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TOWN OF AYER
TOWN CLERK



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Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 9/14/2023

Location: Ayer Town Hall, 1st Floor

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

Not Present: Jen Amaya (Member)

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 4-0.
- **Approval of Meeting Minutes**
 - **VOTE:** G. Bacon moved to accept the minutes for 8/24/2023 as written; M. Phillips 2nd.
 - Motion approved unanimously 4-0.
- **Public Input**
 - None received.
- **Public Meeting: Request for Determination of Applicability (RDA) – O Nemco Way (on Assessor's map as 0 Littleton Road), Ayer Department of Public Works (DPW)**
 - Assessor's Map 8, Parcel 16
 - DPW Director Dan Van Schalkwyk and consultant David Harwood, from Verdantas, were present.
 - The RDA is for the proposed installation of three 8-inch test wells followed by a 10-day pumping test in an undeveloped area (woods and wetlands) off Nemco Way and a short distance west of Spectacle Pond.
 - The purpose of the project is to seek additional viable wells for Ayer's municipal water supply.
 - The test wells would be dug to a depth of approximately 32-35 feet, and would not penetrate bedrock.
 - The installation and testing follows the requirements of MassDEP's new well approval process, and a permit application to MassDEP has been submitted.
 - Mr. Harwood said that the primary focus of the 10-day pumping test will be to study the impact on surface water and habitat.
 - The pumping test will also evaluate the quantity of water that can be pumped – is it sustainable? as well as the quality of the water pumped – is it good?
 - A portable generator will be used to power the test, and a monitor will be present 24/7 during the testing phase.



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- As it turned out, the two missing signs, one for Sandy Pond (located at the Town Beach) and the other for Flannagan Pond, were found in the basement of a nearby house recently subject to tax title action.
 - Parks Director Jeff Thomas has put up the Sandy Pond sign already.
- New signs therefore do not need to be ordered.
- 3rd Annual Newton Street Festival – Saturday, October 7
 - H. Hampson plans to put together some educational material and hand-outs at a ConCom table at the festival.
 - Having just completed a shrub identification class, as well as a previous tree identification class, she hopes some of this material will prove of use.
 - She also asked Commission members for suggestions.
 - J. Gugino mentioned recent sightings of newly-invasive ‘Alabama jumping worms’(aka snake worms, Asian jumping worms, crazy worms) on nearby Harvard conservation land properties.
 - She will send H. Hampson some material on these very destructive invasive worms that might also make for a good hand-out.
- Pine Meadow Conservation Land
 - H. Hampson has been researching sources for trail signs, as has G. Bacon.
 - Now that the weather is turning cooler, with less insects, she will also be reaching out soon to volunteers interested in helping maintain and improve public access to the Town’s conservation land and trails.
 - G. Bacon said he also has some old trail markers in his garage.
- Conservation Restrictions (CR)
 - H. Hampson completed a Baseline Documentation for CRs training session, through MACC (Mass. Association of Conservation Commissions).
 - Preparation of Baseline Documentation is not something a ConCom Agent can take on, but it is valuable to have deeper knowledge of what needs to be done to prepare one.
 - H. Hampson does feel she will be able to do annual CR monitoring once CR properties are ready for that step.
- Ayer Solar II – Violation Notice
 - While new work was done on the stream-crossing culvert, it was still not done according to the recently revised plans (per ConCom’s requirement for an amended Order of Conditions, and the Planning Board’s requirement of a new site plan review):
 - A rock mound was made at the culvert’s outlet rather than it being constructed at grade where it was to have been designed to flow into a 3-6 foot plunge pool before filtering out and discharging toward the wetlands.
 - H. Hampson sent an email to Rohit Garg, who heads the project, on 8/30 notifying him of this and asking for it to be corrected.



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- No response was forthcoming for 6 days and the problem was not corrected.
 - After an intense rain event, the mound washed out.
- H. Hampson sent a second notice about the problem, which still was not fixed.
 - A subsequent even more intense rain event last weekend resulted in further washout, with rock now having passed through the silt fence protecting the nearby wetlands.
- H. Hampson has now issued a Violation Notice on 9/13 requiring that the area be cleaned up by Saturday, September 16, and the culvert area fixed by Wednesday, September 20th in order to prevent further action by the Commission.
 - It is her recommendation that if the culvert area is not satisfactorily corrected, the Commission issue a Cease & Desist as well as fines.
- Taft and Nashua streets
 - M. Phillips observed mowing on the property that was supposed to have had boulders placed to protect an area from being mowed.
 - H. Hampson will check this out.
- **8:07 PM – Adjourn Meeting**
 - **VOTE:** G. Bacon moved to adjourn; M. Phillips 2nd.
 - Motion approved unanimously 4-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

9/28/2023