

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **10/8/2015** – Approved 10/22/2015

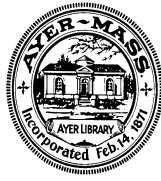
Location: Ayer Town Hall, 1st Floor

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

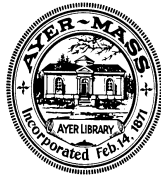
- **Confirmation of the Agenda**
 - GB moved to confirm the agenda as posted; TT 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - J & S Business Products: \$40.00, for two nameplates (CA and BT).
 - GB moved to approve payment of \$40; BT 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – 78 Sandy Pond Road, Hagel LLC (MassDEP # pending)**
 - Robert Oliva, of David E. Ross Associates, was present on behalf of the applicant.
 - ConCom issued a Positive Determination of Applicability, requiring the submittal of an NOI, at its 9/24/15 meeting.
 - A revised plan with additional required information, including surveyed topography and marked structures, was submitted with the NOI.
 - The project proposes the demolition of an existing house and construction of a new single-family house.
 - The existing house is within a few feet of the bank to Sandy Pond; the new house will be moved further back from the pond, with the closest corner at approximately 27 ft. distance.
 - The accepted wetland delineation is the top of the bank.
 - The exact footprint of the new house is still in development.
 - The submitted plan provides the largest possible footprint under consideration.
 - The applicant also owns the adjacent property at 76 Sandy Pond Road.
 - The plan indicates that this property will be used for soil storage from the project, and the area indicated for this storage is outside of the buffer zone, near the street.
 - The plan shows the erosion control line using straw wattles.
 - Two trees on the bank, an ailing maple and a pine, will be taken down but the stumps left in place.
 - In answer to GB's question, Mr. Oliva proposed the use of drip strips along the foundation for roof runoff.
 - BD indicated that this would be fine.
 - The Order of Conditions will need to include two site-specific Special Conditions, one mandating the use of drip strips and the other requiring the stumps to remain in place for the two trees planned for take-down.
 - BD previously did a site walk on 9/26.



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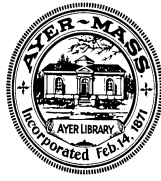
- A site walk for the rest of the Commission was scheduled for Saturday, 10/10, at 9 a.m.
- BD asked that the corners of the footprint be staked.
- GB moved to continue the Public Hearing to 10/22/2015; TT 2nd.
 - Motion approved unanimously.
- **Public Meeting: RDA – 10 Amandrey Way, Kathleen O’Connor & John Betz**
 - Ms. O’Connor described the project as consisting of the construction of a 10 ft. x 18 ft. patio off the side of the house, adjacent to an existing fieldstone wall.
 - The yard area for the bluestone patio is flat.
 - Ms. O’Connor said soil removed from the site excavation will be hauled off-site immediately and not stored overnight.
 - Ms. O’Connor provided CA with a check for \$59.07 as reimbursement for the legal ad.
 - Construction of the patio is planned for after Halloween.
 - TT asked for the approximate distance of the patio from James Brook.
 - Ms. O’Connor said a nearby shed, closer to the brook than the planned patio, is at a distance of 106.9 ft.
 - This indicates that the patio will also be located in the outer riparian buffer zone.
 - Ms. O’Connor described the slope from the shed down to the brook as stable, having a lot of concrete fill left over from the builder when the house was first constructed.
 - They have no plans to disturb this area.
 - While not shown on the plan, Ms. O’Connor said that erosion controls will be used.
 - BD suggested the use of straw wattles rather than haybales since wattles do not need to be staked if the terrain is flat.
 - BD asked that CA be notified at the beginning of the project so that CA can inspect, as well as at the end.
 - BD asked for a motion to issue a Negative Determination of Applicability with conditions:
 - Either straw wattles or haybales are to be used for erosion control and inspected by CA prior to work starting; and 2) there is to be no onsite soil storage.
 - GB moved to issue a Negative DOA with the conditions as described above; TT 2nd.
 - Motion approved unanimously and the DOA signed.
- **Discussion: Request for Partial Certificate of Compliance – 15A Mountain Laurel Road, Sandy Pond 3, MassDEP # 100-0220**
 - CA was contacted by the attorney for the homeowner.
 - CA did a site visit and found no issues.
 - GB moved to issue a PCOC; TT 2nd.
 - Motion approved unanimously and the PCOC signed.
- **Discussion: GIS volunteer opportunity**
 - At CA’s invitation, Jason Smith introduced himself to ConCom and described the GIS services he could offer as a volunteer.
 - Mr. Smith, who grew up in Ayer, is working on his Masters degree at the University of Maine and is looking to develop his professional portfolio/resume.
 - He is also talking with the Devens Enterprise Commission to develop land-use and open-space maps.
 - Mr. Smith described examples of what he could offer, including maps derived from remote sensing and capable of monitoring and showing land/vegetation changes over time.



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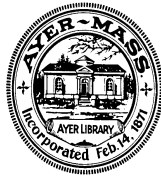
- GB asked about creating a visual database capable of indicating areas/parcels for which ConCom has issued permits, as well as mapping that shows the outlets from catchbasins.
 - Mr. Smith said ConCom would have to purchase software capable of managing that kind of data.
- BD thought of two areas that could be especially useful:
 - mapping that shows residents where wetlands are and where ConCom has already issued permits;
 - mapping that functions as a guide for the Building Inspector for areas that should require notification of ConCom for work permits.
- TT said Mr. Smith should also contact the Open Space & Recreation Plan Committee (OSRP) which is in the process of preparing an updated OSRP.
 - It is possible there are areas that Mr. Smith could expand upon from the work already done by students at the Conway School of Landscape Design.
 - BD asked Mr. Smith to contact the OSRP through Town Administrator Robert Pontbriand.
- From the audience, resident Mike Anuta suggested GIS mapping of the Town's impervious surfaces could be helpful to the Commission.
- BD said ConCom will consider further ways Mr. Smith might contribute at its future meetings.
- **Discussion: Conservation Restriction (CR) on Sandy Pond 3 (MassDEP # 100-0220)**
 - CA researched the status of the CR for this subdivision.
 - Although in draft form, the CR has yet to be completed by the original developer, C & F Builders.
 - TT suggested CA contact the Natural Heritage and Endangered Species Program (NHESP) and ask for a copy of the final "Conservation Management Permit (CMP)."
 - A CR is often a requirement of a CMP.
 - CA should also get the NHESP tracking number for this project.
 - BD will contact law firm Smolak & Vaughan, of North Andover, to ask if they still represent C & F Builders, and if C & F Builders are still the owner/developer.
 - If there is a new owner, ConCom has not been notified – something that is required by the OOC.
 - BD will pass this information onto CA before deciding on the next course of action.
- **Discussion: Request for letter of support, Laurie Nehring**
 - Resident Laurie Nehring appeared before ConCom asking for a letter of support for a grant proposal she is submitting.
 - Ms. Nehring, who is also a member of PACE (People of Ayer Concerned about the Environment), has previously done grant-supported environmental education programs with Mass Audubon and the Nashua River Watershed Association (NRWA).
 - She is now hoping to get a grant allowing her to develop four programs/hikes on Ayer's Pine Meadow Pond Conservation Land.
 - The programs would be free to the public, and would be advertised online and in the local paper.
 - Ms. Nehring hopes to develop a program for each season, including a spring program on vernal pools.
 - The goal of the programs is to expose residents more deeply to conservation lands and their issues.



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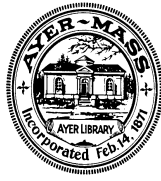
- BD said he would be happy to write a letter of support from ConCom.
 - The deadline is October 15.
- **CA Updates**
 - 37 Groton-Harvard Road
 - CA has met with homeowner Karen Balchunas following a site visit by ConCom on 10/26.
 - Ms. Balchunas is now preparing an NOI submission.
 - BD said the Commission would accept a Limit of Work line for erosion controls at the back side of the trees fronting Flannagan Pond.
 - ConCom will discuss the requirement of an engineer-stamped as-built plan with Ms. Balchunas at the opening of the Public Hearing process.
 - Comprehensive Pond Survey, Geosyntec
 - CA received confirmation from Robert Hartzel, of Geosyntec, that the latest drafts of the pond survey are in the process of being finalized.
 - Invasive Water Chestnut in Grove Pond
 - CA also brought up the issue of water chestnut growth in Grove Pond, as noted by Geosyntec, and would like to get moving on a response to this before it gets worse.
 - TT suggested CA reach out to NRWA for assistance since they have a lot of experience with coordinating removal efforts.
 - Water chestnuts are generally pulled from boats (canoes, kayaks).
 - Given the contaminated sediments in Grove Pond, this is a good thing!
 - It was noted that the water system Grove Pond is a part of flows into Nonacoicus Brook and from there into the Nashua River.
 - BD said an additional challenge is to figure out where to dispose of water chestnut material after it is pulled.
 - CA agreed, noting that invasive species cannot be traditionally composted because of the threat of spreading them elsewhere.
 - November-December ConCom meeting dates
 - After review, ConCom will change its November and December meetings to Thursday, Nov. 12 and Thursday, Dec. 10.
 - CA will need to have this information posted on the Commission's website.
 - CA will also need to contact the Town Administrator's office to change room assignments accordingly.
 - While ConCom does not get many new applications at this time of year, TT suggested CA be prepared to ask potential applicants during this period to sign a waiver of the 21-day statutory requirement for ConComs to act on applications, if necessary.
 - BD noted that NOI applications received over the winter usually require deferment until spring anyway when conditions on the ground allow for accurate assessment of wetland flagging and terrain.
 - CA should also begin drafting the schedule for ConCom's 2016 meeting dates for Commission approval prior to submission to the Town Administrator for room reservations and posting on the website.
 - Ayer DPW's Stony Brook Pump Station upgrade (MassDEP # 100-0382)
 - CA received word from DPW Superintendent Mark Wetzel that work is commencing on this project.



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- BD asked CA to stop by the site on Monday or Tuesday to check the site and erosion controls.
- Violation Notice, 6 Wright Road
 - BD stopped by the house in person twice and received no answer to his knocking on the door.
 - BD asked CA to contact MassDEP Circuit Rider Judy Schmitz for advice on how best to proceed with a homeowner who refuses a certified mailing or other response.
- Local Bylaw upgrade
 - ConCom members reviewed for CA previous attempt to revise the local wetland bylaw.
 - BD asked CA to put discussion of bylaws and regulations on ConCom's December agenda as prelude to more detailed discussion in January.
- 129 Culver Road
 - CA contacted MassDEP about the apparently unpermitted work done in the construction of this house within the buffer zone to James Brook.
 - CA learned that MassDEP issued a Superceding Order of Conditions back in 2003, a permit which was subsequently extended both by the owner and by the State's Automatic Permit Extension Act (2010, 2012).
 - Digging around in the old files, CA was able to locate, in a box, a prior NOI submission (MassDEP # 100-0231).
 - The original application, for an 11-house subdivision, was turned down by the Conservation Commission at that time, as well as by the Planning Board.
 - CA learned that in 2011, under new ownership, the project was amended with the State from an 11-house subdivision to a single-family home.
 - In talking with Michele Girard, of MassDEP, CA learned that somehow proper notification of ConCom regarding the issuance of a Superceding OOC was left out of the process.
 - Ms. Girard will be looking into this further in an effort to guarantee better lines of communication.
 - CA will be getting a copy of the SOOC and relevant file material when he accompanies MassDEP's site walk to approve their issuance of a COC.
 - BD asked CA to also contact Judy Schmitz or Joe Bellino, of MassDEP, to see if there are any other SOOCs in Ayer that the Commission does not have records for.
- **Member Updates**
 - JG talked with Denise Child, of MassDEP, concerning her request for information on the low water level of Flannagan Pond.
 - MassDEP has received several complaints about the low level of the pond.
 - JG explained Flannagan Pond's history as a flooded wet meadow and that it shows the effects of drought conditions more quickly than natural ponds.
 - Because of low rainfall, JG confirmed that no water is currently flowing over the Long Pond dam, which then affects the levels of Sandy Pond and Flannagan Pond.
 - In any case, CA contacted Fire Chief Pedrazzi to have him confirm that the boards are still in at Balch Dam (aka East Main Street Spillway) – even though ConCom will be asking to have the boards removed after Nov. 1 to intentionally lower pond water levels for the winter.



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- JG has received no response to a request for an update from the Town Administrator's office as to Town Counsel's opinion on whether a response to the Supplemental Briefing Order (deadline Oct. 20) regarding the Anuta's appeal (187 Old Farm Way) is necessary.
- GB reminded members that the MACC's Fall Conference is scheduled for Saturday, 10/17, and is being held in Devens.
- TT will be attending a conference on 10/24 on wildlife habitat.

- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 9/24/15 as corrected; TT 2nd.
 - Motion approved unanimously.

- **Citizen Concerns**
 - Resident Mike Anuta, of 187 Old Farm Way, said that he is not seeing signs posted displaying the MassDEP number on several sites in Pingry Hill.
 - While many of the house lots in the subdivision are not jurisdictional, Mr. Anuta noted that lots 29 and 30 on Holly Ridge, which did receive OOCs from ConCom in the past year, are missing signs.
 - BD asked CA to look into this with Engineer Steve Mullaney.
 - TT noted that the posting of the DEP number is a general condition of the State's OOCs.

- **9:40 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.