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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 6/9/2022

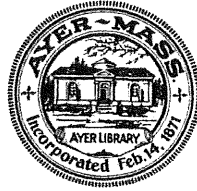
Location: Remote Meeting via Zoom, accessible to public, due to ongoing COVID 19 Pandemic

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jennifer Amaya (Member), Jessica Gugino (Member/Clerk), Heather Hampson (Conservation Agent)

APAC Recorded: Yes

7:01 PM – Open Meeting

- **Confirmation of Agenda**
 - G. Bacon moved to confirm the agenda as amended; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Approval of Meeting Minutes**
 - G. Bacon moved to accept the minutes for 5/24/2022 (Special Joint Meeting with Planning Board) as written; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
 - G. Bacon moved to accept the minutes for 5/26/2022 as written; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Public Input**
 - None received.
- **Public Meeting: Request for Determination of Applicability (RDA) – Grove Pond Invasive Water Chestnut Pull, PACE (People of Ayer Concerned about the Environment)**
 - Laurie Nehring, President of PACE, was present via Zoom.
 - A growing patch of invasive water chestnuts has been under observation at the east end of Grove Pond (near the Community Garden off Barnum Road) since 2016.
 - Concerns about disturbing known contamination in Grove Pond sediments, largely from activities at Devens when it was an active military base, have hindered a response.
 - The RDA seeks permitting review of a proposed volunteer handpull of water chestnuts.
 - The goal is to pull the water chestnut plants before they have had a chance to drop their nuts and continue spreading, and to eradicate the existing patch over the next few years.
 - One plant can reproduce 10-14 new plants from its nuts.
 - Ms. Nehring received a grant this year from the Nashua River Wild & Scenic Stewardship Council and most of the grant money is being used to test water, sediments, and plant samples for contamination in order to determine if a volunteer handpull would be safe.
 - Chemical contamination being tested for includes arsenic, chromium, lead, and PFAS ('forever chemicals').



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- So far, water samples indicate safe levels of contaminants (i.e. low arsenic, no chromium, low lead, low for 7 different types of PFAS).
- Results from testing the sediments are forthcoming.
- Earlier this week, Ms. Nehring and a volunteer collected plant samples and have sent them off.
 - Results for those will take about 3 weeks.
- If results from all the testing indicate safe levels for dermal contact, then the water pull will proceed on several dates starting June 30 into July.
 - PACE is doing outreach for volunteers through its own organization, Facebook, the Nashua River Watershed Association, the Nashoba Paddler, and more.
- Disposition of pulled plant matter was then discussed.
 - Ms. Nehring has been in contact with Dan Van Schalkwyk, Director of Ayer DPW, who earlier on offered assistance in hauling away plant material.
 - Ms. Nehring was clear that if the results of the plant testing came back at levels qualifying the plants as 'hazardous waste', then the whole water pull would have to be cancelled and the plants left in place.
 - However, if the water pull is able to go forward, then Commission members were unanimous in preferring that the pulled plant matter be hauled away from the area rather than be left to dry out and decompose nearby the bank.
 - Ms. Nehring said she will now check to see if the DPW's hauling offer is still good.
 - Depending on levels of contamination, it might also be suggested that the DPW – if it does haul away the material – segregate the plant matter to dry out and decompose on its own rather than add to the area where the DPW composts material for public use.
- H. Hampson said she'd be willing to join the proposed pull date of Thursday, July 7, in order to have ConCom presence/oversight on at least one of the dates.
 - All of this is still contingent on the results of all of the testing, but if the testing indicates safe levels, then it would be best if ConCom's permitting was in place so that there would be no delays, timing being critical to pull the plants before they drop their nuts.
- G. Bacon moved to issue a Negative Determination of Applicability (DOA), with the condition that pulled plant matter be hauled away as soon as possible and then disposed of properly; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
 - H. Hampson will have the DOA issued and mailed to Ms. Nehring by Monday.
- **Public Meeting: RDA – 3 Trevor Trail, Rob Steeman**
 - Assessor's Map 13, Parcel 9
 - Mr. Steeman was present via Zoom.
 - Two more trees near the wetlands at the back of his property have died and present a risk to both his house and his driveway.
 - The RDA asks for permitting to remove the trees, leaving the stumps in place.



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- H. Hampson did a site visit on Tuesday, 6/7, and confirmed the trees are definitely dead and hazards.
- Mr. Steeman said he would be fine leaving taller stumps for habitat, and would discuss this with Flagg Tree Services.
- G. Bacon moved to issue a Negative DOA; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
 - H. Hampson will issue and mail the DOA by Monday.
- **Emergency Certification: Ayer Fire Station**
 - The Town was contacted by Chief Johnston on Friday, 6/3, over the need to take down a hazard tree in back of the Fire Station, next to a wetland area.
 - The trunk has been badly eaten into by beaver and is at risk of falling, which was also confirmed by the Tree Warden.
 - On Friday, J. Gugino sent an email to Chief Johnston confirming Emergency Certification permitting, and H. Hampson prepared the formal document for tonight's meeting.
 - G. Bacon moved to issue the Emergency Certification; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Discussion: Field Change, 22 Hibiscus Lane, David Badger, MassDEP # 100-0439**
 - David and Jamin Badger were present via Zoom.
 - H. Hampson was contacted about changes to the plans approved under Order of Conditions #100-0439 in 2019.
 - The revised plan is to install a modular house that will have an overall smaller footprint than the original proposed house.
 - The change in the footprint configuration moves a few house lines around within the buffer zone but overall involves nearly 200 sq. ft. less work inside the buffer zone.
 - A pump chamber will be moved about 10 ft. closer to Long Pond based on the changed plan.
 - H. Hampson also did a site visit.
 - Based on the reduced impact inside the buffer zone, G. Bacon moved to approve the alterations to the original plan, as described, as a 'field change'; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.
- **Discussion: Conservation Restriction (CR) Priorities**
 - ConCom will be meeting with Anna Wilkins, Executive Director of North County Land Trust (NCLT), and Town Manager Robert Pontbriand at its next meeting on June 23.
 - In preparation, ConCom members have been discussing what should be the priority tasks for the first year of the contract with NCLT.
 - Generally it was felt that CRs currently under development (i.e. Panther Place, Ayer Solar II, Shaker Mill Pond, perhaps John Carroll Reserve) should be worked on first, while all parties are still active and present.

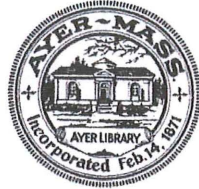


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- While the CR and Baseline Documentation are in place for Kohler Place, it would be good to start the annual monitoring for this CR as well.
 - Part of the discussion with NCLT will be to get a sense of what is reasonably possible to accomplish during the first year of the contract.
- **Discussion: Pre-management Survey, Water & Wetland, 2022 Pond Management**
 - Water & Wetland did the pre-treatment survey of Sandy, Flannagan, and Pine Meadow ponds on June 1.
 - This also included some isolated early Sonar treatments for fanwort in a few spots based on the post-treatment survey data from last fall.
 - The first full treatment of the ponds will take place on Wednesday, June 15.
 - H. Hampson confirmed with Parks Director Jeff Thomas that this date would not be a problem for the Parks Department regarding the Town Beach on Sandy Pond.
 - Mr. Thomas asked that Parks be given as much advance notice as possible for future dates, after school has been let out for the summer.
 - It was also noted that Water & Wetland has been doing a great job posting signs in advance of treatment dates, and related warnings, around the ponds.
- **Conservation Commission Office and Member Updates**
 - Conservation Agent
 - H. Hampson is adjusting to the ConCom office.
 - She will be attending a day-workshop on wetland delineation next Wednesday, June 15, through the Mass. Society of Municipal Conservation Professionals (MSMCP).
 - She also asked if the Commission was all right with her doing around one training workshop a month – some in person – with MSMCP, or MACC (Mass. Association of Conservation Commissions), etc., when available.
 - The Commission was fine with this, and if there are costs for particular trainings. H. Hampson will check with ConCom first.
 - IT Director Cindy Knox, via Zoom, said she'd also work with H. Hampson on showing her how to use, and update, the database started under previous Administrator Jo-Anne Crystoff.
 - Stratton Hill Open Space Residential Development (OSRD) Subdivision, off Wright Road
 - A preliminary subdivision plan was submitted to the Planning Board earlier in the day, 6/9.
 - This subdivision was under consideration by the Planning Board last year but, upon request of the Planning Board, was withdrawn without prejudice shortly after the new year, until such time as the proposed project was more ready for review.



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- This will be put onto the Commission's June 23 agenda for discussion of issuing a new Request for Proposals (RFP) for a third party peer review of the conservation analysis previously submitted.
 - This had had to be put on hold following the withdrawal of the previous application.
- Shaker Mill Pond Outlet
 - J. Gugino responded to a Littleton resident's inquiry as to the status of the outlet from Shaker Mill Pond, where beaver activity has been noted in the past.
 - The outlet is on private property, owned by Dan Aho (Shaker Mill Pond subdivision).
 - sMr. Aho has said he is not interested in expending funds to install a flow control device (aka 'beaver deceiver') here but had no objection to someone else doing so.
 - J. Gugino responded to the Littleton resident that this would be considered later in the summer, with the Town discussing whether the cost of installation and annual maintenance was something that was necessary and in the interests of the Town of Ayer.
- Waterways Signs Project
 - M. Phillips has ordered the signs from Liddell Co. and is waiting to hear back as to their estimated time of delivery.
- **8:23 PM – Adjourn Meeting**
 - G. Bacon moved to adjourn; M. Phillips 2nd.
 - Motion approved unanimously by Roll Call Vote 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

6/23/2022 *Jessica G. Gugino*