



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249  
Minutes for 5/26/2022

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)  
Also Present: Heather Hampson

APAC Recorded: Yes

### **7:00 PM – Open Meeting**

- **Confirmation of Agenda**
  - GB moved to confirm the agenda as posted; 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 5/12/2022 as written; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.
- **Announcements**
  - Water & Wetland LLC will begin its 2022 pond treatment program for Sandy, Flannagan, and Pine Meadow ponds on Wednesday, June 1.
    - They will start with a pre-treatment survey of the three ponds but will also include spot treatments for invasive fanwort in a few spots based on the post-treatment survey done last fall.
  - Pan Am Railways, Inc. will be commencing their herbicide application program, to maintain clearance on the tracks, between May 1 and August 15.
- **Public Input**
  - None received.
- **Public Meeting: Request for Determination of Applicability (RDA) – 8 Standish Avenue, Ron and Colleen Krieser, Assessor's Map 15, Parcel 46**
  - Ron Krieser was present via Zoom.
  - A revised RDA and plan has been submitted for the project to replace steps running down the bank on Sandy Pond.
    - The previously existing steps were destroyed in the aftermath of a severe lightning strike in fall 2021.
  - The revised plan, approved by the Building Inspector per requirements, proposes the use of 6 Diamond Pier footings to support the new stairway down the steep bank.
    - Diamond Pier footings are driven into the ground without any digging.
    - The lowest set of piers will be driven in approximately 18 inches from the edge of the pond, where the old block supports were located.



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- Each set of piers will be about 48 in. apart to allow for 36-in. wide steps.
  - Pressure-treated wood will be used for the 12 steps and balusters, and composite wood for handrails.
- GB moved to issue a Negative Determination of Applicability (DOA); MP 2<sup>nd</sup>.
  - Motion approved unanimously by Roll Call Vote 5-0.
  - JG will hand-deliver the DOA in the following week.
- **Public Meeting: RDA – 9 Jonathan Drive, Caleb Ford, Assessor’s Map 12, Parcel 81**
  - Caleb Ford was present via Zoom.
  - Following the discussion at ConCom’s last meeting, the Commission visited the site on Saturday, 5/21.
  - Mr. Ford proposes to level out his backyard inside an existing chainlink fence by removing soil from a higher (SE) portion of the yard in one corner and redistributing it to build up the opposite (NW) corner by about 18 inches.
    - The yard slopes gently down to the west, and a few feet outside the chainlink fence, drops more steeply to a wetland drainage system about 30 ft. away.
    - Mr. Ford proposes to use approximately 20-25 ft. length of railroad ties at the lower corner, outside the fence, to act as a small retaining wall.
    - He will also redirect the gutter downspout inside the fencing that is currently causing wash across the lower NW corner.
      - He plans to extend and bury the gutter pipe about 4 ft. down, running it underneath the grassed area outside of the fence and letting it daylight closer to the wetland system.
  - For this project, the Commission will require erosion controls along the full length of the top of the slope to the wetland system, adjacent to where work will be being done.
    - The controls, haybales or wattles, should be staked every two feet, and will need to be inspected by a representative of the Commission prior to the commencement of work.
  - GB moved to issue a Negative Determination of Applicability for the work as described above, with conditions requiring the use of erosion controls, staked every two feet, to be inspected by ConCom prior to work; MP 2<sup>nd</sup>.
    - Motion approved unanimously by Roll Call Vote 5-0.
    - Once the DOA is ready, JG will mail it certified to Mr. Ford.
      - He was apprised of the 10-day waiting period for MassDEP to appeal.
- **Discussion: Field Change, Order of Conditions, Catania Oils, 1 Nemco Way, MassDEP # 100-0458**
  - JG met on site on 5/24 with Scott Whitney, of Concord Building Services, to look at a proposed change to the plans recorded under OOC 100-0458.
  - The overall project, approved by ConCom on 5/13/2021, involves the filling in of a retention basin to the south of the existing building in order to construct a building



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expansion; running redirected stormwater via underground pipes from that side to the north of building, with the piping running along the eastern side of the building.

- The previously grassed in area on the east side of the building is being used as the staging area and, upon completion of the project, was to be reloaded and seeded to return to its previous grassy state.
- Mr. Whitney is seeking ConCom approval of a field change that would allow Catania to gravel this area instead of grassing it back in.
  - Both Catania and nearby Ardent Mills would like to have this area available for excess parking when needed.
- While the overall project is under an OOC, this particular area is outside of the 100 ft. buffer zone.
- In addition and previously, at Ms. Hampson's suggestion, JG brought this to the attention of DPW Director Dan Van Schalkwyk as this change might affect stormwater calculations.
  - Mr. Van Schalkwyk has since contacted Mr. Whitney and will be asking for some sort of additional infiltration measures given that the graveled area will be less permeable than the initially designed grassed area.
- With the acknowledgement that the specific area in question is outside of ConCom jurisdiction, GB moved to approve graveling this area as a field change to OOC 100-0458 on the assumption that DPW concerns regarding stormwater infiltration will be satisfactorily addressed; MP 2<sup>nd</sup>.
  - Motion approved unanimously by Roll Call Vote 5-0.

### **Discussion: Overview of Conservation Restriction (CR) work to be done**

- ConCom expects to enter into a contract with North County Land Trust (NCLT) in the new fiscal year (July 1).
  - Prior to meeting with Anna Wilkins, Executive director of NCLT, along with Town Manager Robert Pontbriand, at ConCom's June 23<sup>rd</sup> meeting, members wanted to review all that will need to be done over the coming years and develop their own priorities for the first year of the contract.
- GB said his priority was to have Baseline Monitoring documentation prepared for all of the old CRs for which this was never done.
- MP doesn't want to fall behind on the CRs currently being developed (i.e. Panther Place, Shaker Mill Pond, Solar II).
  - While the State still has a job vacancy for its CR reviewer, these CRs, while still fresh, should be as complete as possible nevertheless.
- JG will prepare a list of priorities for member review and edit at the June 9 meeting.

### **Conservation Commission Office and Member Updates**

- Kiddie Junction, Pirone Park, on Grove Pond
  - ConCom also visited the Kiddie Junction area for an informal site walk on 5/21, following JG's meeting with Jeff Thomas and Jason Mayo, of the Parks Department, and two contractors.



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- The Kiddie Junction playground was closed last fall, by order of MassDEP, because of the levels of arsenic contamination in the wood play structures and the surrounding soils via leaching.
  - All of the playground equipment plus up to 12 inches of soil will have to be removed before a new playground can be rebuilt.
- This will be a two phase project – first, remediation of the contaminated site, and second, the rebuild.
  - To prevent holdups, the Parks Department wanted a sense of ConCom’s permitting requirements, hence the meeting on site with the contractor who will oversee the remediation phase (“Joe”), and the contractor who is designing the new playground (“Randy”).
- Kiddie Junction itself is just at the edge of the 100 ft. buffer zone, but soil and pea gravel from within the fenced-in playground have migrated outside of the fence and into the buffer zone between the playground and the paved perimeter path.
  - On the other (south) side of the perimeter path, downslope and closer to Grove Pond, Randy said the current plan is to build a new playground expansion area, to be permanent, that children can use while the rest of the playground is being rebuilt.
  - In addition, one large deciduous tree with a cracked trunk in the play expansion area will need to be taken down, and in another nearby area outside of the fencing, the Parks Dept. would like to take down a number of large pines.
    - One of the pines is already dead, and the others are nearing their ends and will begin to drop branches, etc.
    - To save costs, while tree removing equipment is already onsite, Parks would like to take these down as well and begin plantings for the “next generation” of trees.
- The Commission’s consensus thus far is that the remediation work that comes into the buffer zone outside of the playground fencing, as well as the tree removals, can be handled through the Request for Determination of Applicability process.
  - The second phase, however, should be handled through the Notice of Intent process as the playground expansion work will involve some grading and leveling, installation of a concrete foundation for a slide, and 8-12 inches of woodchips.
  - The Commission also noted during the site walk that a very large pile of composting leaves, right on the shore of the pond, will need to be permanently removed.
- JG will ask the Parks Department for clarification of when the tree removals would be done – likely to be during the remediation phase – and what the plans are for dealing with the stumps, including whether they can be chipped.



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- Long Pond water level
  - Another inquiry was received from a Pond View Estates resident asking if the Long Pond water level was now too low, given that the community dock is high above the water.
    - Water is still flowing over the spillway dam, and the water level is where it should be.
  - As for the dock, DPW Director Dan Van Schalkwyk took a look and observed that the brackets on the poles that hold the dock in place are askew – one much higher than another – and the barrels that are supposed to rest on top of the water are not doing so.
    - The brackets need some adjustment and maintenance to allow the dock barrels to rest on the water again.
    - JG send a letter via Pond View resident Merle Adelman to be passed onto the management company for the development.
- Waterways Signs Project
  - MP is waiting for a final quote from Liddell Company before completing the order.
- **7:54 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:

6/9/2022 Jessica G. Gugino