

Town of Ayer

CONSERVATION COMMISSION

Town Hall ♦ One Main Street ♦ Ayer, MA 01432

Phone 978-772-8220 ext. 143 ♦ Fax 978-772-8208 ♦ concom@ayer.ma.us



MEETING AGENDA (In Person) Thursday, November 10, 2022

RECEIVED
NOV 04 2022

TOWN OF AYER
TOWN CLERK

9:50am
(Signature)

7:00 PM GENERAL BUSINESS / OPEN SESSION

- Approval of Meeting Minutes for October 27, 2022
- Public Input

Request for Certificate of Compliance – DEP File number 100-0461 Lot A, 138 Washington Street Northeast Site Development

Request for COC – DEP File number 100-0462 Lot B, 136 Washington Street Northeast Site Development

Discussion, Alternative Pond Treatments, Susan Tordella

Discussion, Ayer Pocket Forest Project, Jim Newman, Linnean Solutions

CONSERVATION OFFICE AND MEMBER UPDATES

9:00 PM ADJOURN

Next Scheduled Meeting: 7 PM, December 8, 2022



November 2, 2022

Mr. Joseph Levine
Northeast Site Development, LLC
P.O. Box 2264
Acton, MA 01720

VIA EMAIL ONLY

**Re: Certificate of Compliance Review
Lot A/MA DEP File Number 100-0461
138 Washington Street, Ayer**

Dear Mr. Levine:

Oxbow Associates, Inc. (B. Butler) examined the subject property for its completion and compliance with the outstanding Order of Conditions issued for File Number 100-0461 on October 23, 2022. The project proposed as "Lot A" is now assigned the address of 138 Washington Street and the home and amenities are substantially complete.

In brief, the areas disturbed for construction are now occupied by well developed lawn grasses and landscaping, with dense new grass so that there is no anticipated risk of erosion beyond the limits of the existing lawn. Wetland flags are still observable, remote from the area of work at the limit of the delineated wetlands. Further, the boulders, intended to demarcate the fifty-foot wetland buffer horizon are in place, and each appears to significantly exceed the required minimum 1.5-foot dimensions specified in the Order.

There is no evidence of construction related erosion and the erosion control protecting the inner 50-foot buffer within the wooded perimeter has been removed from the site and disposed of.

Representative site photographs are appended on the following page. The site and project are stabilized as is required for the issuance of a Certificate of Compliance and we do not anticipate any threat to the statutory interests from the stabilized site with clearly demarcated boulder perimeter located fifty horizontal feet from the resource area.

Sincerely,

Oxbow Associates, Inc.

A handwritten signature in black ink that reads "Brian O. Butler". The signature is written in a cursive style.

Brian O. Butler, President

Site Photographs – 138 Washington Street/Lot A

October 23, 2022



Top: View of rear yard of 138 Washington St., showing boulder border and stabilized lawn.

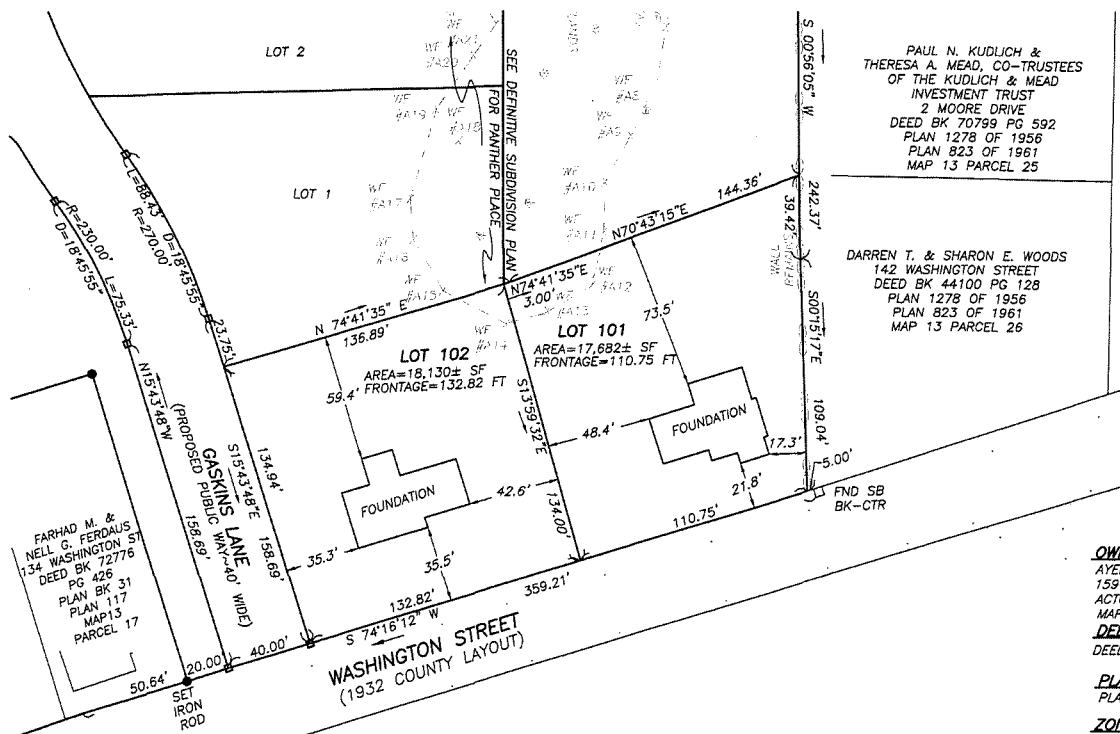
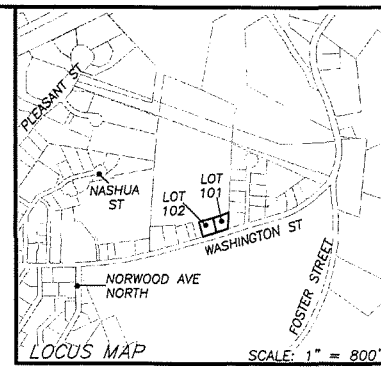
Bottom: View toward Washington St. from the 50-foot buffer perimeter showing rear of home and stabilized lawn.



Andrysick Land Surveying
A Division of Hancock Associates

Civil Engineers
Land Surveyors
Wetland Specialists

206 WORCESTER RD
PO BOX 97, PRINCETON, MA 01541
PH (978)464-5890, FAX (978)464-5383
D.WANDRYSICK@HANCOCKASSOCIATES.COM
WWW.HANCOCKASSOCIATES.COM



PAUL N. KUDLICH &
THERESA A. MEAD, CO-TRUSTEES
OF THE KUDLICH & MEAD
INVESTMENT TRUST
2 MOORE DRIVE
DEED BK 70799 PG 592
PLAN 1278 OF 1956
PLAN 823 OF 1961
MAP 13 PARCEL 25

DARREN T. & SHARON E. WOODS
142 WASHINGTON STREET
DEED BK 44100 PG 128
PLAN 1278 OF 1956
PLAN 823 OF 1961
MAP 13 PARCEL 26

FARHAD M. &
NELL G. FERDAUS
154 WASHINGTON ST
DEED BK 72776
PG 426
PLAN BK 31
PLAN 117
MAP 13
PARCEL 17

WASHINGTON STREET
(1932 COUNTY LAYOUT)

OWNERS OF RECORD:
AYER DEVELOPMENT, LLC
159-1 PROSPECT STREET
ACTON, MA 01720
MAP 13 LOT 14
DEED REFERENCE
DEED BK 78548 PG 242

PLAN REFERENCE
PLAN NUMBER 770 OF 2021

ZONING REFERENCE:
ZONING DISTRICT: RESIDENCE A2
SETBACK REQUIREMENTS: 1 FAMILY
FRONTAGE = 100 FT
ACREAGE = 12,000 SQ.FT.
FRONT = 20 FT
SIDE = 15 FT
REAR = 25 FT

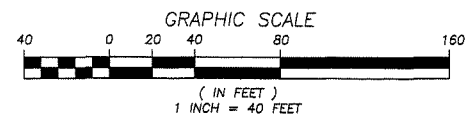
NOTES:
1) WETLANDS WERE DELINEATED BY OXBOW ASSOCIATES.
2) ORDER OF RESOURCE DELINEATION, DEED BK 77265 PG 499

I REPORT TO THE BUILDING COMMISSIONER OF THE TOWN OF AYER THAT THE EXISTING FOUNDATIONS ARE LOCATED ON THE LOT AS SHOWN. THE EXISTING FOUNDATIONS ARE IN CONFORMANCE WITH THE FRONT, SIDE AND REAR SETBACK REQUIREMENTS AS SET FORTH BY THE TOWN OF AYER ZONING BYLAWS. THE EXISTING FOUNDATIONS DO NOT LIE WITHIN A SPECIAL FLOOD HAZARD ZONE PER FIRM MAP 25017CO 204E DATED JUNE 4, 2010.



Douglas W. Andrysick 4/11/22
PROFESSIONAL LAND SURVEYOR DATE

LEGEND
——— PROPERTY LINE
- - - - - STONE WALL
□ FOUND STONE BOUND WITH DRILL HOLE



ASSESSORS:

MAP	LOT
13	14

PREPARED FOR:
AYER DEVELOPMENT, LLC
JOSEPH M. LEVINE
P.O. BOX 2264
ACTON, MA 01720

NO.	BY	APP	DATE	ISSUE/REVISION DESCRIPTION
DATE:	4/7/22	DESIGN BY:		
SCALE:	1" = 40'	DRAWN BY:	PMC	
APPRVD. BY:	DWA	CHECK BY:	DWA	

FOUNDATION AS-BUILT PLAN

LOTS 101 + 102
WASHINGTON STREET
AYER, MA 01432

OWNERS OF RECORD:
AYER DEVELOPMENT, LLC
159-1 PROSPECT STREET
ACTON, MA 01720
MAP 13 LOT 14

DWG: 23879-base.dwg	ASB
LAYOUT: FND ASB	
SHEET: 1 OF 1	
PROJECT NO.:	25421



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

100-461
 Provided by DEP

A. Project Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Ayer Development, LLC
 Name
PO Box 2264
 Mailing Address
Acton MA 01720
 City/Town State Zip Code
508-331-4979
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Ayer Development, LLC
 Applicant
11/3/2022 100-0461
 Dated DEP File Number

3. The project site is located at:

138 Washington Street Ayer
 Street Address City/Town
13-14 101
 Assessors Map/Plat Number Parcel/Lot Number

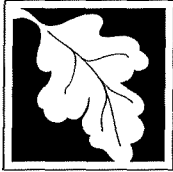
4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
 County Book Page
 Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



November 2, 2022

Mr. Joseph Levine
Northeast Site Development, LLC
P.O. Box 2264
Acton, MA 01720

VIA EMAIL ONLY

**Re: Certificate of Compliance Review
Lot B/MA DEP File Number 100-0462
136 Washington Street, Ayer**

Dear Mr. Levine:

Oxbow Associates, Inc. (B. Butler) examined the subject property for its completion and compliance with the outstanding Order of Conditions issued for File Number 100-0462 on October 23, 2022. The project proposed as "Lot B" is now assigned the address of 136 Washington Street and the home and amenities are substantially complete.

In brief, the areas disturbed for construction are now occupied by well developed lawn grasses and landscaping, with dense new grass so that there is no anticipated risk of erosion beyond the limits of the existing lawn. Wetland flags are still observable, remote from the area of work at the limit of the delineated wetlands. Further, the boulders, intended to demarcate the fifty-foot wetland buffer horizon are in place, and each appears to significantly exceed the required minimum 1.5-foot dimensions specified in the Order.

There is no evidence of construction related erosion and the erosion control protecting the inner 50-foot buffer within the wooded perimeter, with the exception of a length near the adjacent subdivision road, has been removed from the site and disposed of.

Representative site photographs are appended on the following page. The site and project are stabilized as is required for the issuance of a Certificate of Compliance and we do not anticipate any threat to the statutory interests from the stabilized site with clearly demarcated boulder perimeter located fifty horizontal feet from the resource area.

Sincerely,

Oxbow Associates, Inc.

A handwritten signature in black ink that reads "Brian O. Butler".

Brian O. Butler, President

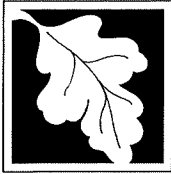
Site Photographs – 136 Washington Street/Lot B

October 23, 2022



Top: View of stabilized lawn of 136 Washington Street from the SSE.

Bottom: View of rear yard and 50-foot boulder barrier showing rear of home and stabilized lawn.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

100-462
 Provided by DEP

A. Project Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Ayer Development, LLC
 Name
PO Box 2264
 Mailing Address
Acton MA 01720
 City/Town State Zip Code
508-331-4979
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Ayer Development, LLC
 Applicant
11/3/2022 100-0462
 Dated DEP File Number

3. The project site is located at:

136 Washington Street Ayer
 Street Address City/Town
13-70 102
 Assessors Map/Plat Number Parcel/Lot Number

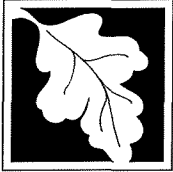
4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
 County Book Page
 Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).