

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 1/26/2023

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**
 - G. Bacon moved to confirm the agenda as posted; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Approval of Meeting Minutes**
 - G. Bacon moved to accept the minutes for 1/12/2023 as amended; M. Phillips 2nd.
 - Motion approved unanimously.
- **Public Input**
 - None received.
- **Discussion: Request for Certificate of Compliance (COC) – submitted by Cali Law for 80 Ayer Road, San Vel Concrete Corporation, MassDEP # 100-0030**
 - This Order of Conditions (OOC), for which a Request for COC was never previously submitted, dates back to 1983.
 - H. Hampson did a site visit and saw no apparent issues.
 - As clarification, it was noted that the project parcel bridges land in both Ayer and Littleton.
 - This COC would cover only work performed within Ayer town lines.
 - **VOTE:** GB moved to issue a COC for 100-0030; M. Phillips 2nd.
 - Motion approved unanimously 5-0 and the COC was signed.
- **Discussion: Water Chestnut Pull, Grove Pond, 2023 Campaign, Laurie Nehring**
 - Laurie Nehring, President of PACE (People of Ayer Concerned about the Environment), was present.
 - On behalf of PACE and other volunteers, Ms. Nehring is submitting a new application, due Feb. 1st, for a 2023 Community Grant from the Nashua, Squannacook, and Nissitissit Rivers Wild and Scenic Stewardship Council.
 - A grant was received from the same program in 2022 to support the removal of a highly invasive patch of water chestnuts located at the northeastern corner of Grove Pond.
 - Ms. Nehring gave a report on the 2022 Pull:



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- The 2022 grant was primarily used for testing the toxicity levels of plants, water, and sediment in the area where the patch is located.
- The testing indicated that the levels of PFAS, chromium, cadmium, zinc and lead were within safe contact levels for volunteers to hand-pull the invasive plants.
 - All of the levels were below Massachusetts drinking water standards with the exception of arsenic.
- Volunteers were informed of potential risks and asked to sign liability waivers; in addition, a washing station was set up at the site for people to clean their hands.
- Approximately 40 volunteers participated in the 2022 weed pull over the course of 7 different sessions during the summer.
 - Volunteers came from 7 different towns and 3 different states.
- Guidance was also provided Martha Morgan, of the Nashua River Watershed Association, and John Fisher, a New Hampshire resident with a great deal of experience in dealing with invasive water chestnuts.
 - The eradication of this patch, which Mr. Fisher measured to be approximately 1.55 acres in size, will take 4-6 years.
- Regarding the 2023 Pull, with no new testing needed, Ms. Nehring hopes to have pulling sessions start in the middle of May and continue through the summer.
 - This year's grant application seeks support for expanding this volunteer program in a number of ways, some of which might also require new permitting by the Commission.
 - Ms. Nehring detailed these potential expansions:
 - Purchasing 2 used canoes to be stationed and locked up at the boat put-in area at Pirone Park.
 - Something like a sign-out system could be established, with access to paddles and life vests, so interested volunteers could pull water chestnuts on their own schedule if they couldn't make organized sessions;
 - Liability issues would need to be resolved.
 - Also coordination with the Parks Department might be necessary for when they schedule overnight events with lots of kids in the area.
 - Ms. Nehring has already spoken to Town Manager Robert Pontbriand and Parks Supervisor Jeff Thomas about this.
 - Constructing some sort of temporary stair system to more easily enable volunteers to transfer pulled plants up the steepish banks of Grove Pond.
 - Ms. Nehring is also considering the purchase and use special rakes (e.g. rakes used for clams or zebra mussels) to skim the invasive's fallen nuts from the top layer of sediment before they are able to start growing new plants.
 - Water chestnut nuts can be viable for new growth for up to 6 years.



Town of Avon Conservation Commission

7201 Hall * One Main Street * Avon, CT 06001 * 938-737-4330 ext. 110
Attention: Mr. Thomas

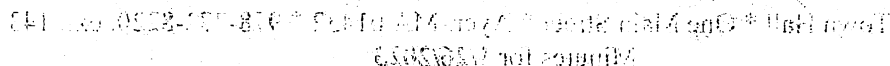
- * The 2012 grant was primarily used for testing the feasibility of use of plastic water and sediment in the area where the patch is located.
- * The testing indicated that the level of WAA (water-soluble aluminum) was not too high and lead levels were within safe levels for volunteers to handle the water in a plastic.
- * All of the levels were below Massachusetts drinking water standards with the exception of arsenic.
- * Volunteers were informed of potential risks and asked to sign liability waivers in addition to a washing station was set up in the area for people to clean their hands.
- * Approximately 40 volunteers participated in the 2012 seed bank over the course of 7 different sessions during the summer.
- * Volunteers came from 7 different towns and 3 different states.
- * Guidance was also provided by the Morgan of the Nodding River Watershed Association, and a local resident of New Hampshire resident with a great deal of experience in dealing with water observation.
- * The evaluation of this patch which was Fisher indicated to be approximately 1.25 acres in size will take 4-6 years.
- * Regarding the 2012 Patch, with no new testing needed, a Nodding River to have a patch sessions start in the middle of May and continue through the summer.
- * This year's grant application seeks support for expanding this volunteer program in a number of ways, some of which might also include new equipment for the Commission.
- * Mr. Nodding outlined these potential expansion items:
 - o Purchasing 2 seed boxes to be sent and packed up in the local patch area at Pine Park.
 - o Something like a sign-out system could be established with access to patches and the grant so interested volunteers could call a number of volunteers on their own schedule if they could make organized sessions.
 - o Liability issues would need to be resolved.
 - o Also coordination with the Parks Department might be necessary for when they schedule overnight events with lots of kids in the area.
- * Mr. Nodding has already spoken to Tom Stronger, a local resident and Parks Supervisor, Jeff Thomas about this.
- * Constructing some sort of temporary stair system to be easily accessible to volunteers to transfer patches up the steepish banks of Grove Pond.
- * Mr. Nodding is also considering the purchase and use of special water level meters used for climate (water meters) to allow the investigation of water from the top layer of sediment before they are able to start growing new plants.
- * Water observation can be viable for new growth in the future.



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- Raking would disturb the sediment, but this happens to a degree when plants are pulled as well.
 - H. Hampson said doing something like this would need to avoid periods when heavy rain is expected that might increase flow and dispersal of disturbed sediments.
 - J. Gugino asked H. Hampson to talk with the MassDEP Circuit Rider to see if this kind of activity could be permitted under an RDA or if it might need a Notice of Intent filing.
 - Since this would be an experimental undertaking, Ms. Nehring said it would be hard to know in advance what disturbances would be involved or even how such raking would even work.
 - G. Bacon said there might be an aquatic equivalent to erosion control fabric/silt barriers that could be investigated.
 - Regarding the current grant application and ConCom support as well as permitting needs:
 - H. Hampson prepared in advance a letter of support for this year's grant application and J. Schmalenberger signed it.
 - The Commission is very appreciative of this volunteer-led project.
 - In terms of another hand-pull of water chestnuts, last year's permit issued for the RDA filing is good for 3 years.
 - The two new things that would require new ConCom permitting are the use of temporary steps on the bank of Grove Pond, perhaps in more than one location, and if the experiment of trying to rake the nuts was pursued.
- **Discussion: Update on Ayer Solar II, 0 Washington Street, Ayer Solar II LLC/Rohit Garg, MassDEP # 100-0444**
 - H. Hampson visits the Solar II site at least once every week.
 - There is a lot of snow and standing water on site right now, given this winter's weather, and the new site manager has had work continuing to repair erosion controls as needed.
 - The Environmental Monitor required for the site is also still going out weekly as site work, including repairing where the culvert wall collapsed, remains ongoing.
 - A number of concerns remain ongoing:
 - H. Hampson also still has concerns about the culvert retaining wall.
 - There is also one area on site where water is coming up from the ground that didn't used to, and H. Hampson does not know where that water is coming from.
 - H. Hampson also received interim revised construction record plans, dated January 17, 2023, but the revised plans still do not show enough detail.
 - It also appears that a retaining wall was placed closer to the wetlands than was approved on the plans under the initial filing.
 - There are also concerns over the area where a guard rail was installed.

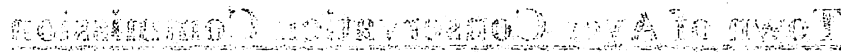




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- The Planning Board recently voted to require that Ayer Solar II LLC submit a site plan modification.
 - H. Hampson asked the Commission if it wanted to do something similar, i.e. require the submission of an Amended Notice of Intent, given all the substantial changes that have taken place on the site without prior ConCom notification, nor with adequately detailed revised plans.
 - An Amended NOI would need to be submitted with updated and adequate new plans.
 - In addition, an Amended NOI filing would have to be submitted to NHESP (Natural Heritage & Endangered Species Program), which would enable the Commission to get something in writing from NHESP.
 - This has been a recurring request made by ConCom to the LLC, and yet to be fulfilled.
- **VOTE:** Given the clear and ongoing issues with this site, J. Schmalenberger asked for a motion to require that Ayer Solar II LLC submit an Amended Notice of Intent for Ayer Solar II, and per the Special Conditions to the Order of Conditions issued for MassDEP # 100-0444.
 - G. Bacon so moved; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- On a related matter, H. Hampson said the draft Conservation Restriction for Ayer Solar II, discussed at ConCom's 1/12/2023 meeting with Mr. Garg, has been sent to Town Counsel for review.
- **Discussion: Potential Additions/Modifications to Regulations under the Ayer Wetlands Bylaw (Article XXVI)**
 - H. Hampson had circulated some new draft regulations for the Commission to consider.
 - More details will be added regarding Sequence of Construction regulations.
 - For example, storm water structures and stream crossings should be done as early in a project as possible, unless waived.
 - Subdivision construction of houses can be held up until stormwater has been adequately addressed.
 - More specific language over the imposition of a bond will be considered.
 - This regulation will need to match the language in Section 10 of the Bylaw.
 - More specific or new plan submission requirements can be dealt with in regulations, and H. Hampson will work on this further.
 - Discussion to be continued in advance of scheduling a Public Hearing on this.
- **Conservation Commission Office and Member Updates**
 - The Town Clerk's office recently issued its first community newsletter.
 - H. Hampson would like to prepare reminders from ConCom to residents for upcoming newsletters, in particular spring and fall – for example, reminding residents that a vacant lot does mean one can dump leaves and yard waste there.



and a number of other factors. The following table is intended to provide a general guide to the selection of a suitable material for a particular application.

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Journal of Management Inquiry 18(1) 3-11
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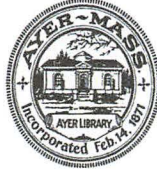
as early as possible in a patient's life.

More specific language over the imposition of a bond will be considered.

regulation, and Mr. Thompson will work on this subject.

The following table shows the results of the analysis of variance for the effect of the type of the stimulus on the response time.

270 A



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- J. Schmalenberger noted that he had put up a 'no dumping' sign on the small Town-owned lot on Flannagan Pond, off Old Sandy Pond Road – and that someone has removed the sign.
- H. Hampson will be investigating whether something can be done in Ayer, for example banning the use of plastic bags (as other towns nearby have done) or requiring the use of biodegradable bags.
- G. Bacon asked H. Hampson to contact the DPW about plowing out the parking area off Groton Harvard Road, opposite the entrance to the Pine Meadow Conservation Land.
- M. Phillips said he will order the replacement signs for Flannagan Pond, correcting the spelling mistake.
- In terms on ongoing site inspections, H. Hampson has not been visiting Panther Place as no work has been taking place there over the winter.
 - She will seek an update from National Grid over their transmission line upgrade work, as well as the Nashoba Associated Boards of Health as it looks like they completed the paving of their parking lot on Central Avenue.
- **8:48 PM – Adjourn Meeting**
 - 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: _____

2/8/2023 Jessica G. Gugino