

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 3/9/2023

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 2nd.
 - Motion approved unanimously 5-0.
- **Approval of Meeting Minutes**
 - **VOTE:** G. Bacon moved to accept minutes for 2/9/2023 as corrected; M. Phillips 2nd.
 - Motion approved unanimously.
 - (Note: ConCom meeting scheduled for 2/23 was cancelled due to weather)
- **Public Input**
 - None received.
- **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 12/x14 ft. shed within the 100 ft. Buffer Zone.
 - H. Hampson has visited the site and raised questions concerning the slope of the lot and the proposed location for the shed – which would require up to 3 ft. of fill brought in to level the area.
 - Because of the re-grading, the Ciampas would also need to put in a retaining wall.
 - The shed itself would be placed on top of a 4-inch deep bed of 3/4-inch stone.
 - The Commission scheduled a site walk for Saturday, 3/18, at 9 a.m.
- **Public Hearing: 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**
 - Present were: DPW Director Dan Van Schalkwyk as well as Julia Novotay and Tom Mahanna of Tighe & Bond.
 - Work to replace the water transmission main from the Spectacle Pond Water Treatment Plant, within an existing unpaved access road, began November 2022, under the Order of Conditions (OOC) issued by Ayer ConCom, MassDEP # 100-0480.



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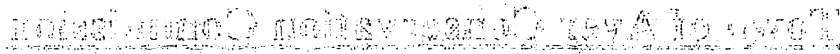
- The jurisdictional wetland Resource Areas surrounding this project consisted of Riverfront (to Bennett's Brook and an unnamed perennial stream); Inland Bank, Land Under Water Bodies and Waterways (LUWW), two Bordering Vegetated Wetlands (BVW) on either side of the access road (Wetland 1A and Wetland 1B), and Buffer Zone.
- The wetlands were previously delineated and flagged by Tighe & Bond on April 29, 2022 for the original water main project.
- During work to replace the water main, the previously existing 48-inch diameter corrugated metal pipe culvert lying underneath the access road collapsed.
 - The culvert hydrologically connects Wetlands 1A (northwest of the access road) and 1B (southeast of the access road), so its collapse immediately impeded the flow between the two BVW.
 - Temporary sandbags were employed to prevent the migration of sediment into resource areas.
- Ayer ConCom issued an Emergency Certification on December 14, 2022 to allow replacement of the failed culvert, with the understanding that an After-the-Fact NOI would then be submitted.
 - As the new water main was being installed deeper underneath the culvert, its full installation was completed prior to the culvert replacement.
 - In-kind replacement of the culvert was completed on December 21, 2022 using a 48-inch HDPE pipe.
 - Erosion control barriers were those previously installed for the original water main project.
 - An open-cut installation method was employed, excavating a 40 ft. long and 10 ft. wide trench.
 - The new culvert was installed at the same elevation as the old one, with a stone base placed around the bottom.
 - The unpaved access road was restored to its previously existing grade.
- Since work on the original project as well as the emergency culvert replacement took place outside of the active season for Blanding's turtle (April 15-October 15), the time-of-year mitigation measures required by NHESP (Natural Heritage & Endangered Species Program) were not needed.
- Given the proximity to Riverfront Areas and the requirement to provide an Alternatives Analysis, it was easily determined that there was no alternative other than the executed culvert replacement.
 - 'No action' would have had adverse impact to the Wetlands 1A and 1B and wildlife habitat, and a culvert repair was not feasible since the existing culvert had collapsed completely.
- Mr. Mahanna added that the previously existing culvert had also been jammed with beaver debris.
 - J. Gugino asked if the DPW was using grates at the ends of the culvert to prevent future beaver damming inside the culvert, and Mr. Van Schalkwyk said they would look into that.



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- **VOTE:** G. Bacon moved to approve the NOI and issue an OOC After-the-Fact for 100-0483; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **VOTE:** G. Bacon moved to continue the Public Hearing to 3/23 for the purpose of signing the OOC; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Public Hearing: NOI – Littleton Road (Rte. 2A) Right-of-Way, Ayer/Littleton line, Boston Gas Company, MassDEP # 100-0482**
 - Carolyn Gorss, of BSC Group, was present on behalf of the applicant.
 - The project proposes the replacement of approximately 440 ft. of an existing 6 in. diameter gas main on Littleton Road running between the towns of Ayer and Littleton.
 - MassDEP had no comments when they issued the DEP file number.
 - The purpose of the project is to address safety and structural concerns at a current gas main crossing over Bennett's Brook, servicing customers in both Ayer and Littleton.
 - The location of the crossing is on Rte. 2A a few hundred feet west of the intersection with Willow Road.
 - While exempt as a utility maintenance project under the Wetlands Protection Act, the proposed use of horizontal directional drilling to run the pipe underneath the riverbed and bridge foundation required the submission of the NOI.
 - Approximately 180 ft. of the 440 ft. replacement is within jurisdictional Resource Areas: Riverfront Area (Bennett's Brook), Bordering Land Subject to Flooding (BLSF), Land under Water and Waterways (LUWW), Bordering Vegetated Wetlands (BVW), as well as the 25 ft. Buffer Zone to BVW and Inland Bank per the Ayer Wetlands Bylaw (Article XXVI).
 - BSC Group delineated the wetlands on January 31, 2023.
 - The existing pipe to be replaced is made of steel and dates back to 1930; it will be replaced in-kind with a plastic pipe.
 - Because of the age of the existing pipe, neither repair nor 'no action' are feasible alternatives.
 - Most of the existing gas pipe will be left in place buried underground, but approximately 5 ft. of the pipe is currently exposed above Bennett's Brook, within the stone bridge crossing.
 - The exposed pipe will be removed and the remaining exposed ends will be capped.
 - When the new pipe is installed, horizontal direction drilling will be used to run the pipe underneath the brook, eliminating the pipe's current exposure to extreme weather and flooding events.
 - Attachment E of the NOI details that site-specific Contingency Plans must be provided by the contractor prior to construction, to be employed only in the unlikely event that there is an "Inadvertent Return" of bentonite drilling fluid.

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4-6. Principles of Learning

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of 1983, the number of cases of AIDS in the United States was 1,000. By 1984, the number had risen to 2,000. By 1985, the number had risen to 4,000. By 1986, the number had risen to 8,000. By 1987, the number had risen to 16,000. By 1988, the number had risen to 32,000. By 1989, the number had risen to 64,000. By 1990, the number had risen to 128,000. By 1991, the number had risen to 256,000. By 1992, the number had risen to 512,000. By 1993, the number had risen to 1,024,000. By 1994, the number had risen to 2,048,000. By 1995, the number had risen to 4,096,000. By 1996, the number had risen to 8,192,000. By 1997, the number had risen to 16,384,000. By 1998, the number had risen to 32,768,000. By 1999, the number had risen to 65,536,000. By 2000, the number had risen to 131,072,000. By 2001, the number had risen to 262,144,000. By 2002, the number had risen to 524,288,000. By 2003, the number had risen to 1,048,576,000. By 2004, the number had risen to 2,097,152,000. By 2005, the number had risen to 4,194,304,000. By 2006, the number had risen to 8,388,608,000. By 2007, the number had risen to 16,777,216,000. By 2008, the number had risen to 33,554,432,000. By 2009, the number had risen to 67,108,864,000. By 2010, the number had risen to 134,217,728,000. By 2011, the number had risen to 268,435,456,000. By 2012, the number had risen to 536,870,912,000. By 2013, the number had risen to 1,073,741,824,000. By 2014, the number had risen to 2,147,483,648,000. By 2015, the number had risen to 4,294,967,296,000. By 2016, the number had risen to 8,589,934,592,000. By 2017, the number had risen to 17,179,869,184,000. By 2018, the number had risen to 34,359,738,368,000. By 2019, the number had risen to 68,719,476,736,000. By 2020, the number had risen to 137,438,953,472,000. By 2021, the number had risen to 274,877,906,944,000. By 2022, the number had risen to 549,755,813,888,000. By 2023, the number had risen to 1,099,511,627,776,000. By 2024, the number had risen to 2,199,023,255,552,000. By 2025, the number had risen to 4,398,046,511,104,000. By 2026, the number had risen to 8,796,093,022,208,000. By 2027, the number had risen to 17,592,186,044,416,000. By 2028, the number had risen to 35,184,372,088,832,000. By 2029, the number had risen to 70,368,744,177,664,000. By 2030, the number had risen to 140,737,488,355,328,000. By 2031, the number had risen to 281,474,976,710,656,000. By 2032, the number had risen to 562,949,953,421,312,000. By 2033, the number had risen to 1,125,899,906,842,624,000. By 2034, the number had risen to 2,251,799,813,685,248,000. By 2035, the number had risen to 4,503,599,627,370,496,000. By 2036, the number had risen to 9,007,199,254,740,992,000. By 2037, the number had risen to 18,014,398,509,481,984,000. By 2038, the number had risen to 36,028,797,018,963,968,000. By 2039, the number had risen to 72,057,594,037,927,936,000. By 2040, the number had risen to 144,115,188,075,855,872,000. By 2041, the number had risen to 288,230,376,151,711,744,000. By 2042, the number had risen to 576,460,752,303,423,488,000. By 2043, the number had risen to 1,152,921,504,606,846,976,000. By 2044, the number had risen to 2,305,843,009,213,693,952,000. By 2045, the number had risen to 4,611,686,018,427,387,904,000. By 2046, the number had risen to 9,223,372,036,854,775,808,000. By 2047, the number had risen to 18,446,744,073,709,551,616,000. By 2048, the number had risen to 36,893,488,147,419,103,232,000. By 2049, the number had risen to 73,786,976,294,838,206,464,000. By 2050, the number had risen to 147,573,952,589,676,412,928,000. By 2051, the number had risen to 295,147,905,179,352,825,856,000. By 2052, the number had risen to 590,295,810,358,705,651,712,000. By 2053, the number had risen to 1,180,591,620,717,411,303,424,000. By 2054, the number had risen to 2,361,183,241,434,822,606,848,000. By 2055, the number had risen to 4,722,366,482,869,645,213,696,000. By 2056, the number had risen to 9,444,732,965,739,290,427,392,000. By 2057, the number had risen to 18,889,465,931,478,580,854,784,000. By 2058, the number had risen to 37,778,931,862,957,161,709,568,000. By 2059, the number had risen to 75,557,863,725,914,323,419,136,000. By 2060, the number had risen to 151,115,727,451,828,646,838,272,000. By 2061, the number had risen to 302,231,454,903,657,293,676,544,000. By 2062, the number had risen to 604,462,909,807,314,587,353,088,000. By 2063, the number had risen to 1,208,925,819,614,629,174,706,176,000. By 2064, the number had risen to 2,417,851,639,229,258,349,412,352,000. By 2065, the number had risen to 4,835,703,278,458,516,698,824,704,000. By 2066, the number had risen to 9,671,406,556,917,033,397,649,408,000. By 2067, the number had risen to 19,342,813,113,834,066,795,298,816,000. By 2068, the number had risen to 38,685,626,227,668,133,590,597,632,000. By 2069, the number had risen to 77,371,252,455,336,267,181,195,264,000. By 2070, the number had risen to 154,742,504,910,672,534,362,390,528,000. By 2071, the number had risen to 309,485,009,821,345,068,724,781,056,000. By 2072, the number had risen to 618,970,019,642,690,137,449,562,112,000. By 2073, the number had risen to 1,237,940,039,285,380,274,899,124,224,000. By 2074, the number had risen to 2,475,880,078,570,760,549,798,248,448,000. By 2075, the number had risen to 4,951,760,157,141,521,099,596,496,896,000. By 2076, the number had risen to 9,903,520,314,283,042,199,192,993,792,000. By 2077, the number had risen to 19,807,040,628,566,084,398,385,987,584,000. By 2078, the number had risen to 39,614,081,257,132,168,796,771,975,168,000. By 2079, the number had risen to 79,228,162,514,264,337,593,543,950,336,000. By 2080, the number had risen to 158,456,325,028,528,675,187,087,900,672,000. By 2081, the number had risen to 316,912,650,057,057,350,374,175,801,344,000. By 2082, the number had risen to 633,825,300,114,114,700,748,351,602,688,000. By 2083, the number had risen to 1,267,650,600,228,229,401,496,703,205,376,000. By 2084, the number had risen to 2,535,301,200,456,458,802,993,406,410,752,000. By 2085, the number had risen to 5,070,602,400,912,917,605,986,812,821,504,000. By 2086, the number had risen to 10,141,204,801,825,835,211,973,625,643,008,000. By 2087, the number had risen to 20,282,409,603,651,670,423,947,251,286,016,000. By

The first phase of the project is to address safety and structural concerns in both the main and minor divisions of the Brook, starting with a safety assessment of both the main and minor

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It is hoped that the information provided by the questionnaire will be used to develop a more effective and efficient system for the management of the welfare of the community.

Approximately 180 ft of the 1-ft-thick aquifer is within jurisdictional floodplain. Across Riverbank Area (1) there is floodplain bordering land subject to flooding.

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5505. *Myzomela malabarica* (Linn.) Malabar whistling thrush, 1881

11/2/01 07:14:01 Local asbbs user has been added to the local asbbs group.

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The "agencies" are under no obligation to provide information to the public.

Effect of an external magnetic field on the rate of polymerization of styrene in benzene solution

Brooks within the same bridge crossing.

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• A number of other factors may be involved in the development of the disease, including a family history of the condition and a history of trauma to the head or neck.

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- Erosion and sedimentation controls will be implemented to protect adjacent Resource Areas.
- If dewatering is needed, it will be done outside of Resource Areas, and will employ a filter bag and appropriate additional erosion controls.
- All equipment will be located within the roadway or adjacent shoulder; the work area will be restored to preexisting conditions to the extent practicable upon completion of the project.
- No temporary or permanent impacts are anticipated to LUWW or the Bank.
- The project will likely begin soon after an OOC is issued, and once everything is mobilized, should take 3-4 weeks.
- In response to M. Phillips question about whether bentonite will be stored on site, Ms. Gorss said it likely would not be stored but that the Commission could specify in a Special Condition in the OOC that it could not be stored on site.
- A site walk was scheduled for Saturday, 3/18, starting between 9:30 and 10 a.m.
- **VOTE:** G. Bacon moved to continue the Public Hearing for 100-0482 to March 23, 2023; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Discussion: Review of Quotes for Ayer Pond Treatments,, 2023 Season**
 - In response to the Request for Quotes (RFQ) issued in February, only one bid was received this year, from Water & Wetland Inc., the company that has performed pond maintenance for the previous two years.
 - Joe Onorato, of Water & Wetland, was previously present at ConCom's 2/9/2023 meeting to provide the Year-End Report for the 2022 Season and answer questions (see minutes for that meeting).
 - **VOTE:** G. Bacon moved to approve awarding the \$27,380 contract for the 2023 season to Water & Wetland, to treat Sandy, Flannagan and Pine Meadow ponds, with the understanding that if there is another toxic blue-green algae bloom, additional costs would be considered, per the figures cited in the bid, if necessary; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
 - Additional discussion took place around the Town Manager's question as to how much money for pond maintenance would be requested in a Warrant Article at this year's Spring Town Meeting (April 24).
 - There is currently \$40,000 available from previous Warrant articles, enough to cover this year's contract, and more if a toxic algae bloom returns.
 - The tricky thing for ConCom is that it needs to have guaranteed funding available in order to enter into a contract, but waiting to secure funding until after a Town Meeting vote in late April risks losing access to early scheduling by the contractor.
 - Early-season treatment for fanwort in particular (late May or early June) has been found to be more efficacious than waiting until later.



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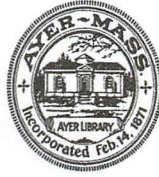
- If a contractor's scheduling dates fill up before ConCom is able to enter into a contract, then the initial treatment gets pushed until later, sometimes requiring the use of more chemicals.
 - Therefore ConCom members were resistant to the idea of reducing the amount asked for in the Warrant this year, in order to have adequate funding in place prior to next year's Spring Town Meeting, for next year's treatment.
 - H. Hampson will convey to Town Manager Robert Pontbriand that the Commission wishes the Warrant Article to seek \$30,000 in funding, as was the case the previous year.
 - J. Gugino noted that she had attended the 3/6 meeting of Littleton's Clean Lakes Committee to listen to their discussion of this year's treatment plan for Spectacle and Long ponds.
 - They are continuing to experiment with ecoharvesting (which cost around \$38,000 last year just to treat two lobes of Spectacle Pond) but it will be 5 or 6 years before they can really evaluate its success.
 - They are considering purchasing their own ecoharvesting equipment (roughly \$80,000).
 - In addition, they noted that ecoharvesting is not done until later in the season (late August/early September) when plant growth has brought the plants up to the surface of the water where the harvester can reach them.
 - The Committee had also noted they expected a lot of unhappy residents as a result of this later-season treatment plan.
 - At this point resident Susan Tordella had joined the meeting, continuing her advocacy for ConCom to explore non-chemical means of invasive aquatic weed control.
 - The Commission will need to get more information about ecoharvesting, including its potential to worsen the situation with invasives like fanwort and milfoil through fragmentation of the plants.
 - Regarding the town of Harvard's winter drawdown of Bare Hill Pond as a means of limiting invasives, Ms. Tordella said they installed a pump house to aid in the drawdown.
 - Discussion to be continued, but treatment will proceed as currently planned since the Commission does not want to lose the progress it has made in controlling invasives in the three ponds it manages.
- **Discussion: Friends of Pine Meadow Stewardship Program**
 - H. Hampson will send ConCom members the draft document for seeking to re-create a volunteer program.
 - **Conservation Commission Office and Member Updates**
 - Ayer Solar II, 0 Washington Street, Ayer Solar II LLC/Rohit Garg, MassDEP # 100-0444
 - The draft of the Conservation Restriction (CR) for this project has been reviewed by the applicant's counsel as well as Ayer's Town Counsel (KP Law); it is now back before the State for their final review.



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- Rohit Garg called H. Hampson to clarify what was needed in terms of detailed plans for the Amended NOI that ConCom recently required given the extent of changes that have occurred to this project.
- On weekly site visits the last two weeks, H. Hampson reported that the site is currently stable, erosion controls are now in good shape, and there is no erosion or backup of sediment.
- Ayer/Devens Neighborhood Pocket Forest Planting Project
 - A meeting took place the previous Saturday at St. Andrews Church near where the pilot project will be located – by the railroad bridge and East Main Street.
 - Saturday, April 29, is scheduled for planting day.
 - A ‘foraging day’ at the High School will be undertaken to gather leaves, small sticks, etc. that will contribute forest microbes to enhance the growth of the new pocket forest.
- Earth Day, Friday, April 21
 - H. Hampson is working with resident Beth Suedmeyer, who is currently working under the Devens Enterprise Commission, about the Commission hosting an informational table at this event on MacPherson Road.
- MACC (Mass. Association of Conservation Commissions)
 - One of the on-line sessions H. Hampson attended dealt with climate change resiliency and how it can be addressed through bylaws and regulations.
 - H. Hampson will be working on some updates to the local Wetland Bylaw (Article XXVI) that the Commission, and then Town Meeting, can consider.
- Devens Symposium, March 10-11
 - Alan Manorian, Director of Economic & Community Development, has been organizing a symposium for local feedback on the eventual disposition of Devens.
 - The Devens Enterprise Commission was formed to administer (through regulation and permitting) the Devens Regional Enterprise Zone in the wake of the official closing of Fort Devens in 1996 that led to the sale of most of its land to MassDevelopment.
 - State management is due to end in 2033, and the question of whether the land that comprised Fort Devens returns to the towns it was taken from (primarily Harvard, Shirley and Ayer) remains to be resolved.
 - For Ayer, one of the major questions is whether it would be beneficial to the Town to take back the MacPherson Road land as well as the Moore Airfield land.
 - The Airfield in particular is an EPA Superfund site with a toxic plume of chemicals deep underneath.
- North County Land Trust (NCLT)
 - H. Hampson is still waiting to hear back from Oxbow Associates about some material needed for one of the CRs now being worked on by NCLT under their new contract with the Town.



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- Representatives from NCLT, including former Conservation Administrator Jo-Anne Crystoff, do not want to meet with the Commission until this information for the CRs has been received.
- Waterways Sign Project
 - M. Phillips has not heard yet if the replacement signs for Flannagan Pond have been completed.
 - H. Hampson is almost done with the Final Report needed by the Nashua River Stewardship Council, the entity that provided the grant money for this project.
- Grove Pond Water Chestnut Pull project
 - J. Gugino, who represents the Commission on the Community Preservation Committee, said she learned that PACE (Laurie Nehring) was successful in receiving a grant from the Nashua River Stewardship Council for this project for the second year in a row.
 - Ms. Nehring appeared before the Commission on 1/26/2023, seeking a letter of support for this year's grant application and outlining what is planned for this year's campaign against the invasive weed.
- **8:55 PM – Adjourn Meeting**
 - **VOTE:** G. Bacon moved to adjourn; M. Phillips 2nd.
 - Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: 3/23/2023 Jessica G. Gugino



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-873-8230 ext. 111
Minutes for 3/26/2023

- Representatives from NCT, including Forest Conservation Association and the
Land Conservancy, do not want to meet with the Commission until the information
for the CRP has been received.
- Watershed Sign Project
- Mr. Phillips has not heard yet if the replacement signs for the Thompson Pond have
been completed.
- Mr. Thompson is almost done with the final report needed by the Planning Board.
Stewardship Council is going to provide the grant money for this project.
- Green Road Water Treatment Plant Project
- Mr. Phillips, who represents the Commission on the Community Preservation
Committee, said she learned that NCT (Northampton) was successful in
receiving a grant from the Planning Board Stewardship Council for this project for
the second year in a row.
- Mr. Phillips appeared before the Commission on 3/26/2023, seeking a
letter of support for the year 2 grant application and outlining what is
planned for this year's campaign against the invasive weed.

8:53 PM - Adjourn Meeting
 MOTION: A motion moved to adjourn Mr. Phillips 2nd
 Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica L. Higgins, Clerk

 Date of Approval: 3/26/2023
 Signature of Clerk: Jessica L. Higgins