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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 5/12/2022

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), Jessica Gugino (JG, Interim Office Administrator; Member/Clerk)

Not Present: Jennifer Amaya (JA, Member),

APAC Recorded: Yes

7:02 PM – Open Meeting

- **Confirmation of Agenda**

- GB moved to confirm the agenda as amended; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 4-0.

- **Approval of Meeting Minutes**

- GB moved to accept the minutes for 5/12/2022 as written; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 4-0.

- **Public Input**

- No input.

- **Discussion: Draft Update, Special Conditions Boiler Plate**

- Still a work in progress.
- JG sought guidance on the timing of when erosion controls should be installed and inspected.

- **Discussion: 9 Jonathan Drive, Caleb Ford**

- Mr. Ford, who was present via Zoom, wants to level out a portion of his yard by pushing dirt from one side to the other to create a play area adjacent to a wetland drainage system.
 - As the side to be built up is the top part of a somewhat steep slope to the wetlands, ConCom members felt a site visit was in order.

- A site visit was scheduled for Saturday, May 21, at 9 a.m.

- **Discussion: Draft Conservation Restriction, Shaker Mill Pond Subdivision (MassDEP # 100-0437)**

- The first draft, submitted by Attorney Alan Schocket on behalf of developer Dan Aho, was briefly reviewed.
- JG noted that the description of key conservation features on the property needed to be much more detailed to include mention of such specific features as the glacial erratic formation and the archaeological remnants of the old Shaker mill.

- **Conservation Commission Office and Member Updates**

- 37 Groton Harvard Road
 - A 0.29 acre undeveloped waterfront parcel is up for sale through MA Real Estate Center.

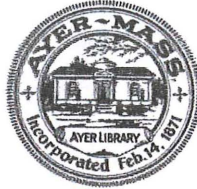


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- JG sent a certified/return receipt requested letter to the realtor to bring to their attention that there are some development limitations on this parcel.
 - Under the new local wetlands protection bylaw (Article XXVI) and regulations, the buffer zone is now regarded as a 'Resource Area' subject to greater protection.
 - As a result, the first 50 ft. of buffer zone for previously undisturbed land – in this case, along the shore of Flannagan Pond -- is now 'no disturb' without a waiver from the Commission.
 - Potential buyers doing their due diligence should be made aware of this.
- Long Pond Dam
 - The office received an inquiry from a resident about the sudden drop in the water level of Long Pond.
 - At the end of April, Beaver Solutions Inc. installed the new flow control device (aka 'beaver deceiver') at the Long Pond dam.
 - This released a lot of the excess water impounded by the beavers damming on top of the concrete spillway dam and this in turn led to a drop in the water level of about 18 inches that helped alleviate the flooding along the shore.
 - However, the resident said he thought the water level had dropped to an unprecedented low because of the observed impact to two docks on the pond.
 - Mike Callahan, of Beaver Solutions, said the water level for Long Pond is set by the concrete spillway and would not be affected by the flow control device.
 - JG will run this by DPW Director Dan Van Schalkwyk to see if he has any ideas.
- Waterways Sign Project
 - MP said he is waiting for an updated quote for the production of signs from Liddell Leasing Corp.
 - It appears that the signs could be produced more cheaply without a loss in quality.
 - Use of a QR code would not be a problem for Liddell, and the signs would be aluminum, with rounded corners.
 - MP will order the posts and have them delivered to the Dept. of Public Works (DPW).
 - He will also ask if there are any sample signs made by Liddell that could be looked at.
- Resident call
 - Heather Hampson, present by Zoom and soon to be appointed Agent starting 6/4, fielded a phone call from a resident wanting to clean up a wetland area on Littleton Road, near Pingry Way.



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- Ms. Hampson told him he could pick up and remove trash but he could not remove logs, etc, as that would disturb the wetlands.
 - ConCom members said that was exactly the right response.
- Ayer Commons, off Fitchburg Road
 - As a member of the Zoning Board, JG attended a Zoom meeting the previous night, held by the Affordable Housing Committee.
 - The meeting included a presentation by "NOAH" (Neighborhood of Affordable Housing) on a proposed 'friendly 40B' development on Fitchburg Road, across from the Shop&Save.
 - This project will be submitting its application for a comprehensive permit to the ZBA later this month for the construction of 100+ affordable townhouses and apartments.
 - As a heads-up, JG said that eventually this project will also have to come before ConCom, though not in the near future.
 - If the project goes through, it may need to do horizontal directional drilling underneath wetlands to bring water and sewer to the development.
- Stratton Hill, off Wright Road
 - The developer for this proposed Open Space Residential Development subdivision is likely to be resubmitting the application – this time starting with a preliminary subdivision plan – to the Planning Board at their June 28 meeting.
 - ConCom will have to issue a new Request for Proposals for 3rd party review of the Conservation Analysis prior to preparing its Conservation Recommendation to the Planning Board.
 - JG gave copies of the previous RFP to Attorney Bob Collins, who represents developer Dave Moulton, and to Anne Gagnon, of Fish & Wildlife, to see if they had any comments or suggestions on the RFP but has yet to hear back.
- **7:51 PM – Adjourn Meeting**
 - GB moved to adjourn; MP 2nd.
 - Motion approved unanimously by Roll Call Vote 4-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: 5/26/2022 