

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **5/14/2015** – Approved 5/28/2015

Location: Ayer Town Hall, 1st Floor

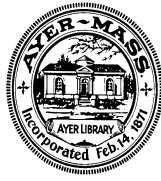
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT), Lee Curtis (LC), Jessica Gugino (JG, Clerk)

Not present: Vacancy: CA, Conservation Administrator

APAC taped: Yes

7:25 PM – Open Meeting

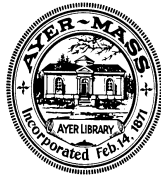
- **Public Hearing (cont'd.): NOI – 5 Fourth Street, Mark Adams & Jennifer Walker (MassDEP # 100-0384)**
 - Per the emailed request of Ron Oliva, of David E. Ross Associates, GB moved to continue the Public Hearing to 5/28/15; TT 2nd.
 - Motion approved unanimously.
- **Confirmation of the Agenda**
 - The discussion of 187 Old Farm Way was removed from the agenda per the request of Michael Anuta.
 - A Conservation Administrator job interview was added, to be fit in at 8 p.m.
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 4/23/15 as written; TT 2nd.
 - Motion approved 4-0 (LC abstained).
 - GB moved to approve the minutes for 5/6/15 as written; TT 2nd.
 - Motion approved 4-0 (BD abstained).
- **Public Hearing (cont'd.): NOI – JAR Realty Corporation, for Catagna Spagna, 1 Nemco Way (MassDEP # 100-0383)**
 - Paul Hutnak, of Andrews Survey & Engineering, was present.
 - The NOI proposes construction of a 35,000 sq. ft. building expansion and two additional rail spurs.
 - The building expansion includes a roof drain system that will carry stormwater runoff through a pipe under the railroad tracks and across a field out to a level-spreading area for settling prior to draining into the wetlands.
 - The closest point of work to the wetlands is approximately 2 ft.
 - A letter dated 4/29/15, containing the NHESP and MESA project review, was received from the Division of Fisheries & Wildlife.
 - The letter ruled that no adverse impact is anticipated.
 - Some issues raised on the site walk conducted by ConCom on Saturday, 4/11/15, were addressed.
 - Mr. Hutnak will provide Material Safety Data Sheet (MSDS) for vegetable oils commonly shipped by Catagna Spagna.
 - The manmade swale will be cleaned out, down to a presumed level of old riprap.
 - If there is no riprap, riprap will be added.



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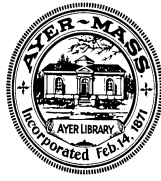
- Most of the water contents of the swale infiltrate directly into the ground before discharging outside of the swale.
- BD asked that a Special Condition be added to the OOC that requires clean up and maintenance.
- It was decided that the best time to initially clean the swale was after foundation and excavation work is complete on the other end of the building.
- Regarding soil storage, Mr. Hutnak said this depends on neighboring Ardent Mills (formerly Horizon Mills) being allowed to clear brush on a portion of their property.
 - If brush clearing is not allowed, Mr. Hutnak said material would probably need to be trucked off the site.
 - He did not foresee a large quantity of soil requiring stockpiling or truck removal.
 - Mr. Hutnak said that a Special Condition added to the OOC, stipulating that no excavated soil will be stockpiled within the buffer zone, was acceptable.
- Regarding an abandoned tank in a brush area close to the tracks, BD asked for written confirmation that the tank is empty of storage material.
 - Mr. Hutnak said the tank might wind up needing to be removed anyway since it is near their planned brush-clearing area.
- Once the OOC is complete, work is expected to commence within approximately 60 days.
- Mr. Hutnak pointed to an additional area closer to Westford Road where, while they are doing brush and tree clearing for the project, they would like to clear some additional large pines on a slope.
 - The trees would be cut down to ground-level, with no earth work or stumping involved.
 - TT said the area in question was not even jurisdictional to ConCom.
- There being no further issues, GB moved to issue an OOC with Special Conditions as discussed; LC 2nd.
 - Motion approved unanimously.
 - JG will circulate a draft OOC to Mr. Hutnak and ConCom will plan to sign the OOC and close the Public Hearing on 5/28.
- JG brought up communications received recently from Joe Kochan, Plant Manager for Ardent Mills, asking permission to clear brush on a portion of their property between Catagna Spagna's planned expansion and their truck parking area.
 - JG distributed a drawing of the area in question that was submitted via email by Mr. Kochan.
 - TT raised the issue of impact on rare species habitat, since both Catagna Spagna and the Ayer DPW were required to get letters from NHESP because of the priority habitat designation in that area.
 - It might be necessary for Ardent Mills to file with NHESP as well.
 - BD said ConCom will need to do a little research on the area before deciding.
 - ConCom will include this area on site walks planned for Saturday, May 30.
- GB moved to continue the Public Hearing for Catagna Spagna to 5/28/15; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 141 Snake Hill Road, Christopher J. Valentine (MassDEP # 100-0381)**
 - Christopher Valentine was present with questions about the draft OOC.
 - The project proposes an expansion to the house located at 141 Snake Hill Road.



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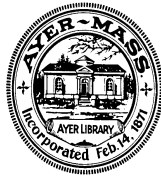
- Mr. Valentine met with BD to look at an additional tree he would like to take down at the same time as removing two trees already indicated on the plan.
 - This way Mr. Valentine will only need to bring in a bucket truck for tree removal once.
 - The additional tree, on Snake Hill Road, is in poor shape and leaning, presenting public safety issues.
 - BD agreed, and clarified for Mr. Valentine that the wording of the draft OOC prohibiting removal of fallen trees did not apply in this case.
 - The stump for this additional tree will be left in place.
 - BD said it was acceptable for Mr. Valentine to take down all three trees to the ground level at the same time before installing erosion control wattles.
 - The wattles will need to be in place and inspected before ground excavation for the foundation expansion can begin.
- Mr. Valentine went over plans for the use of roof and perimeter drains and their drainage routes, given proximity to wetlands and the wording of Special Conditions 34 and 46.
 - Mr. Valentine asked if putting in a small french drain at a discharge point in the lawn would be a good idea.
 - BD said it would be a nightmare to maintain and that ConCom had no issue with the drainage pipe ‘daylighting’ in the area Mr. Valentine indicated.
 - BD asked that the location of the perimeter drains be marked on a revised plan and submitted to ConCom before or at the time that erosion controls are inspected.
- Summing up the discussion, BD said the draft Special Conditions will remain unchanged.
 - Mr. Valentine will need to submit a revised drawing that shows:
 - a circle indicating the location of the additional tree to be taken down;
 - the route of the perimeter drain;
 - the route and location of the roof drains and down spout;
 - the soil storage location with a reduced wattle line only on the side facing the wetlands.
 - BD said that Mr. Valentine could mark the revised plan himself and did not have to have it professionally done.
- Since ConCom had already approved and signed the OOC on 4/23, GB moved to close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
 - JG will have the completed OOC ready for Mr. Valentine the following week.
- **Conservation Administrator Job Interview**
 - Jeffrey Legros was interviewed for the CA vacancy.
 - Following completion of the interview, ConCom members later continued discussion of the vacancy.
 - BD said that the position had been offered to Danielle Mucciarone but that she had turned it down.
 - ConCom members were very comfortable with Mr. Legros, who is the part-time Conservation Agent for the Town of Gardner.
 - JG will contact Mr. Legros for references.
- **Public Hearing (cont’d.): NOI – Ayer Department of Public Works (DPW), Stony Brook Pump Station (MassDEP # 100-0382)**



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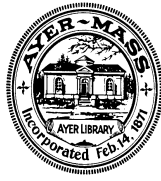
- DPW Superintendent Mark Wetzel indicated via email that he had no issues with the draft OOC.
- GB moved to approve and issue an OOC; TT 2nd.
 - Motion approved unanimously.
 - ConCom members signed the OOC.
- GB moved to close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Pingry Hill Subdivision, Crabtree Development**
 - The four properties walked on 11/8/14, and that were denied Certificates of Compliance at that time, were reviewed:
 - 45 Partridge Run (Lot 35), MassDEP # 100-0268
 - BD asked JG to contact homeowner Nick Mancini to see if he is available for ConCom to perform a site walk on 5/30/15, between 9 a.m. and noon.
 - 272 Old Farm Way (Lot 50A), MassDEP # 100-0349
 - A natural berm between the backyard and resource area still needed to be constructed as of last November.
 - ConCom will check with developer Rick Roper, when it meets with him on 5/28, to see if this has now been done.
 - 32 Deer Run (Lot 88), MassDEP # 100-0263
 - JG will bring the original plans to ConCom's 5/28 meeting.
 - This property was the subject of an Enforcement Order in 2012.
 - On the 11/8/14 site walks in the area, ConCom members noted what might be differences between the approved plans and existing conditions.
 - BD asked JG to contact the homeowner to let her know that ConCom will perform a site walk on Saturday, 5/30, between 9 a.m. and noon.
 - The homeowner is not required to be there.
 - 37 Hemlock Drive (Lot 62), MassDEP # 100-0355
 - JG will bring the original plans to ConCom's 5/28 meeting and seek permission to perform a site walk on 5/30.
 - Additional issues with Pingry Hill
 - ConCom meets with developer Rick Roper, of Crabtree Development, on 5/28 to review a request to extend the OOCs for 9 parcels.
 - At that time ConCom will inquire whether the erosion controls have now been removed for a dozen properties that were approved for issuance of COCs in November 2014.
 - A request for a COC has been received for 120 Littleton Road.
 - ConCom will plan to perform a site walk for this on 5/30 as well.
- **Office Updates**
 - 2 Patriot Way
 - JG received a phone request from Don Price for 2 Patriot Way, which is currently near completion.
 - Mr. Price asked for permission to remove the erosion controls prior to seeding the yard.
 - JG told him no, that the ground inside the erosion controls must be stabilized with established lawn before the erosion controls can be removed.
 - Mr. Price called back again to ask if the erosion controls could be removed if they were replaced with a sod barrier for several feet.



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- This would allow the whole lawn to be seeded at the same time.
- On discussion, ConCom members agreed this was not a precedent it wanted to set and the answer remained no, the erosion controls must stay in place until after the rest of the lawn has been established.
- Geosyntec contract for pond study
 - Spring Town Meeting on 5/11 included a Warrant Article (28) from the Town Accountant asking for a transfer of \$8000 to cover an apparent shortfall in funding sources for the \$83,000+ contract.
 - ConCom did not know about this Warrant Article in advance.
 - JG has since contacted the Town Accountant to point out that the use of the Pond & Dam Committee's \$10,000 was allocated for this purpose and that there is no shortfall.
 - The total funding sources planned for the contract, totaling \$85,000, are:
 - \$10,000 Pond & Dam Committee (Fall Town Meeting 2012);
 - \$15,000 from the DPW;
 - \$20,000 CPC money (Fall Town Meeting 2014);
 - \$40,000 transferred from free cash, via BOS request (Fall Town Meeting 2014).
 - BD asked for JG to contact Town Administrator Robert Pontbriand to see if Fall Town Meeting 2015 should have another Warrant Article to rescind the unnecessary Spring Town Meeting 2015 vote.
- **Accounts Payable**
 - Geosyntec: \$8819.25, for continuation of comprehensive pond study.
 - JG will contact Geosyntec to find out when they anticipate a final report.
 - GB moved to approve payment of \$8819.25; TT 2nd.
 - Motion approved unanimously.
 - The Sun: \$152.15, legal ads for Catagna Spagna NOI (\$66.23) and Crabtree Development/Snake Hill Road NOI (\$85.92).
 - GB moved to approve payment of \$152.15; LC 2nd.
 - Motion approved unanimously.
 - The Sun: \$62.25, legal ad for 141 Snake Hill Road NOI (\$62.65).
 - GB moved to approve payment of \$62.25; LC 2nd.
 - Motion approved unanimously.
- **Committee Updates**
 - Community Preservation Committee
 - Spring Town Meeting approved the Fire Station photo restoration project funded by CPC money.
 - Project proposals in support of the historical Sandy Pond School Association are being considered.
 - Greenway Committee
 - The Committee is looking for people to assist with trail maintenance.
- **Citizen Concerns**



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- Ruth Maxant asked whether she needs ConCom approval to put in 3 little ponding areas in her field at the end of groundwater discharge pipes.
 - BD will stop by on Saturday morning, 5/16, to ascertain if this area is jurisdictional.
- **9:40 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.