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MAY 12 2023

TOWN OF AYER  
TOWN CLERK

## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8220, ext. 143  
Minutes for 3/23/2023

Location: Ayer Town Hall, 1st Floor

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

APAC taped: YES

All Public Hearings are opened under the Wetlands Protection Act (MCL Ch. 131, section 40)  
and under the Ayer Wetlands Bylaw (Article XXVI)

### 7:00 PM – Open Meeting

- **Confirmation of Agenda**

- **VOTE:** G. Bacon moved to confirm the agenda as posted; M. Phillips 2<sup>nd</sup>.
  - Motion approved unanimously 5-0.

- **Approval of Meeting Minutes**

- **VOTE:** G. Bacon moved to accept minutes for 3/9/2023 as amended; M. Phillips 2<sup>nd</sup>.
  - Motion approved unanimously 5-0.

- **Public Input**

- Rachel Kozera, of Groton-Harvard Road, had some questions about the Boston Gas Company NOI application (MassDEP # 100-0482) also discussed later in the meeting (see below):
  - Ms. Kozera asked if a Town representative would be onsite daily.
    - J. Schmalenberger said ConCom issues Orders of Conditions (OOCs) that contractors must follow, and that the Conservation Agent checks sites regularly, starting with approval of erosion controls prior to the commencement of work.
    - H. Hampson said she would also be putting in the OOC a requirement that she be notified of when they plan to start the horizontal directional drilling (HDD) so that she can observe that as well.
  - Ms. Kozera asked why Boston Gas needed to drill horizontally in the first place, why not simply replace the pipe, why go underneath the riverbed?
    - J. Schmalenberger said the existing pipe is underground except for the exposed portion under the bridge at the Bennett's Brook crossing.
      - Horizontal directional drilling will pass several feet below the riverbed; the only disturbance to the area will be at the sites of the entry and exit pits, resulting in far less environmental impact than were the entire underground pipe to be dug up and then replaced.
    - M. Phillips said the use of HDD has become a safe standard practice, and that Boston Gas is quite capable.





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- The elimination of the exposed portion of pipe is intended to lead to safer conditions (i.e. from leaks) as the pipe will no longer be exposed to flooding or other damage.
  - Ms. Kozera asked if there were any contingency plans regarding the use of the bentonite drilling fluid.
    - J. Schmalenberger and M. Phillips both noted the NOI includes mention of the general requirement of a contingency plan in the case of unintended leakage of the fluid.
    - J. Gugino added the NOI references that the contractor would be the responsible party, and that Boston Gas requires that the contractor, once engaged, provide a “site-specific” contingency plan prior to the start of work.
  - Ms. Kozera asked what impact the project would have on residents and wildlife.
    - J. Schmalenberger said the project is confined within the existing roadway (Littleton Road/Rte. 2A) and that the road would be reduced to one-lane passage while the work was being done.
    - He also said the Commission has not heard of any noise complaints regarding the HDD process.
- **Public Meeting: Request for Determination of Applicability (RDA) – 186 Woodland Way, Rocco and Karen Ciampa**
  - The Ciampas were present to discuss the application for permitting to construct a 12x14 ft. shed within the 100 ft. Buffer Zone, the shed to be set atop a 4-inch deep bed of 3/4-inch stone.
  - The Commission performed a site visit on Saturday, 3/18, to review the proposed location of the shed which would need some degree of regrading and/or fill to level the area, along with a retaining wall.
    - H. Hampson had previously visited the site and noted the regrading and use of fill for the Commission to consider.
  - J. Schmalenberger asked to clarify the size of the pad underneath the shed – since it requires 2 ft. extra on each side, the stone bed would be 16 x 18 ft., not the 14 x 16 ft. cited in the RDA.
    - The Ciampas confirmed this correction.
  - Following the site walk, the Commission had no significant concerns.
    - The Determination of Applicability (DOA) should condition the need for erosion controls and their inspection by H. Hampson prior to the start of work.
  - **VOTE:** G. Bacon moved to issue a Negative DOA, with the requirement of erosion controls and their inspection; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0 and the DOA was signed by the Commission.
    - H. Hampson will have the DOA ready to issue on the following day (3/24) for Mrs. Ciampas to pick up.

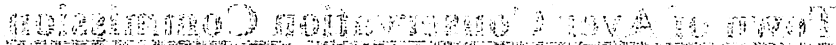




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- **Public Hearing (cont'd.): Notice of Intent (NOI) After-the-Fact – 4 Willow Road and 0 Nemco Way, Spectacle Pond Emergency Culvert Replacement, Ayer Department of Public Works (DPW), MassDEP # 100-0483**
  - **VOTE:** The NOI having previously been approved on 3/9/2023, G. Bacon moved to sign the Order of Conditions (OOC) After-the-Fact for 100-0483; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0 and the OOC was signed by the Commission.
  - **VOTE:** G. Bacon moved to close the Public Hearing for 100-0483; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.
- **Public Hearing (cont'd.): NOI – Littleton Road (Rte. 2A) Right-of-Way, Ayer/Littleton line, Boston Gas Company, MassDEP # 100-0482**
  - Amanda Smith, of BSC Group, was present on behalf of the applicant.
  - The Commission performed a site visit on Saturday, March 18, 2023, with Carolyn Gorss, of BSC Group – who was unable to attend tonight's meeting.
  - Ms. Gorss provided Ms. Smith with answers to two questions raised on the site walk.
    - The first question had to do with the amount of bentonite drilling material that would be used for the HDD.
      - This will be approximately 11-13 cubic yards, which J. Amaya then converted to at least 2,221 gallons.
      - H. Hampson noted that the OOC will specify that this material cannot be stored in a Resource Area, and she will also add in a Special Condition requiring that she must be notified to inspect the storage site to ensure that this is the case.
        - She will also add in a Special Condition that she be notified prior to the start of drilling so that she can inspect at that time as well.
    - Regarding the second question asked on the site walk about what delays would be expected if bedrock were encountered during the HDD, the answer is that that would maybe add on an extra week.
  - **VOTE:** G. Bacon moved to approve the NOI and issue an OOC for 100-0482; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.
    - H. Hampson will amend the OOC with the additional Special Conditions noted above; the signature page of the OOC was signed by the Commission.
  - **VOTE:** G. Bacon moved to close the Public Hearing for 100-0482; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.
- **Public Meeting: RDA – Pleasant Street Drainage Improvements, Ayer Department of Public Works (DPW)**
  - Matt Hernon, DPW Town Engineer, presented the RDA.
  - The project calls for the immediate replacement of an existing drainage pipe running from around 104-108 Pleasant Street to just before Riley Jayne Lane, and beyond which lies the new Riley Jayne Farm subdivision.
    - The existing pipe, which could be up to 100 years old, is no longer functional.



1. The following information was obtained from the records of the Federal Bureau of Investigation (FBI) on the subject of the above captioned case:

CONFIDENTIAL - SECURITY INFORMATION

[illegible]

Regarding the second question asked on the site, while helping a friend out, I noticed that the CHD group was encouraged during the CHD, that a few minutes before the end of the CHD, the CHD group was encouraged to bring the CHD group to the end of the CHD.

[illegible]

to the extent that the Commission is not satisfied with the information provided by the applicant, it may request the applicant to provide further information. The Commission may also request the applicant to provide information on the progress of the investigation and on the results of the investigation. The Commission may also request the applicant to provide information on the progress of the investigation and on the results of the investigation.

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- The DPW has received numerous calls from residents concerned about the pooling of water or flooding that has been the result, making this, in the DPW's eyes, almost an emergency replacement situation.
  - A section of the drainage pipe replacement area is within the Buffer Zone to wetlands.
    - Within that section, Mr. Hernon said he expected they would have to dig anywhere from 3 to 5 ft. down.
    - The DPW will install erosion controls as well as silt socks in the nearby catchbasins.
    - The replacement work should take 1-2 weeks and the DPW wants to jump on this as soon as possible.
  - **VOTE:** G. Bacon moved to issue a #5 Negative DOA, confirming this is an exempt utility maintenance project according to the Wetlands Protection Act, and with the sole condition of having H. Hampson inspect the erosion controls prior to work starting; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0 and the DOA was signed by the Commission.
- **Discussion: Draft Regulations under the Ayer Wetland Bylaw (Article XXVI)**
  - The draft prepared by H. Hampson was reviewed and some small edits were made.
  - H. Hampson will verify the posting requirements so that these regulations can be voted on at a Public Hearing scheduled for one of ConCom's upcoming meetings.
- **Conservation Commission Office and Member Updates**
  - Friends of Pine Meadow flyer
    - H. Hampson's draft flyer to solicit volunteers for a stewardship program was reviewed with minor edits made.
    - It will now be circulated on Town media, etc.; J. Gugino will also put the flyer on the Ayer Facebook group pages as well.
  - Train Derailment
    - Shortly before noon this day (3/23), approximately 10 stationary freight cars derailed in the vicinity of Scully Road and in proximity to Nonacoicus Brook.
    - DPW Director Dan Van Schalkwyk immediately notified H. Hampson, and the DPW also went ahead and installed erosion controls to protect the brook in the case of any leakage.
      - Nothing was observed to have leaked from the cars, however, nor was there any hazardous material in the derailed cars.
  - Emergency Certifications
    - H. Hampson issued an Administrative Approval for the removal of a tree along Sandy Pond Road that was damaged significantly by the recent heavy/wet snowfall.
    - H. Hampson also issued an Emergency Certification to the DPW so they can address flooding on the access road off Brook Street.



# City of New York

Room 1411 One Main Street New York, N.Y. 10038  
Telephone 212-312-2222

- The DPW has received numerous calls from residents concerned about the possibility of water or flooding and has been the result making them in the DPW's eyes almost an emergency replacement situation.
- A section of the drainage pipe replacement work is within the buffer zone to the south of the intersection of Main Street and 14th Street. They would have to dig and work from 3 to 5 feet.
- The DPW will install emergency controls as well as all works in the nearby conditions.
- The replacement work should take 1-2 weeks and the DPW wants to jump on this as soon as possible.
- INTER: G. Berman noted to have a 25 degree C (77 F) containing this is an example of the maintenance applied according to the Wetlands Protection Act and with the sole condition of having a company inspect the erosion control project work starting in Phillips 2nd.
- Location approved must include 2-3 and the DPW was signed by the Commissioner.

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- The beaver deceiver placed there on Nonacoicus Brook is not working and the DPW will release the beaver damming gradually in order to drawdown the water and address the situation.
- Waterways Sign Project
  - M. Phillips reported that the correctly-spelled Flannagan Pond replacement signs are done and just waiting for delivery from the production company.
  - He also received a letter from Lucy Wallace, of the Nashua River Stewardship Council, asking for the final report.
    - H. Hampson said it should go out in the next few days.
- **8:07 PM – Adjourn Meeting**
  - **VOTE:** G. Bacon moved to adjourn; M. Phillips 2<sup>nd</sup>.
    - Motion approved unanimously 5-0.

**Minutes Recorded and Submitted by Jessica G. Gugino, Clerk**

**Date / Signature of Approval:** 4/13/2023 



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E-mail: town@ayervt.com

- \* The power device placed there on November 19th is not working and the DPW will remove the device, turning gradually in order to draw down the water and address the situation.
- \* Waterway Sign Project
- \* Mr. Phillips reported that the correctly-spelled Thompson Pond replacement signs are done and just waiting for delivery from the production company.
- \* He also received a letter from Lucy Wallace of the Natick River Association Council asking for the final report.
- \* Mr. Thompson said it should go out in the next few days.
- \* 8:47 PM - Adjourn Meeting
- \* VOTE: 6-0 Motion moved to adjourn at Phillips 5:00
- \* Adjourn adjourned unanimously 5-0.

Minutes recorded and certified by Jessica G. O'Brien, Clerk

Date: 11/19/2023  
Signature of Approver: [Signature]