



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **5/12/2016** – Approved 6/9/2016

Location: Ayer Town Hall, 1st Floor

Present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT, Member), Bonnie Tillotson (BT, Member), Jessica Gugino (JG, Member/Clerk), Brian Colleran (CA, Conservation Administrator),

APAC taped: Yes

### **7:10PM – Open Meeting**

- **Confirmation of Agenda**
  - GB moved to confirm the agenda as posted; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Approval of Meeting Minutes**
  - GB moved to accept the minutes for 4/28/2016 as corrected; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Eagle Scout volunteer project**
  - Scout Robert Houde was present, along with his father, Scott Houde.
  - Robert is in the planning stage for developing a project that would benefit multiple people and earn him Eagle Scout rank by his 18<sup>th</sup> birthday.
    - Mr. Houde said scouts are required to devise a budget, secure fundraising and/or donations, acquire materials, etc. for their projects.
  - TT said there was no practical need for a new kiosk or trail signs at this point.
  - A project to build a bridge at the stream crossing on Pine Meadow Conservation Land was discussed.
    - Because it involves a stream crossing and the bridge would need to be pinned to the banks, it would require an engineering sign-off.
    - It would also need to pass through ConCom's RDA permitting process.
  - Calvin Moore, in the audience, said Robert could come talk to him about materials and also suggested he wait a few minutes for an engineer for one of Mr. Moore's projects to arrive, and who might be willing to help as well.
    - Shortly thereafter, Calvin Goldsmith, of Goldsmith, Prest & Ringwall (GPR), said he'd be happy to help and gave Robert his business card.
  - BD summarized that Robert will need to take photos and measurements of the site, find a bridge plan (possibly on-line), have GPR or another local engineering firm look it over and sign off on it, and then see if local companies, like Moore's Lumber, would be willing to help with materials.
    - BD asked Robert to ask for placement onto future ConCom agendas for further discussion and guidance as his project evolves.
- **Request for Partial Certificate of Compliance (COC): 3 Mountain Laurel Lane, MassDEP # 100-0220**
  - A site walk was performed by GB, BT, and JG on 4/30.
  - Silt fence remaining in view above ground should simply be cut to the level of the surface rather than disturb the ground underneath to remove in entirety.
  - JG moved to approve and issue a Partial COC; GB 2<sup>nd</sup>.
    - Motion approved unanimously and the COC signed.



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- **Public Meeting: Request for Determination of Applicability (RDA) – 138 Littleton Road (Rte. 2A), Brent Routhier**
  - A site walk was performed by BD, GB, BT, and JG on 4/30.
  - A more detailed plan was presented on the morning of the site walk.
    - The work on the plan indicated that excavation for the 2-in. sewer pipe would, if done according to the plan, be within Rte. 2A itself.
      - This was not a feasible plan given that Rte. 2A is a State highway and the State was unlikely to permit this.
    - In addition to the submitted plan not matching the work as verbally described, much of the work would be inside the buffer zone as well.
  - Mr. Routhier was told during the site walk that this project would need to be evaluated under a Notice of Intent application.
    - In addition, the wetlands in the area need to be reflagged, and a plan submitted that matches the work intended.
  - GB moved to issue a Positive Determination of Applicability (DOA); TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing: Notice of Intent (NOI) – CALCO LLC, Rosewood Avenue Extension, MassDEP #100-0XXX (tbd)**
  - Calvin Goldsmith and Kyle Burchard, of Goldsmith, Prest & Ringwall (GPR) were present, along with Calvin Moore, of CALCO.
  - This project seeks approval for the extension of Rosewood Avenue, at its eastern terminus, along an existing gravel cart path, in order to provide access to two planned solar panel arrays ('Ayer One Solar').
    - Separate from the NOI, an RDA public meeting was held on 2/11/2016 to review the construction plans for the solar arrays on an abutting 36 acre landlocked parcel.
      - A Negative DOA, with Special Conditions, was issued at that time.
    - For the Rosewood extension project, a proposed single lot subdivision has been approved by the Planning Board in order to create adequate road frontage to the parcel where the arrays will be installed.
  - The jurisdictional areas where the work is proposed are:
    - Riverfront area on an unnamed tributary running north to James Brook;
      - Total riverfront disturbance will be approximately 31,385 sq. ft., which is 7.2% of the riverfront area on the site.
    - Bordering Vegetated Wetland (BVW) along the unnamed tributary;
      - Total BVW disturbance will be approximately 6302 sq. ft.
    - Bordering Land Subject to Flooding (mapped Zone A, 100-year flood plain);
      - Total disturbance will be approximately 6109 sq. ft, with plans to provide 14,823 sq. ft. of compensatory flood storage.
  - The unnamed tributary is mapped without a defined elevation.
    - For the purpose of calculating required compensatory flood storage, GPR has conservatively estimated a reasonable flood plain elevation at the crossing to be 332 ft.
    - This is based on observations of comparable elevations for points at a similar distance and topography from James Brook.
  - The NOI proposes:



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- A gravel roadway, widened to 16 ft.
- Reconstruction of a stream-crossing over the unnamed tributary.
- Removal of a beaver dam.
  - It is believed that an existing CMP culvert on a deteriorated earthen berm has been buried under a beaver dam.
  - The beaver dam has resulted in the impoundment of a significant amount of water into a low flat meadow/wetland area upstream (south), creating a large pond that borders residential neighborhoods.
- Mr. Goldsmith said that at recent Planning Board hearings, some residents in the area expressed their desire that this large pond remain intact, while others wanted it drained to reduce or eliminate flooded backyards.
  - Mr. Goldsmith said GPR and the applicant understand the purpose of the NOI as replacing and reconstructing a culvert and cart path/driveway, not to re-create a dam and dam elevation at the end of the project.
- In addition, three manhole covers servicing a Town sewer easement for the sewer main running from the hospital are buried underneath this impounded water and currently inaccessible to the DPW.
  - BD noted that the DPW has been talking to ConCom for a number of years about ideas on how to lower the water level in this area so as to access the manholes and potentially raise them higher.
- Removal of the beaver dam, which is currently maintaining an impounded water level of 233.3 ft., will significantly reduce the size and extent of this pond flooding.
  - GPR estimates a lowering of the water level by 4.3 ft., to what they regard as a pre-dam 'normal' elevation of 229 ft.
  - This would still allow for a smaller pond area and still maintain wildlife habitat.
  - The NOI application states that the beaver dam appears to have been abandoned.
    - Mr. Goldsmith said this was also the opinion of Mike Callahan, of Beaver Solutions, on a site walk to the area back in 2013 or 2014.
- In addition, the buried CMP culvert will be removed and replaced with three half-buried 36-in. HDP culverts with bottoms constructed to mimic the natural streambed.
  - This will recreate the original stream-flow and prevent overtopping of the access roadway.
  - The new culverts will have three times the capacity to handle flooding from a 100-year storm event.
  - Fill will be placed in the stream-crossing area to widen the deteriorated berm to the required width.
  - Compensatory flood storage and wetland replication areas will be provided just north of the crossing on a foot-by-foot basis as required, both in the same rough area.
    - The location was chosen on the basis of connectivity to the unnamed stream, and with the intention of not disturbing existing nearby wetlands.
- Historical drawings and photographs of the area, from 1969, 2001, 2010, 2013, and 2015 were included with the application.
- A letter from DPW Superintendent Mark Wetzel, summarizing DPW review and support for the project, was read into the record.
  - The DPW regards this project as concurrently providing a cost-effective solution to the Town's access problem to the buried sewer main manhole covers.



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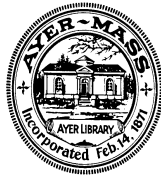
- In response to BT's question, Mr. Burchard said a single larger culvert, instead of three 36-in. culverts, would require raising the height of the road and the use of more fill, thereby causing a greater impact to the resource area.
- TT asked if the plans meet the State's stream-crossing standards, as incorporated into the Wetland Protection Act in 2014.
  - Mr. Burchard said he did not think stream-crossing standards applied, and noted that the project was not trying to create a dam or a stream per se, but rather establish access to the landlocked parcel that will house the solar arrays.
  - BD said that even if the area has been dammed up by past beaver activity, if it's a stream on the USGS map, then it's a stream regardless and stream-crossing standards therefore apply.
    - ConCom will start from the premise that it is, in fact, a stream.
    - The applicant was asked therefore to provide clarification from MassDEP as to the applicability of stream-crossing standards to the plan as submitted.
- BD said that while ConCom will need to perform a site walk, after the area of work has been staked, the Commission will also reach out to the DPW and Town Engineer to see if they are the right entities to review and assess the culvert plans and hydraulic calculations.
  - BD also expressed concern as to whether the work associated with this project would actually have an effective impact on the area where the DPW manhole covers are presumed to be located.
  - BD wants a better diagram profile of what the roadway will look like.
- No underground utilities are planned for the area.
- JG asked about wildlife impact.
  - Mr. Burchard said the area is not listed as rare species habitat.
  - BD said the applicant or representatives will need to contact the Department of Fish & Wildlife or MassDEP to find out what the State's standards are for taking down a beaver dam.
    - Resident Suzanne Andres, of Doug Road, in the audience, said she has recently observed and photographed beaver activity.
  - Mr. Goldsmith clarified they would not be draining the entire area per se but rather, in removing the beaver dam and old buried culvert, lowering the water level by a few feet.
- Mr. Goldsmith said there were no viable alternatives for access to the solar array project.
- Mr. Moore said the arrays are to be located on a parcel that is completely landlocked, in part due to the beaver dam flooding, and he simply wants to create reasonable access to that parcel.
- Ms. Andres disagreed with several aspects of the presentation and argued that the neighbors that she knows are happy with the current water level.
  - She said, in her opinion, lowering the water level 4 ft. will dry the area out.
  - She also noted that a neighbor in the area had observed a large number of beavers being trapped and killed.
    - ConCom previously confirmed that this was not done by the DPW.
  - Ms. Andres said she did not want to stop the project but her interest was in the project having less adverse impact on wildlife than the plan seemed to indicate it would have.
  - Ms. Andres was advised that if she had photos of endangered species in the project area, she should contact the Department of Fish & Game.
- Mr. Moore expressed frustration and suggested ConCom was over-analyzing the application.
  - Even though this was the first time ConCom had been presented with this project, Mr. Moore asked, instead, that the project be expedited.



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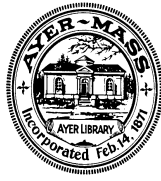
- BD said it was not up to ConCom's discretion whether stream-crossing standards had to be applied as this is now part of State law.
  - Similarly, State regulations for removal of a beaver dam must be upheld.
- A site walk was scheduled for 8:15 a.m. Saturday morning, 5/21, meeting on the Rail Trail under the powerlines.
- GB moved to continue the Public Hearing to 5/26; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Public Hearing: NOI – Riley Jayne Farm LLC, Pleasant Street, CJ Moore, MassDEP # 100-0XXX (tbd)**
  - Nick Pauling, of GPR, presented on behalf of the applicant.
  - The application proposes construction of a residential subdivision on a 44-acre parcel starting from the end of Pleasant Street.
    - The construction will consist of roadway, utility and drainage work to support 14 proposed new single-family houses as well as an existing 15<sup>th</sup> house.
    - For roadway work, Pleasant Street will be extended 550 ft. into a tear-drop cul-de-sac, with a second 350 ft. roadway and cul-de-sac running off this extension, to be called Trevor Trail.
      - Another private common driveway for Lots 1 and 2, to be called Riley Jayne Lane, is also detailed in the plan.
    - The DPW has required the removal of an island in the Trevor Trail cul-de-sac to facilitate snowplowing.
  - The total area of disturbance will be approximately 12 acres, with just over 4 acres within the buffer zone to BVW.
    - To limit curb cuts, several of the houses will share common driveways.
  - A summary of impacts to wetlands or within 100 ft. buffer zone (BZ) for the house constructions, etc., is as follows:
    - Lots 1 and 2: approximately 640 sq. ft. of wetland disturbance.
      - 780 sq. ft. of replication, outside the flow path of the culverts, is proposed.
      - An existing 12 in. culvert will be replaced with a 15 in. RCP.
    - Lot 3: existing house.
    - Lot 4: all work is outside of BZ except for an existing horse barn that will remain.
    - Lot 5: all work is outside of BZ.
    - Lot 6: part of the backyard is in BVW but grading will stop at the 100 ft. BZ line.
    - Lot 7: all work is outside of BZ.
    - Lot 8: all work is outside of BZ except for a portion of common driveway (with Lot 9) that clips BZ.
    - Lot 9: house is outside of BZ but common driveway (with Lot 8) clips the BZ.
      - Also some sidewalk and tree-clearing will be within BZ.
    - Lot 10: outside of BZ.
    - Lot 11: all work is outside of BZ.
    - Lot 12: the house is outside BZ but some backyard work and grading will be within BZ, as well as BMPS for roadway.
    - Lot 13: the house, driveway, and part of the yard is within BZ.
    - Lot 14: backyard grading clips the BZ.
    - Lot 15: all work is outside of BZ



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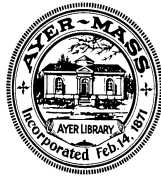
- Lot 16: the house and driveway are within BZ; closest point of work is 5 ft. from wetland flag # 208.
  - Mr. Pauling said the wetland pocket on this parcel was created at a culvert by blockage or crushing of the culvert and the subsequent build-up of sand and sediment.
- Additional resource disturbances are associated with running sewer and water utility lines and connections.
  - This will involve some work in BZ, wetlands, and approximately 95 ft. of riverfront (involving 2000 sq. ft. of disturbance in riverfront).
  - Mr. Pauling said the sewer connection should be classified as a limited project for the purpose of utility connections.
  - Six linear feet of sewer pipe will be installed in the floodplain but since there will be no grade changes, Mr. Pauling said that no compensatory storage would be needed.
  - An alternatives analysis showed no other options as the subdivision will be required, by both State and local regulations, to connect to the Town sewer through specific manhole points.
- In addition to disturbances associated with the subdivision, Mr. Pauling said there may be additional disturbance from utility work that is being planned by the DPW.
  - The DPW is considering a proposed looping of the water line to connect to the area being considered for the 'Nashua Street Extension'.
  - The exact route is still open as the intent would be to save as many trees as possible.
  - The water main looping would involve approximately 2000 sq. ft. of BVW disturbance (80 ft. x 25 ft.).
- On this project, all runoff from impervious surfaces is designed to be directed to a series of BMPs (infiltration basins, catchbasins, swales).
  - On each of the common driveways, the Town will not be responsible for BMPs.
  - All of the drainage off Trevor Trail is entirely in BZ.
- Mr. Pauling said the applicant met last week with the Planning Board, seeking several waivers, including for the reduction in impervious surfaces and pipe sizes.
  - Because DPW comments were not yet available, the applicant will be meeting with the Planning Board again on 6/2.
- Other issues that remain to be resolved:
  - taking certain parcels out of Ch. 61;
  - the use or non-use of street lights, taking into account comments from the Police Chief.
- Mr. Pauling has reflagged the area where some flags were missing during the ANRAD process.
- A site walk was scheduled for 8 a.m., 5/28, meeting at the end of Pleasant Street.
  - GB asked that ConCom members be provided with color prints of the plans at that time.
  - BD asked for staking to mark out the following:
    - houses located inside the BZ;
    - proposed location for the water main;
    - proposed location for the sewer main;
    - driveway locations that are inside the BZ.
- In terms of a timeline, Mr. Pauling said that if the subdivision was not built all at once, then Pleasant Street would be the natural phase I and Trevor Trail phase II.
  - A deciding factor on the timeline will be the DPW's schedule for looping the water main as well as work needed to enable the sewer connection.



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- The sewer connection work is affected by the beaver dam flooding at the end of Rosewood Avenue which has affected access to 3 manhole covers. (See previous Public Hearing)
  - GB moved to continue the Public Hearing to 5/26; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: 22 Pine Ridge Road**
  - Matt Gustafson was in to continue discussion with ConCom about accumulated trash behind his property, on the Town's Pine Meadow Pond Conservation Land.
  - A site walk was performed by GB, BT, and JG on 4/30.
  - The DPW can access the conservation land with Mr. Gustafson's consent through his backyard.
    - CA will contact the DPW to arrange this.
  - At the site walk, Mr. Gustafson pointed out two trees, very close to his fence line, that leaned markedly toward his house and garage.
    - ConCom does not have a budget for such tree removal but gave Mr. Gustafson permission to down the two trees, at his own expense.
    - BD said, in this case, Mr. Gustafson can also cut up the dropped trees and use for firewood if he so chooses.
      - If the trees were to fall naturally, they would fall out of the conservation land and onto Mr. Gustafson's property anyway.
- **Discussion: 103 Oak Ridge Drive, John Delacore**
  - Mr. Delacore wants to do yard maintenance, including re-loaming and re-seeding.
  - His property abuts Flannagan Pond and has a steep yard drop-off to the pond.
  - To forestall complaints from other residents, CA advised Mr. Delacore to describe his project to ConCom.
  - BD gave Mr. Delacore's planned work the go-ahead as it does not rise to the level of an RDA.
- **Discussion: Geosyntec Pond Survey Report**
  - ConCom is now in receipt of a final draft.
    - CA is happy with the changes made to the report, as is TT for the most part.
  - The report will be discussed at ConCom's next meeting on 5/26.
    - CA suggested ConCom review the report quickly so that it can be passed on to the Town's Master Plan committee.
- **Discussion: Conservation Commission Enforcement Policy**
  - CA circulated an updated draft of an enforcement policy.
  - ConCom members should edit and drop off comments to CA.
- **Discussion: Updating Ayer's Wetland Bylaw and associated policies**
  - CA circulated sections from the Town of Orleans bylaw with detail as to their policy regarding the use of nitrogen and phosphorous fertilizers.
- **CA Updates**
  - Sandy Pond 3 Conservation Restriction (CR)



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- Dave Murray's lawyer is updating the CR based on the State model draft that CA provided.
- The State's new CR format now requires that baseline documentation accompany CR submissions.
  - Amanda Veinotte, of Natural Heritage and Endangered Species Program (NHESP), has asked that this be done 'in-house'.
  - BD said ConCom could do this after one of its Saturday site walks.
- Beaver Solutions proposal
  - CA has ascertained that the property on which the Nonacoicus Brook beaver dam is located (behind the new Fire Station, near Mechanic Street Extension) is owned by Stephen Slarsky.
  - The Town has an easement on this property.
    - Mr. Slarsky is also fine with the Town installing a beaver deceiver at this dam site.
  - JG moved to approve the Beaver Solutions proposal for installation of a beaver deceiver at the Nonacoicus Brook beaver dam; GB 2<sup>nd</sup>.
    - Motion approved unanimously.
  - JG will prepare the RDA for ConCom to review.
- Elizabeth Estates
  - While CA learned that work in this subdivision is under a Superceding OOC issued by MassDEP, BD asked CA to confirm that the developer also made the ZBA aware of changes to the plans that were made.
- **11:01 PM – Adjourn Meeting**
  - JG moved to adjourn; GB 2<sup>nd</sup>.
    - Motion approved unanimously.