

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **1/30/2014** – Approved 2/27/2014

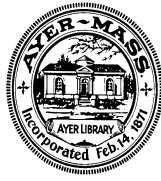
Location: Ayer Town Hall, 1st Floor

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

APAC taped: Yes

7:10 PM – Open Meeting

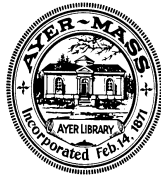
- **Confirmation of Agenda**
 - CA received a request in writing for a continuation of the Public Hearing for 5 Ledgeway (DEP # 100-0367).
 - The Public Hearing had been scheduled for 8:15 at tonight's meeting.
 - GB moved to continue the Public Hearing for 100-0367 to 2/13/2014; LC 2nd.
 - Motion approved unanimously.
 - GB moved to approve the agenda as amended; LC 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - The minutes for 1/16/2014 were reviewed.
 - BD asked CA if she had begun receiving weekly construction updates for Pingry Hill, as specified in the open OOCs.
 - CA received an email from Rick Roper, of Crabtree Development, saying the OOCs had now been forwarded to Project Manager Lori Scanlan.
 - CA has not yet received any updates but will be contacting both Mr. Roper and Ms. Scanlan about this.
 - Regarding Kohler Place, BD asked JG if the long-awaited letter from Town Counsel addressing the crossing easement had yet been received by CPC.
 - JG replied that the long-awaited letter was still long-awaited.
 - BD asked that the record reflect that the Chair feigned surprise.
 - A snort of derision was also noted.
 - GB moved to approve the minutes as written; JG 2nd.
 - Motion approved 4-0. (LC abstained)
- **Public Hearing: NOI – Oak Ridge Drive, R. D. Kanniard Homes, Inc. DEP # 100-0368**
 - Steve Sears, of David E. Ross Associates, was present to represent Roger Kanniard.
 - Mr. Sears provided CA with a check for the legal notice, and proof of notification to abutters.
 - Construction of a single family house on a partially wooded, newly-created vacant lot is planned.
 - The lot has been carved out of an existing larger lot.
 - The proposed house will be next to existing house No. 24 on Oak Ridge, and abutted on the other side by the Town's Pine Meadow Pond Conservation Land.
 - A portion of the house, driveway, and related grading fall within the 100-ft. buffer zone to Flannagan Pond.
 - The proposed house will be on the far side of Oak Ridge Drive from the pond.
 - The closest disturbance to the pond will be 40 feet.



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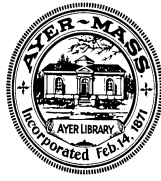
- Delineation of the wetland resource area was determined visually to be the top of the bank / high water mark.
- Mr. Sears said a filter sock siltation barrier will be used at the Limit of Work line.
 - Because of the steepness of the lot, this barrier will be closed up at the end of every day.
- CA asked if a mudtrap would be employed.
 - Mr. Sears said no.
- BD asked about the location of nearby catchbasins.
 - BD said that the basins would need to be bagged during construction, and that the developer would need to make sure the DPW approved of this.
- ConCom would have to look at the catchbasins, the extent of the slope, and the degree to which the crowning of the pavement on Oak Ridge Drive itself might offer additional protection of the pond.
 - A site walk was scheduled for 9 a.m. on Saturday, 2/1/14.
- CA told Mr. Sears that ConCom will want the actual address / door number of the proposed house.
- GB moved to continue the Public Hearing to 2/13/14; LC 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Aquatic Control Technology (ACT): \$2205.00 – 2013 Flannagan Pond weed treatment.
 - ConCom reviewed the final report from ACT, required before this final bill can be paid.
 - Based on results published by ACT, BD said the company did exactly as ConCom asked, and appeared to have met the threshold of a 90% reduction in targeted weed growth (milfoil and fanwort).
 - GB moved to approve payment of \$2205; LC 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – Pingry Hill subdivision, Crabtree Development, Phase V, DEP # 100-0369**
 - Rick Roper, of Crabtree Development, and Steve Mullaney, of S.J. Mullaney Engineering, Inc., were present.
 - Mr. Mullaney provided CA with a check for the legal notice, and proof of notification to abutters.
 - Mr. Mullaney described the NOI submission for Phase V of the development.
 - Phase V encompasses roughly 31 lots and involves relatively flat terrain.
 - Of all the Pingry Hill phases, Phase V has the least wetland resource areas on it, affecting primarily lots 32, 29, 30, and parcel A.
 - Mr. Mullaney noted that lots 34 and 35, from a different phase, abut these wetlands from a different side and already have open OOCs in place.
 - The infrastructure for Phase V will include 6 stormwater basins and 6/10th of a mile of new road (completion of Haymeadow Lane, and two new roads – Holly Ridge Road and Appleblossom Drive).
 - Areas in the northern part of Phase V will drain further north into stormwater basins that were completed in earlier phases.
 - A set of catchbasins proposed on Appleblossom Drive will discharge to the southwest.



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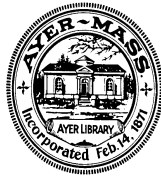
- The wetlands in this area were first delineated in 1997-1998, and redelineated in 2005, when the previous delineation was expanded due to changes in the wetlands.
 - For example, an existing cart path was redelineated in 2005 as a new wetland resource area.
 - In accordance with this, changes were made to the subdivision plans in 2007.
 - In 2009, the Army Corps of Engineers, accompanied by the incomparable GB, walked the site as well, making this the most recent delineation.
- Mr. Mullaney said that the current NOI for Phase V proposes 48,000 sq. ft. of work within the buffer zone.
- Mr. Mullaney noted that several supplemental plans have been created over the years in response to new state or federal regulations.
 - Revised calculations were done in response to new stormwater requirements made by MassDep in 2008, and EPA changes in 2012 requiring maintenance of a 50 ft. natural buffer between resource areas and the Limit of Work (LOW).
- Deshang Wang will continue on as erosion control specialist to monitor the site.
- BD asked if work planned for the Phase V site had been staked.
 - Mr. Mullaney said the staking would be complete within the next few days.
 - BD said snow would prevent ConCom from attaining an accurate understanding of ground conditions, including topographical contours affecting drainage.
- LC suggested that with the most recent delineation (2009) being over 3 years old, a new delineation was perhaps warranted.
 - BD said that when the snow cover is gone, ConCom will schedule its site walk.
 - If flagging doesn't match up with observed ground conditions, then ConCom will ask for a new delineation.
- As with other phases for this subdivision, ConCom will invoke the Town's outside consultant by-law and require third party review of the stormwater calculations.
 - Mr. Mullaney requested that Tata & Howard, which did previous reviews and is familiar with the subdivision, be selected for the Phase V review.
 - CA will get in touch with Elizabeth Manini at Tata & Howard and make arrangements for the review.
 - Mr. Mullaney will forward material on to Tata & Howard as soon as he hears from CA that the review has been arranged.
- GB moved to apply the Town's Consultant By-Law to review stormwater calculations; TT 2nd.
 - Motion approved unanimously.
- GB moved to continue the Public Hearing to 2/13/14; LC 2nd.
 - Motion approved unanimously.
 - If snow cover has cleared, ConCom will schedule a site walk at that time; if not, the Public Hearing will be continued.
- **CA Updates**
 - Records requests
 - CA has been fielding numerous fire records requests, including from National Grid and from Goldsmith, Prest & Ringwall (GPR).
 - Expedited permitting
 - Town Administrator Robert Pontbriand has asked Town departments to submit all permit forms so that expedited permitting may be initiated.



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- CA replied to Mr. Pontbriand by agreeing with Building Inspector Gabe Vellante's reply that expedited permitting is problematic for certain departments where applications require back-up documentation.
 - For ConCom, the permitting process does not begin until application packets, including attachments, are complete.
- DPW
 - DPW Superintendent Mark Wetzel is spearheading a GIS (geographic information system) workshop.
 - CA will be reviewing and commenting on a document regarding this for Mr. Wetzel.
- UMass
 - CA is responding to a request from the University of Massachusetts for information on drawdowns in Ayer ponds.
- Fitchburg railroad line site walk for Certificate of Compliance (COC)
 - CA has been in contact with Mike Turgeon about the MBTA COC request.
 - The COC being requested is for Phase I, the portion extending from Willow Road to the Littleton town line.
 - The Town of Littleton ConCom also wants to do a site walk to evaluate work done on its portion of the line.
 - When ground conditions permit (i.e., no snow cover), Mr. Turgeon will try to coordinate a site walk for both towns on the same day.
 - CA said Mr. Turgeon reported that the second phase of the line upgrades, heading toward Shirley, have encountered some problems.
 - In some areas, the soil has not been supportive enough, and will require that they either dig deeper or build it up. Mr. Turgeon said he did not think either solution will create a bigger impact.
 - When they are ready, he will submit plan changes to ConCom for consideration as a field change.
- The Willows
 - CA said a recent flurry of emails between the Board of Selectmen (BOS) and developer Mark O'Hagan resulted in a bankruptcy scare that is just a scare.
 - The BOS produced a Demand Letter but it has not been signed.
 - The Planning Board reports that all bond money for contingencies is still there.
 - The developer has filed a plan change with the Planning Board.
 - Since, for example, some buildings proposed as triplexes and been built as duplexes, CA has requested updated plans from Jesse Johnson, of David E. Ross Associates, which is new to the project.
 - Mr. Johnson responded that changes to the buildings in question were made in areas outside of the jurisdiction of ConCom.
 - CA responded that because of the many Enforcement Orders issued to The Willows by ConCom, and because the development is now under a UCO enforcement by MassDEP, ConCom requires copies of the new plans for review.
 - Joe Bellino, of MassDEP, has concurred and also asked for a copy of the new plan to evaluate impact.
 - It was noted that many of the enforcement violations at this site have come from the impact of runoff from nonjurisdictional areas entering and severely impacting jurisdictional areas.



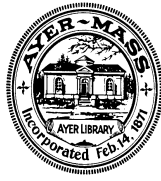
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- Joint meeting with the Pond & Dam Management Committee (PDMC)
 - CA has contacted PDMC Chair Don Rzasas about setting up a joint meeting, either at ConCom's regularly scheduled 2/27 meeting, or at a special meeting on 2/20.
 - Since ConCom's agendas are growing very full, BD suggested a special meeting on 2/20 would probably be best.

- **Member Updates**
 - GB has prepared a draft of ConCom's portion of the Town Report for review.
 - LC can now provide volunteers to do a vernal pool review for TT of a vernal pool on Pine Meadow Pond Conservation property.
 - LC distributed a summary of the MassDEP wetland regulatory changes of 2012, for review and future discussion.

- **Public Hearing (cont'd.): NOI – Nashua Street Extension subdivision, Calvin Moore / Molumpco Development, DEP # 100-0363**
 - J. P. Connolly, of GPR, representing Mr. Moore, was present with an update.
 - Mr. Connolly said they would be submitting a finalized subdivision plan to the Planning Board the following week.
 - His purpose at this meeting was to update ConCom on work done and future plans.
 - Regarding winterization work performed in the fall, the existing soil pile was lowered and regraded, as required by ConCom's Enforcement Order of 9/28/2013.
 - Straw wattles were extended around much of the parcel but were not continued and installed at an eastern portion where trees were previously illegally clear-cut right up to the wetland delineation flags.
 - This was done without an existing OOC or even prior submittal of an NOI application.
 - Mr. Connolly said future work in this area wouldn't take place until a later phase.
 - BD said that, regardless, the wattle line in this area must be extended now, as soon as weather and snow permits.
 - Certainly this needs to be done before spring thaw and rains.
 - Mr. Connolly said he would be providing ConCom with signed and stamped copies of the subdivision plan as soon as available.
 - Changes from the fall plans include:
 - The addition of a new lot since a future connection to Pleasant Street is no longer being considered;
 - Wetlands have now been redelineated and buffer zones have been marked;
 - The new plan will show where the DPW wants to run a water line that will eliminate dead-ends;
 - This will cross around 30 ft. of wetland resource area and will provide a capped stub for future connection to a later planned project;
 - Some lots have been shifted from the original lot layout;
 - Additional infiltration areas have been incorporated.
 - Mr. Connolly said that he would be proposing the use of straw bales in addition to straw wattles for erosion control in certain areas with steeper slopes.
 - BD asked if this would be the final submission.
 - Mr. Connolly said nothing was final until they made it through the Planning Board.



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- BD said that, going forward, ConCom would continue this hearing until after the Planning Board has weighed in.
 - At that point, after proposed houses have been located and staked, and flags confirmed to be correctly located, ConCom will schedule another site walk.
 - The extension of the straw wattle line, as discussed above, should be done at that point as well.
- GB moved to continue the Public Hearing to 2//17/14; TT 2nd.
 - Motion approved unanimously.
- **8:50 PM – Adjourn Meeting**
 - GB moved to adjourn; LC 2nd.
 - Motion approved unanimously.