

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)

Minutes for **03/25/10** – **Approved 04/22/10**

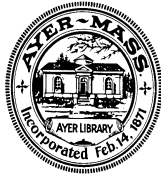
Location: Ayer Town Hall, 1<sup>st</sup> Floor

Members present: Bill Daniels (BD, Chair – arr. 8:30), Dave Bodurtha (DB, Vice-Chair – acting until 8:30), George Bacon (GB), Takashi Tada (TT, Clerk), Jessica Gugino (JG), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: No

### **7:15 PM – Open Meeting**

- **Public Hearing: NOI – MBTA Commuter Rail Improvement (DEP #100-0334)**
  - Holly Palmgren, MBTA, and Mike Turgeon, Jacobs Engineering (wetland consultant) presented their Notice of Intent (NOI) application.
  - MBTA will be re-establishing the double track along Fitchburg Line, from Acton to Fitchburg.
  - This application covers the work from Littleton town line to Willow Road crossing. A second application will follow, for the portion beyond Willow Road into Shirley.
    - Work will occur on the existing rail bed; some realignment of existing track is required. No culverts will be affected.
    - A limited amount of demolition is needed near Willow Road, where the road crossings and signal house will be upgraded.
    - Materials to be used are primarily railroad ties, steel track, and ballast.
    - Some work will occur within wetland buffer zone and riverfront area.
  - Mr. Turgeon reviewed areas of buffer zone and riverfront area impacts on the plan sheets.
  - MBTA hopes to begin work in late spring, and continue over the next two seasons. Actual start of work depends on securing permits from all of the towns along the line.
    - MBTA and Jacobs will perform biweekly inspections.
  - GB asked about the specifications of the new signal house.
  - TT asked about MBTA's claim of exemption from DEP Stormwater Management Standards.
    - Mr. Turgeon said that the work will have no impact on flood storage or drainage.
      - He will get a written explanation from DEP.
  - The Special Conditions will cover refueling of vehicles, storage of materials, etc.
  - A site walk was scheduled on Saturday, 3/30/10, at 8:30 AM, meeting at Willow Road.
    - Mary Arata of the *Ayer Public Spirit* asked if the site walk is open to public.
    - The public is welcome to attend the briefing at Willow Road, but for safety reasons the walk along the tracks will be restricted to Commission members and MBTA agents only.
  - GB moved to continue public hearing to 3/8/10; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Meeting: RDA – Proposed Addition, 29 Lincoln Street**
  - James Pinard, 29 Lincoln Street, presented a Request for Determination of Applicability (RDA) for proposed breezeway addition to connect his house to the detached garage.
  - The area is between the pool and driveway, and within 100' buffer zone of wetlands associated with an intermittent stream.

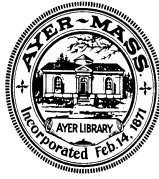


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- A portion of the existing retaining wall will be removed. Mr. Pinard will update the plan drawing to show the retaining wall.
- Excavated materials will be hauled away – no stockpiling.
- GB moved to issue a Negative Determination with Conditions for handling of materials; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- Mr. Pinard provided a check to CA for the cost of legal notification.
- **Discussion: Enforcement Order, The Willows Subdivision, Willow Road**
  - Kevin Hunt, representing Habitech and MCO, discussed drainage and erosion control deficiencies that resulted in the third Enforcement Order issued to The Willows.
  - The problem area is behind Units 1-3 and 4-6, which are under construction.
  - Mr. Hunt said the site was cleaned immediately after the heavy rains, and erosion controls were repaired.
    - Provided photos to CA.
  - Grading in the problem area will be revamped in the next two weeks, including extension of the proposed drainage swale and maintenance of the existing check dams.
  - The lower detention basin and the catch basins along Willow Road will be cleaned out next week by a contractor.
    - Mr. Hunt will coordinate with DPW.
  - DB suggested adding another detention basin near the top of the hill.
    - Mr. Hunt agreed that another detention basin would be beneficial.
  - Mr. Hunt mentioned that Phase II work is underway (utilities infrastructure along second access road).
    - Haybales along the access road were replaced last month.
  - TT asked about the engineering assessment of the drainage system, which was requested after the previous Enforcement Order.
    - Mr. Hunt will ask David E. Ross Associates if this is being done.
  - GB moved to ratify the Enforcement Order and file with DEP; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Announcements**
  - Town cleanup day is Saturday, April 10.
  - The request for two-year extension of Ayer's Open Space & Recreation Plan (OSRP) was denied by the state because the deadline had passed.
- **Public Meeting: RDA – 102 Oak Ridge Drive**
  - Michael Hawes presented his RDA application for work to replace a deteriorating rock wall at 102 Oak Ridge Drive.
  - BD met with Mr. Hawes at the site last week.
  - GB moved to issue Negative Determination with Conditions for erosion controls; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
  - Mr. Hawes presented a check to CA for legal notification cost: \$54.40



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- **Discussion: Flooding at Patriot Way Subdivision**

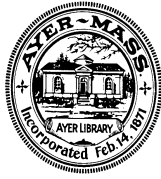
- Ed Cornellier, developer, explained the serious flooding that is affecting Patriot Way and abutters along Sandy Pond Road, as a result of the historic rainfall in recent days.
- Mr. Cornellier thought the flooded driveway on the adjacent property to the east was exacerbating the problem.
- His proposed solution is to install an outlet drain pipe from the Patriot Way detention basin to his property on the other side of Sandy Pond Road. The pipe would run under the road and discharge to the existing wetlands east of Sandy Pond.
- Sandy Pond Road was repaved just last year, so approval from DPW is required.
- BD thought it would be acceptable to discharge water from the settling basin to the wetlands, to alleviate the flooding.
- GB noted the wetlands are mapped as rare species habitat. BD recommended consulting with the Natural Heritage and Endangered Species Program (NHESP) about discharging to the area.
  - Contact person at NHESP is Amanda Veinotte.
- Mr. Cornellier will work with David E. Ross Associates to make sure the plan is engineered appropriately and to estimate the volume of discharge.

- **Payables**

- Certified Mail: \$7.28 for Enforcement Order – The Willows.
  - GB moved to approve payment of the Certified Mail fee; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- Certified Mail: \$10.17 for Violation Notices – Canney, CPF Inc., and Velarde
  - GB moved to approve payment of the Certified Mail fee; JG 2<sup>nd</sup>.
    - Motion approved unanimously.

- **CA Updates / Other Issues**

- State Ethics Summary
  - CA needs Commissioners to sign and return the Ethics Summary to her.
- Pond View Estates
  - CA will have a follow-up meeting with Pond View Homeowners Association on Friday, 4/3/10.
- Resident Complaint re: siltation to Bennetts Brook
  - Received letter from resident Bob Kalkert, 6 Robbins Road, expressing concern over apparent siltation to Bennetts Brook from the new subdivision development (Ridgeview?).
  - CA will follow up Mr. Kalkert.
- Environmental Notification Form (ENF) for Grove Pond Well No. 3
  - CA received ENF for installation of the new drinking water well at Grove Pond.
- JG: There is an ice fishing structure (wood?) that was left in place and is now partially submerged in Long Pond.
- JG: Beavers have been very active along the Pine Meadow Pond Trail – many trees are being chewed.



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- **Executive Session pursuant to MGL Ch. 39, Sec. 23B, Exemption #2**
  - 10:20 PM – GB moved to adjourn the meeting for the purpose of entering into Executive Session; JG 2<sup>nd</sup>.
    - Motion approved by unanimous roll call vote.
  - 10:54 PM – GB moved to adjourn Executive Session and reopen the meeting expressly to adjourn; JG 2<sup>nd</sup>.
    - Motion approved by unanimous roll call vote.
- **10:55 – Adjourn Meeting**
  - GB moved to adjourn; JG 2<sup>nd</sup>.
    - Motion approved unanimously.