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Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 10/26/2023

Location: Ayer Town Hall, 1st Floor

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

Not Present: Mark Phillips (Vice-Chair)

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; J. Amaya 2nd.
 - Motion approved unanimously 4-0.
- **Approval of Meeting Minutes**
 - **VOTE:** G. Bacon moved to accept the minutes for 10/12/2023 as written; J. Amaya 2nd.
 - Motion approved unanimously 4-0.
- **Public Input**
 - None received.
- **Public Meeting: Request for Determination of Applicability (RDA) – 1 Nemco Way, Catania Spagna Corporation**
 - Assessor's Map 17, Parcel 21
 - Bridgette Souza, of Keach Nordstrom Associates, was present on behalf of Catania Spagna.
 - The RDA seeks permitting for the installation of an oil/water separator unit on top of existing twin 12-inch stormwater drain pipes within the 100-foot Buffer Zone to a nearby Wetland Resource Area on the adjacent parcel.
 - The decision to install an oil/water separator was in response to the spill that took place earlier in the year that released approximately 7000 gallons of peanut oil.
 - The clean-up has thus far recovered approximately 5300 gallons of the oil.
 - Catania, which is monitoring the ongoing clean-up, submits regular progress reports to MassDEP.
 - The oil-water separator will have a tank capacity of 2000 gallons.
 - Holding tanks inside the building have an additional containment capacity of 12-13,000 gallons, in the event another spill takes place.
 - This RDA filing updates ConCom's records of the current stormwater management arrangements on the Catania site.
 - No site walk was deemed necessary for this work.



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- The plans show the removal of some trees, but Mr. Wolfe said they are either dead or dying.
 - After conferring with Mr. Routhier, Mr. Wolfe said they could commit to planting a minimum of 2 trees per duplex lot.
 - It is their intent to make both duplex lots attractive.
- A site walk was scheduled for Saturday, 10/28, at 9 a.m.
- **VOTE:** G. Bacon moved to continue the Public Hearing to 11/9; J. Amaya 2nd.
 - Motion approved unanimously 4-0.
- **Discussion: Request for Extension of Order of Conditions (OOC) for Ayer Solar II, LLC, MassDEP #100-0444**
 - A letter, dated 10/12/2023, was received from Nick Pauling, of Goldsmith, Prest & Ringwall, on behalf of Rohit Garg, of Ayer Solar II LLC, requesting an Extension of the Amended OOC for one year.
 - The existing Amended OOC expires on 11/23/2023.
 - As discussed with Mr. Pauling at ConCom's 10/12 meeting, the extension will allow for any potential additional work, including supplementary plantings in the two wetland mitigation areas if necessary, over the next year.
 - The mitigation areas require two growing seasons before determining that the mitigation was successful.
 - **VOTE:** G. Bacon moved to extend the Amended OOC for a period of one year; J. Amaya 2nd.
 - Motion approved unanimously 4-0 and the Extension was signed.
 - In **Updates** that included Ayer Solar II that immediately followed, H. Hampson said that:
 - final paving and curbing has now been completed;
 - none of the silt fencing has been removed yet except for the area at the culvert outlet.
 - inspecting the culvert area after a recent heavy rain event (2+ inches), H. Hampson said that with the removal of the silt fencing in that area and the laying down of a top-dressing of slightly larger river rock, there has been no apparent shifting of the rock – the culvert looks great.
 - H. Hampson has also contacted the Building Commissioner and Town Planner about their needing to verify the site work, especially the stormwater.
- **Conservation Commission Office and Member Updates**
 - Ayer Solar II – see above
 - Shaker Mill Pond Subdivision
 - H. Hampson was contacted by the contractor (Josiah) who had questions about the trail along the shore of the pond that was required for the Conservation Restriction and OOC.
 - A gravel path extends from the glacial erratic/boulder area down to the shore.
 - Along the pond, he has basically just weed whacked a path.



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- Public parking is available along the cul de sac near the boulder.
- H. Hampson asked him to put up a 'trail entrance' sign to direct hikers.
- Municipal Vulnerability Preparedness Program (MVP)
 - H. Hampson is working on a grant application that is due next March.
 - If a general idea for an application is submitted to the program before 12/15, feedback comments can be requested prior to submission of the final application.
 - She has consulted the 2016 Geosyntec report on the state of Ayer ponds for ideas about uses that could be made from an MVP grant – including a rain garden outreach program.
 - Other suggestions are welcome.
- **7:35 PM – Adjourn Open Meeting to Enter into Executive Session, later to adjourn for the evening from Executive Session at 8:00 PM**
 - **VOTE:** J. Gugino moved to adjourn from Open Session and to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #6: To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm, or corporation; and to adjourn for the evening from Executive Session without returning to Open Session; G. Bacon 2nd.
 - Motion approved unanimously by Roll Call vote 4-0: J. Amaya, Aye; J. Gugino, Aye; G. Bacon, Aye; Aye; J. Schmalenberger, Aye.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

11/9/2023 