



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8220, ext. 143

Minutes for **10/27/2022**

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jen Amaya (Member), Heather Hampson (Conservation Agent)

Not Present: Jessica Gugino (Member/Clerk)

APAC taped: YES

### **7:00 PM – Open Meeting**

- **Confirmation of Agenda**
  - G. Bacon moved to confirm the agenda as posted; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 4-0.
- **Approval of Meeting Minutes**
  - G. Bacon moved to accept the minutes for 10/13/2022 as written; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 4-0.
- **Public Input**
  - None received.
- **Request for Certificate of Compliance (COC): MassDEP # 100-0387, Willow Road Development, LLC.**
  - While an Order of Conditions (OOC) was issued 6 years ago, the project that it regulated was never done.
    - The Request for COC is to remove the open OOC from the deed – although H. Hampson said it isn't clear whether the OOC was ever recorded at the Registry in the first place.
      - Issuing the COC clears up ConCom's records at least.
    - For work never done, the box checked on the COC is "invalid."
  - G. Bacon moved to issue a COC for MassDEP # 100-0387; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 4-0 and the COC was signed.
- **Request for COC: MassDEP # 100-0288, MCO & Associates, Willow Road Development, LLC.**
  - Present on behalf of the applicant was Dr. Desheng Wang, Sr. Civil/Environmental Engineer, Creative Land & Water Engineering, LLC.
  - The OOC for the building of this residential subdivision was issued on 12/1/2005. Documents included with the Request for COC:
    - final signed As-Built Plan, Rose Land Survey, 5/26/2020;
    - a letter dated 10/20/2022 and signed by Dr. Wang attesting that work on this project "has been completed in significant compliance with the Order of Conditions and approved plans;"



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- a Site Completion Inspection Report, 10/20/2022;
  - a Mitigation Monitoring Report, 12/13/2019, for the two required areas of mitigation.
- H. Hampson performed a site inspection and reported that the site is stable.
- Dr. Wang did the monitoring reports and submitted the COC.
- One manhole cover (drainage manhole #5) could not be located and inspected as it is covered under 2-3 inches of paving asphalt.
  - While correcting this would have to be done before a Town vote on road acceptance, typically at the request of the DPW, Dr. Wang recommended that the Commission make the request that the manhole cover be exposed and raised to the level of the pavement.
- At the request of M. Phillips, Dr. Wang will revise the comparison table between 'proposed' and 'as-built' for the drainage system, so that there is no discrepancy between the data in the table and the footnotes below.
- Dr. Wang also addressed questions raised by M. Phillips over the adequacy of flow rates in some of the drainage pipes, given the differences between 'proposed' and 'as-built'.
  - While there were minor discrepancies, the drainage is adequate and in overall compliance with the design.
- G. Bacon moved to issue a COC for MassDEP # 100-0288; M. Phillips 2<sup>nd</sup>.
  - Motion approved unanimously 4-0 and the COC was signed.
- **Conservation Commission Office and Member Updates**
  - Ayer Solar 2
    - H. Hampson has been making regular inspections of the site, including after significant rain events.
    - Regarding the culvert for the intermittent stream, flow has been re-established and water is now passing through nicely but, while clean going in, it is exiting the culvert with dirt and sediment.
      - Rohit Garg has been notified of this.
      - He is also working with Goldsmith, Prest & Ringwall (GPR) to see what adjustments need to be made inside the culvert so that water flows out just as clean as it enters the culvert.
      - H. Hampson noted it is fortunate there is rock at the outlet of the culvert that, along with the erosion controls still up, prevents any sediment from entering the wetlands downstream.
    - H. Hampson also observed stormwater channeling at the gate entrance to the solar array.
      - This has now been addressed and the area cleaned up.
    - The two wetland replication areas have been planted.
    - Work is continuing on the site to bring the road up to final grade.
    - Some seeding was done to stabilize slopes but because of recent cold weather, the seeding didn't take.



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- They will now be planting winter rye to stabilize exposed soils over the winter.
  - The following week, paving proposed for the first portion of the access road entering from Washington Street should take place.
  - Work on doing the plantings that face abutters on Madigan Lane is also scheduled.
    - H. Hampson told Mr. Garg that these tree plantings should be wrapped over the winter to prevent deer from eating them, otherwise they will have to be replaced in the spring.
  - Nothing has been planted in the tree boxes yet.
  - Some work still needs to be done on the large stormwater basin on the site, including the removal of some ledge to enable a drainage swale to reach the basin.
  - While work is also taking place to plant around the array – an area outside of ConCom's jurisdiction – H. Hampson's focus is on having the roadway completed.
- MACC Annual Conference, October 15 (Mass. Association of Conservation Commissions)
  - One of the trainings H. Hampson attended was on funding for climate change resiliency projects, including MVP grants (Municipal Vulnerability Preparedness).
  - Related to this, some consultants will be attending ConCom's next meeting on 11/10 regarding a joint Ayer-Devens Neighborhood Pocket Forest Planting Project, funded by an MVP grant.
    - Pocket forests (8000 sq. ft. or less) are designed to help address climate change by providing increased opportunities for carbon sequestering, among other benefits.
    - In Ayer, two sites are currently under consideration, one at the depot and the second perhaps at St. Mary's.
    - In addition, H. Hampson said a project kick-off public forum for the joint Ayer/Devens project will be held in the Great Hall at Ayer Town Hall on Wednesday, November 16, at 6 p.m.
- Erosion/Sediment Control
  - H. Hampson attended an erosion/sediment control training session the previous week that focused on a variety of different methods, including detention basins, infiltration systems, and Low Impact Development (LID) designs.
    - In department comments solicited by the Planning Board for site plan applications, H. Hampson intends to push for more green infrastructure and LID.
    - She has also been researching other towns in Massachusetts, in particular Winchendon and Westminster, that have incorporated LID into their bylaws or site plan requirements.



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- In addition, she will be looking at whether there are some Planning Board regulations/standards that ConCom might suggest revision to in order to reduce environmental impact in some cases, for example in terms of road width.
- Tree Removal Policy
  - H. Hampson prepared a draft policy for ConCom to consider based on models used by other towns.
  - The draft policy addresses instances where residents or developers seek the removal of dead, dying, hazardous, or even healthy trees in areas within the Commission's jurisdiction.
    - Most tree removal requests can be handled through the Administrative Approval process.
    - Currently H. Hampson has been following the procedure of meeting with homeowners and a representative of the tree removal company to see what methods they would use, for example whether large equipment like a crane would be necessary.
  - The policy in particular aims to address those situations where requests are made to remove healthy trees, by homeowners or developers, for example for additions or utility line installations, etc.
    - The policy seeks to mitigate this with a 2:1 replacement for healthy trees with trunk diameters of 6 inches or more.
    - If a homeowner or developer does not want to replace healthy trees elsewhere on the site, there may be other options that the Commission could consider, for example shrubbery at a 4:1 ratio.
    - Also up for debate is the question of whether there should be a minimum size for new tree plantings.
  - H. Hampson is checking to see if enacting such a policy will require a Public Hearing or whether the Commission can just take a vote.
    - In addition, as a policy, can ConCom enforce this? How enforceable is a policy versus a regulation?
    - Or should a tree policy be added in ConCom's bylaw regulations?
    - As a regulation, ConCom would have to hold a Public Hearing; as a separate bylaw, a Town Meeting vote would be required.
    - H. Hampson will also check with the Town Manager's office to see if Town Counsel should review the policy draft.
  - In any case, H. Hampson anticipates a public meeting/hearing on this topic likely at ConCom's 12/7 meeting date.
- Conservation Restrictions – North County Land Trust (NCLT)
  - H. Hampson will reach out again to NCLT to see what the current status of CR work is.
- Riley Jayne Farm Wetland Replication



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- Regarding the question raised at a previous meeting by G. Bacon as to the completion status of a required replication area, H. Hampson has learned that the responsible entity is not Seal Harbor but rather C. J. Moore.
  - She will be reaching out to him again to ensure that the replication area gets completed.
- Waterways Signs Project
  - M. Phillips has contacted Liddell to see about the cost if ConCom had to reprint its signs in order to address the problem with the QR codes.
  - H. Hampson said there is still about \$1000 in the budget.
  - She will follow up on the QR code issue with Cindy Knox.
- **7:58 PM – Adjourn Meeting**
  - GB moved to adjourn; MP 2<sup>nd</sup>.
    - Motion approved unanimously 4-0.

Minutes based on video taken during meeting, and submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

11/10/2022 Jessica G. Gugino