

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for 7/9/2015 – Approved 7/23/2015

Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT),
Jessica Gugino (JG, Clerk)

Not present: Vacancy: CA, Conservation Administrator; Member

APAC taped: Yes

7:10 PM – Open Meeting

- **Confirmation of the Agenda**

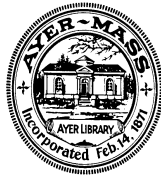
- GB moved to confirm the agenda as posted; TT 2nd.
 - Motion approved unanimously.

- **Announcements**

- BD will ask the BOS whether they have yet made an appointment from Ayer to the “Wild and Scenic River” committee being formed for the Nashua River in this region.

- **Discussion: 82 Groton-School Road, Robert Ernst (MassDEP # 100-0313)**

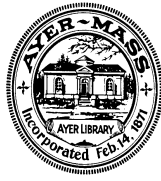
- Mr. Ernst, the current owner of this property, appeared before ConCom to discuss basement flooding issues as well as information he had been given by the previous owner, Brian Lucier, through the realtor, about an inspection apparently scheduled for this year to clear up Conservation permits.
- Mr. Ernst gave ConCom a copy of the letter received from Mr. Lucier in 2013 when he purchased the house.
 - This letter included the instruction that a wetland area on the back of the property is not to be disturbed.
 - ConCom was not previously copied on this letter.
- BD detailed some of the background for 82 Groton-School Road.
 - The property was originally built and owned by Brent Routhier under the OOC for MassDEP # 100-0236.
 - Years back, Mr. Routhier was issued an Enforcement Order for wetland filling and was required to create a wetland remediation area under the OOC for MassDEP # 100-0313.
 - ConCom issued a Certificate of Compliance (COC) for # 100-0236 on 7/13/2013, around the time of Mr. Lucier’s purchase of the property.
 - On 11/21/2013, ConCom met with Mr. Lucier and agreed to issue a Partial COC for # 100-0313 for the purpose of the upcoming sale to Mr. Ernst.
 - ConCom would not issue a full COC until after a second growing season demonstrated that the wetland remediation planting was successful.
- On reading the 2013 letter, BD clarified for Mr. Ernst that it appeared that Mr. Lucier had made prior arrangements, including having paid a retainer, with David E. Ross Associates to complete the COC process with ConCom in 2015.
- BD said Mr. Ernst should contact David E. Ross Associates to provide a final as-built survey/plan, re-dated and signed, and seek a full COC to close out the OOC for #100-0313.
 - Ross’s job # for this project was 29353, for plan M6577, previously dated 10/31/13.
- Mr. Ernst also discussed the water his basement gets following substantial rains.
 - Mr. Ernst said the water appears to come into the basement from all sides which BD said indicated a groundwater problem, not water from the nearby stream.



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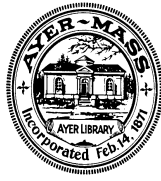
- Currently Mr. Ernst is using a sump pump and a 2-in. pipe to discharge water directly into the wetland area in the back.
- BD explained how this is the least desirable method from ConCom’s perspective, especially because of the velocity of water coming out of a 2-in. pipe and the soil erosion in the wetlands that it will cause.
- BD said there are mechanical methods to deal with groundwater basement flooding.
 - A solution would probably involve a design that includes a smaller sump pump (less velocity) as well as excavation for a tank to provide temporary storage capacity, similar to a catchbasin.
 - Excavation needed for a storage tank of some sort would require the filing of a Notice of Intent (NOI).
- BD advised Mr. Ernst that, since he already has to contact David E. Ross Associates regarding the COC for #100-0313, they would be an excellent consultant for assessing the nature of the basement flooding problem, designing a solution, and preparing an NOI for submission to ConCom.
 - BD stressed that ConCom does not want Mr. Ernst’s current solution, using a sump pump to discharge water through a 2-in. pipe at high velocity directly into wetlands, to continue and that something needs to be done to address the situation in order to avoid an Enforcement Order in the future.
- **Discussion: Request for COC, 2 Patriot Way, John Giaimo (MassDEP # 100-0343)**
 - JG provided photos showing stabilization of the soils around the new house through lawn growth.
 - GB moved to approve and issue a COC for 100-0343; TT 2nd.
 - Motion approved unanimously and the COC signed.
- **Discussion: Comprehensive Survey of Ayer Ponds by Geosyntec Consultants**
 - ConCom members, along with Chuck Miller of the Pond & Dam Committee, reviewed two new drafts received from Geosyntec the day after ConCom’s previous 6/25 meeting:
 - “Section 1: Water Quality”
 - BD said raw data was given in some parts of the reports without a reference range to provide context for evaluating the results.
 - For example, was a pond described as “upper eutrophic range” in good shape or bad shape? what do ‘ammonia nitrogen’ readings signify?
 - The draft in its current form needs more detail, more explanations, and more assessments.
 - Mr. Miller said his committee is looking for real recommendations in order to help the Town develop a longterm management plan.
 - JG said she’d like information assessing where, under current conditions, each pond is heading in order to determine where management interventions need to take place.
 - Such a trending picture should be able to be developed based on Geosyntec’s measurements for this survey and its review of past reports.
 - JG also asked if the morphometric modeling discussed when ConCom and Pond & Dam met with Geosyntec on 9/30/13 had been provided.
 - TT said ConCom and the Pond & Dam Committee need to articulate and make clear to Geosyntec the Town’s goals for each pond.
 - For example, Geosyntec’s current assessment of Long Pond indicates the pond is in great shape, both in terms of water quality and wildlife diversity.



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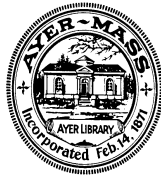
- If the Town wants this pond to still be in this condition in 5-10 years, the Town would be looking for specific recommendations from Geosyntec for how to keep it this way.
 - Similarly, recreation uses would be high priorities in terms of future goals for Sandy Pond and Flannagan Pond.
- Mr. Miller noted that Flannagan Pond currently measures in the range between “eutrophic” and “highly eutrophic.”
 - He would want to know at what point a pond such as Flannagan or Balch would risk becoming stagnant.
- Resident Mike Anuta, in the audience, suggested ConCom look at the lake management plans developed by the Wisconsin Association for Lakes.
 - Mr. Anuta is a former Wisconsin resident and was president of a lake association there.
- Mr. Miller stressed that the Town will need more detailed recommendations by September in order to have relevant information available when the Capital Budget Planning Committee begins meeting to plan the FY 2017 budget.
- “Section 2: Phosphorous Budgets and Modeling”
 - It was noted that while the tables of data provided pond-specific information, the accompanying narratives tended to be generic and provided little specific assessment for the layperson to comprehend.
 - Mr. Miller said it did not appear that the sources of phosphorous into the ponds had been clearly identified.
 - BD said information as to whether, or how much, phosphorous was good or bad had not been provided.
 - BD summarized that, in addition to more specific management recommendations, the Town was looking for individualized narratives for each pond that included how each pond is doing, what the Town needs to watch for, and how to best manage each pond in light of the Town’s different goals for each pond.
 - The Town needs information on how to keep each pond in a healthy state as well as information on how best to monitor each pond on an annual basis.
 - It also needs information on the possible range of costs for maintenance and monitoring.
 - This should include how much weed control is necessary for ponds like Sandy Pond, Flannagan Pond, and Pine Meadow Pong, as well as how often maintenance treatment should be performed (every 2 years, 3 years, 5 years?).
 - BD said the drafts provided good data but that we were still looking for all the data to be tied together so that ConCom and Pond & Dam could go before Town Meeting with a detailed assessment and suggested plan.
 - In short: what do we do with all of this information and how, going forward, do we ‘do it right’?
 - BD suggested it might be an option to have Bob Hartzel, of Geosyntec, address Town Meeting as well.
 - BD will email Mr. Hartzel with a summary of some of these comments.
 - JG will email ConCom and Pond & Dam members with a copy of the 9/30/2013 minutes for review prior to meeting with Geosyntec on 7/23/2015.



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- TT reiterated that we need to be more specific with Geosyntec as to what our goals are for each pond:
 - Articulation of the Town's goals should drive the kinds of recommendations the consultant makes for each pond.
 - How to keep Sandy Pond and Flannagan Pond as recreational assets for the Town?
 - How to protect Long Pond to keep it in its current pristine shape?
 - Pine Meadow Pond is relatively isolated – should the Town consider better control of access via the chained area off of Oak Ridge Drive, to keep this pond in good shape?
- JG will post the agenda for 7/23, meeting with Mr. Hartzel /Geosyntec, as a joint meeting with the Pond & Dam Committee.
- **Office Updates**
 - CA Vacancy
 - In light of Michele Grenier's resignation on 6/26, after a week of employment, GB suggested that before ConCom reposts the job description, we should inquire as to whether the position again needs to be re-posted internally first.
 - NOI submission by Ayer Gun & Sportsmen Club
 - The Public Hearing for this NOI will take place on 7/23.
 - BD suggested setting aside 8/1 as an available time for a ConCom site walk.
 - JG contacted Alan Griffin to address missing information in the NOI submission made to Ms. Grenier.
 - Mr. Griffin has since contacted David E. Ross Associates to delineate the wetlands and provide a site plan.
 - Mr. Griffin has also now taken action to notify abutters and provide ConCom with required proof.
 - Pingry Hill
 - Desheng Wang, the erosion control expert now consulting for Crabtree Development, was contacted by JG regarding the concerns raised by Mr. Anuta at the 6/25 meeting about excess sedimentation running onto Old Farm Way from the ongoing construction on Holly Ridge Road.
 - Dr. Wang's 6/29/2015 erosion control report took note of this situation and included recommendations for providing better erosion control management.
 - 98 Hickory Way, Pingry Hill
 - ConCom received an anonymous complaint that earthwork was being performed near wetlands on this lot without an apparent OOC.
 - Since ConCom did not have a record of an OOC for this lot, JG contacted Steve Mullaney, of S. J. Mullaney Engineering, to ask about wetlands on this property.
 - Mr. Mullaney indicated that construction of both the house and the yard had been outside the buffer zone so no OOC had been required.
 - A drainage easement separates the yard from a small piece of wetland at the far-corner of the lot.
 - JG visited the property where the current owners have removed an above-ground swimming pool and are replacing the area with a patio.
 - JG provided photos of the extensive work being undertaken.



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- At JG’s suggestion, the current homeowners agreed to place a wattle line between the downslope of the disturbed backyard and the drainage easement.
- BD said that Mr. Mullaney’s assessments were held to be good but that he would also stop by the property on 7/11 to check for himself.
 - JG will contact the current homeowners to see if BD stopping by between 9 a.m. and noon on Saturday was acceptable.
- 15 Littleton Road – new gas station planned next to Gervais Ford
 - An email from Planning Board Chair Jeremy Callahan asked ConCom to confirm that the applicant had not missed something and that there were no jurisdictional wetlands on the parcel.
 - Abutting residents have claimed that there were wetlands on the parcel, previously filled in years ago.
 - BD said that there are no wetlands indicated for this area on the USGS map.
 - TT will consult Mass GIS to make sure.
- Building Inspector question
 - Gabe Vellante asked ConCom to evaluate a new ‘Diamond Pier Foundation System’ for decks and whether ConCom would still want to evaluate deck projects in jurisdictional areas under an RDA or NOI.
 - Looking at the handout provided by Mr. Vellante, BD said such projects would still nevertheless likely require other digging, such as for stairs.
 - JG will convey to Mr. Vellante that ConCom will want to continue reviewing jurisdictional projects regardless of the new pier system employed.
- Kohler Place (MassDEP # 100-0340)
 - ConCom has received a signed affidavit indicating the new owners, including A. J. Bergin, are in receipt of the OOC and understand its terms.
- Cains Foods RDA
 - An email, including final photos, was received from John Mabon, for Cains, indicating that all work approved under an RDA last fall has now been completed.
 - Nothing further needs to be done and the project is now closed.
- Partial COC for 10 Longview, The Willows (MassDEP # 100-0288)
 - JG found numerous errors in the partial COC prepared by Ms. Grenier and signed by ConCom on 6/25.
 - These errors include the form having been filled out with the wrong DEP number.
 - At TT’s suggestion, JG contacted Circuit Rider Judith Schmitz for advice on how to handle this, but has not heard back yet.
 - JG will also contact the closing attorney for the previous owner of 10 Longview to see if the COC has already been recorded at the Registry.
- **Approval of Meeting Minutes**
 - GB moved to approve the minutes for 6/25/15 as written; TT 2nd.
 - Motion approved unanimously.
- **10:10 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.