 90 extension from their original Feb. 7 deadline to make a decision to uphold or deny the bylaw.
 - Grove Pond Water Chestnuts Patch
 - PACE (People of Ayer Concerned about the Environment), through Laurie Nehring's recent application, was recently awarded a grant from the Nashua River Wild & Scenic Stewardship Council.
 - The grant will fund testing water, sediment, and plant material to determine safety risks if a volunteer weed pull of the patch is to be organized this summer.
 - The patch is so far still contained to one area of the pond, near to the rotary and community garden off Barnum Road.
 - Per GB's suggestion, JG will investigate whether or how other commissions have dealt with permitting similar projects.
 - Beaver Solutions Maintenance Contract
 - ConCom reviewed the \$1237.50 annual contract for 2022 submitted by Mike Callahan, of Beaver Solutions, to provide maintenance on 5 of the Town's installed flow-control devices (aka 'beaver deceivers').
 - One question that needs to be addressed has to do with the status of a sixth installation, the one at Long Pond Dam that was discovered to have failed last



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year, along with the subsequent thwarted attempt to trap beavers at that location as well.

- JS asked for clarification as to whether that deceiver failed because of corrosion or because the beavers learned how to outwit the device or whether the two are connected.
- MP wanted to ascertain whether the DPW, which is developing a management plan with ConCom for beaver activity in Ayer, wanted to take over this maintenance at this time.
 - What is to be done about the Long Pond Dam area also needs to be resolved.
- JG will investigate these questions and ConCom will re-visit consideration of the contract at its next meeting.
- Open Space Residential Development Guidelines/Regulations
 - JS said the working group (Town Planner Mark Archambault, two members of the Planning Board, JS, JG, and Dan Van Schalkwyk of the DPW) are making good progress and should have a draft ready for board review after a couple more meetings.
- McDonald's
 - McDonald's sent an As-Built plan, in preparation for submitting a Request for Certificate of Compliance for their renovation project (100-0457).
 - MP asked whether ConCom had the ability to have them hold off on this request until they've added plantings on the back slope down to the stream?
 - JG will check.
- **7:56 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:

3/24/22 Jessica G. Gugino



Corey Schutzman
Environmental Permitting
New England Environmental Department

March 23, 2022

Ayer Conservation Commission
1 Main Street
Ayer, MA 01432

Dear Members of the Ayer Conservation Commission,

This letter is being submitted by New England Power Company (NEP) to notify the Commission of the proposed changes to the Sandy Pond No. 237 Substation Project, which includes substation expansion, improvements, and switch installation (the Project) located at 65 Westford Road in Ayer, Massachusetts. The Ayer Conservation Commission issued an Order of Conditions (OOC) on December 3, 2021 under DEP File No. 100-0476, which was recorded at the Middlesex South Registry of Deeds. The attached Project map shows the locations of the proposed Project changes.

The first proposed Project change includes installation of Steeplechase Arborvitae (*Thuja standishii*) plantings to act as a visual barrier between the substation expansion and abutters on Westford Road as requested by the Ayer Planning Board during site plan review. Some plantings will be located within the 50-ft No Disturbance Zone (NDZ) and 100-ft buffer zone to Wetland 1. The proposed location currently consists of a previously disturbed maintained transmission right-of-way (ROW) and maintained lawn, where new plantings will not impact "Undisturbed Lands" outlined in Section 2.B.2 of the Ayer Wetland Protection Bylaw. No clearing of existing vegetation is proposed within the 50-ft NDZ or 100-ft buffer zone. Proposed plantings will also have no adverse effect on the form or function of the wetland resource in the area.

The second proposed Project change includes installation of four (4) new wooden utility poles and removal of two (2) wooden utility poles north of the Sandy Pond substation in order to support necessary reconfiguring the 2388 Line. The original scope of work described in the Notice of Intent (NOI) filing included installation of one (1) utility pole and removal of one (1) utility pole. Due to the proximity of proposed work to Wetland 2, a temporary 5,000 square-foot work pad is proposed in the area to allow for a greater work space and protect the wetland during installation of the utility poles. Approximately 1,239 square feet of temporary impacts are proposed to Wetland 2 from temporary construction matting. All new work is proposed within the 50-ft NDZ. This portion of work is located within a previously disturbed maintained transmission ROW, and will not impact "Undisturbed Lands".

NEP respectfully request the Commission considers the Project changes described herein as minor and allows work to proceed without amending the OOC, DEP File No. 100-0476. Appropriate Best Management Practices (BMPs) will be implemented as necessary to ensure that no long term adverse effects occur to adjacent wetland resources as a result of the project changes, including an erosion and sediment control, dewatering basins, and site stabilization, noted in the original NOI filing. A copy of NEP's environmental guidance manual (EG-303NE), which describes minimum standard operating procedures and BMPs is available upon request.

If you have any questions or would like more information, please contact Kelan Koncewicz at (617) 607-6156 or myself at (508) 330-9578.

Very truly yours,

A handwritten signature in cursive script that reads "Corey Schutzman".

Corey Schutzman
Environmental Scientist

Enclosure: Project Map