

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for 4/14/11 – Approved 4/28/11

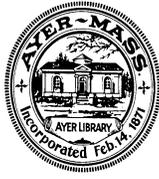
Location: Ayer Town Hall, 1st Floor

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

APAC taped: Yes

7:28 PM – Open Meeting

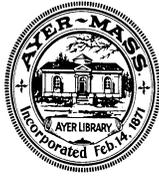
- **Pledge of Allegiance**
- **Public Hearing (cont'd): Kohler Place, Sandy Pond Investment Trust**
 - Scott Smyers, of Oxbow Associates, and Ed Cornelier, of Sandy Pond Investment Trust, were present.
 - Mr. Smyers presented revised plans made in response to observations from the site walk of 4/16/11, and from comments by DPW Superintendent Dan Nason.
 - As per comments from the site walk, additional rows of haybales and a 6" earthen berm have been added in designated areas.
 - With regard to the infiltration basin, Mr. Smyers said the bottom elevation of the basin is 230 ft. while the groundwater elevation is 228 ft.; the basin will have underdrains to facilitate faster drainage.
 - With regard to Mr. Nason's comments, a fire hydrant has been moved, additional manhole/catchbasins have been planned, and other small modifications implemented.
 - CA distributed a copy of Mr. Nason's follow-up comments, dated 3/29/11.
 - DPW supports reduction of the cul-de-sac pavement diameter from 100 ft. to 90 ft.; this reduces the amount of impervious surface in the project.
 - DPW has also requested a pre-construction meeting between DPW and the general contractor at least one week prior to commencement of construction.
 - BD noted that DPW will not be responsible for maintenance of stormwater treatment; the Home Owners Association will assume this, as is now standard practice for new developments.
 - Mr. Cornelier said that all of DPW's requests, along with the Commissions, have now been addressed.
 - DB said his primary concern is with the lower area on the southern side of the development; the area is very flat and has a straight run into the wetlands.
 - DB said there shouldn't be any problem so long as this area is well maintained.
 - BD noted that Mr. Nason's 3/29/11 letter requested a formal response from the Commission (as well as the Planning Board); CA will send a response.
 - BD noted Mr. Nason's request that the water main connect to the main on Sandy Pond Road instead of continuing the dead-end configuration of Wright Road.
 - As this would require running the main under the swamp/stream and protected wetlands, impacting endangered species, DPW was informed by David E. Ross Associates that this would be impossible.
 - The Commission strongly concurred.



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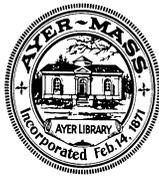
- DB asked that a special condition in perpetuity be added to the Home Owners Association covenant requiring the Association to prevent the dumping of any refuse, brush, or yard waste into the wetlands.
 - Mr. Cornelier said the Conservation Restriction being put in place prohibits this anyway but added it would not be a problem to incorporate this into the Association covenant.
- GB moved to issue an OOC for Kohler Place; JG 2nd.
 - Motion approved 3-1, with 1 abstention (DB opposed; TT abstaining).
- GB moved to continue the Public Hearing to 4/28/11; JG 2nd.
 - Motion approved 4-1, with 1 abstention.
- **Public Hearing: NOI – Phase III, Ridgeview Heights/Pingry Hill, DEP#100-0341**
 - Rick Roper, of Crabtree Development LLC, and Steve Mullaney, of SJ Mullaney Engineering Inc., were present.
 - Thirty-two lots are planned for Phase III, which involves 34 acres of land and approximately one-half mile of road construction.
 - Four lots (56, O, N, 35) already have OOCs; another dozen lots will need individual OOCs down the road when the infrastructure work has been completed.
 - Mr. Mullaney summarized a number of points related to Phase III:
 - There are no endangered species on this property, nor is Phase III located in what DEP regards as a critical area.
 - There are no floodplains located within Phase III.
 - There is no riverfront alteration proposed.
 - The wetland flagging used for Phase III is based on the Army Corps of Engineers' 2009 site walk.
 - There is no wetland alteration (a previous request has been retracted by the developer); only buffer zone alteration is planned.
 - Mr. Mullaney made general notes with regard to the Phase III retention basins which he said are similar to the basins constructed in the earlier phases (a sediment forebay discharging into the infiltration basin) but have been designed to comply with DEP's 2008 stormwater requirements (e.g. grade adjustments).
 - Half of basin 5728 is in the buffer zone.
 - At the end of Old Farm Way, basins 3048 and 3038 are entirely in the buffer zone.
 - Half of basin 2078 is in the buffer zone.
 - All of basin 2028 is in the buffer zone.
 - All of the basins have been designed with public safety in mind, as per Planning Board requirements, with some requiring fencing or a barrier of densely planted thorny shrubs
 - Mr. Mullaney suggested that the Commission have the technical details for stormwater basins reviewed by an outside consultant. While Tata & Howard is apparently out of favor with other Town boards, Mr. Mullaney recommended the Commission continue to use Tata & Howard for the sake of continuity, as they have been the consultants on this project since 1999.



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- BD and DB agreed that this would be a good idea.
- BD asked Mr. Mullaney to wait for a signal from the Commission before sending material to Tata & Howard; CA will contact Tata & Howard meanwhile.
- DB confirmed that the land donations of parcels C and D will be on the Warrant for Spring Town Meeting.
 - Mr. Roper noted that out of a total of 265 acres in the development, 25% will have been donated to the Town.
- TT asked if the Stormceptor at Littleton and Hemlock roads has to be approved.
 - Mr. Mullaney said it was approved by DEP with the original Superseding OOC and doesn't need new approval; also, the Stormceptor is not located on the highway but on an easement on lot 59.
- BD asked when wetland flagging was last updated.
 - Mr. Mullaney said David E. Ross Associates reset wetland flags last month.
- A site walk was scheduled for 9 a.m. on Saturday, 4/30,11, meeting on Littleton Road at the base of Hickory Way and across from Bennett's Crossing.
- GB moved to continue the Public Hearing for DEP #100-0341 until 5/12/11; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Ridge View Heights/Pingry Hill, Crabtree Development LLC, Lots 86 and 87**
 - Mr. Roper, of Crabtree Development, said that as a developer, he tries to maintain the natural grade of each lot but once in awhile a situation arises in which he cannot fit the house as originally proposed on a lot.
 - Lot 87 (50 Deer Run, DEP #100-0262)
 - The house planned for this lot is a ranch; the entire lot is in buffer zone.
 - Mr. Roper wants to shift its location on the lot so that it is out of the access easement to drainage but still within the 'limit of work' line.
 - The lot has already been cleared to this line.
 - CA performed a site visit and did not see anything that would make this change detrimental.
 - BD said to draft a letter saying that Mr. Roper's requested change has been approved at this meeting.
 - Lot 86 (33 Deer Run, DEP #100-0261)
 - In this case, Mr. Roper said the buyer is handicapped and therefore has special needs, including keeping the driveway as level as possible.
 - Because of the buyer's handicap, Mr. Roper would like to eliminate the current sharp drop-off to the wetland at the back of the house and instead provide a backyard that slopes gradually down; some trees would need to be cut down.
 - The buyer will also need a small swimming pool for physical therapy.
 - CA performed a site visit and said this alteration should not be a problem.
 - CA added it would be far better for Mr. Roper to do this alteration now than some homeowner in the future.
 - GB asked if there was any way to compensate for additional tree removal.
 - Mr. Roper said that, for the privacy of the buyer, he will be putting in more shrubs that he would normally do.



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- GB requested that Mr. Roper use native shrubs and BD asked that the shrubs for the southern border be noted for the file.
- Mr. Roper will fax over a landscape drawing when ready.
- DB asked about the planned swimming pool and its location near a wetland resource given that the pool will contain chlorinated water.
 - Mr. Roper is aware that the swimming pool will need to be permitted.
 - BD said that after a week or so of sitting, the chlorine content of pool water dissipates, and suggested that the Commission consider adding a new condition to its boilerplate Special Conditions: ‘if a swimming pool is added to this lot’
- GB raised a point of order, asking the Commission to vote on the changes for each lot.
- GB moved to express no objection to Crabtree Development’s request to modify the plan for lot 86 at 33 Deer Run; TT 2nd.
 - Motion approved unanimously.
- GB moved to express no objection to Crabtree Development’s request to modify the plan for lot 87 at 50 Deer Run; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont’d): Stratton Hill Subdivision**
 - CA asked the Commission to review the draft OOC for finalization.
 - In order to maintain continuity, CA has striven to coordinate the terms of the new OOC with reference to those in the original/expired OOC.
 - The document states that the new OOC is issued in replacement of the expired OOC.
 - CA asked if she should word this to say that the original conditions still apply.
 - BD said this would be confusing and that the new OOC needs to be substantive. The old OOC should be attached for continuity, but the new OOC should list all of the conditions independently as well.
 - Special Condition 18 now says that no work may commence until all of the Natural Heritage permitting has been completed (rather than originally just asking for the Commission to be copied with permits).
 - CA noted the Commission has not yet finalized the boilerplate Special Conditions as they apply to subdivision requirements; some conditions need to be updated in the wake of new state stormwater regulations as well.
 - BD said it made sense to discuss this in more detail at the Commission’s next meeting.
 - CA said the Commission’s agenda for 4/28/11 is already full.
 - The Commission decided to hold a special meeting for this purpose on the following Thursday, 4/21/11.
 - GB moved to continue the Public Hearing for Stratton Hill to 4/21/11; TT 2nd.
 - Motion approved unanimously.
- **9:18 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.