

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **1/16/2014** – Approved 1/30/2014

Location: Ayer Town Hall, 1st Floor

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

Not present: Lee Curtis (LC)

APAC taped: Yes

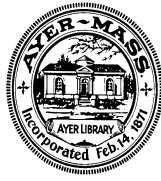
7:10 PM – Open Meeting

- **Confirmation of Agenda**
 - CA added an item to the agenda:
 - Public Hearing (cont'd.): NOI – Epic Enterprises, OOC Special Conditions, 8 p.m.
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.

- **Accounts Payable**
 - The Sun: \$144.99, legal ad notices.
 - \$64.44, NOI, 5 Ledgeway, Turners, payment received;
 - \$80.55, RDA, Nashoba Valley Medical Center, Stantec Consulting, payment received.
 - GB moved to approve payment of \$144.99; TT 2nd.
 - Motion approved unanimously.
 - Staples: \$109.75, office supplies.
 - GB moved to approve payment of \$109.75; TT 2nd.
 - Motion approved unanimously.

- **Meeting Minutes Approval**
 - The minutes for 12/19/2013 were reviewed.
 - In reference to the minutes, CA reported that plans to upgrade the East Main Street water main have been postponed.
 - CA left a message for Mike Turgeon regarding his plan to request a Certificate of Compliance for work on the Fitchburg railroad line, informing him that a COC would not be considered until a site walk is done after snow cover is gone.
 - GB moved to accept the minutes for 12/19 as written; TT 2nd.
 - Motion approved unanimously.

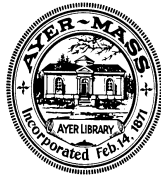
- **CA Updates**
 - Annual Town Report
 - JG will tally the 2013 numbers for issuance of OOCs, COCs, DOAs, EOs, etc. and pass on to CA.
 - GB will prepare the short report.
 - ConCom's report is due 2/14/2014.
 - Massachusetts Association of Conservation Commissions
 - The MACC's 2014 Annual Environmental Conference will be held at Holy Cross College on 3/1/14.



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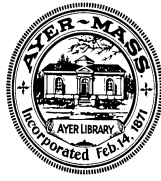
- 21 Maple Street
 - CA received a copy of the Aquifer Protection Special Permit for this address.
 - The homeowner is putting on a small addition to his house, located near Grove Pond.
 - The homeowner contacted CA as to whether he would need to submit an application to ConCom.
 - CA has reviewed the situation, determined there is no need, and will contact the homeowner.
- Pingry Hill
 - CA has spoken to Rick Roper, of Crabtree Development, about ConCom's not receiving the weekly construction updates that were specified in the OOCs issued on 5/23/13.
 - Mr. Roper has asked engineer Steve Mullaney to forward copies of the OOCs to Project Manager Lori Scanlan, of Powell Construction.
 - CA will contact both Mr. Roper and Ms. Scanlan with a specific deadline as to when ConCom should receive these missing reports.
 - CA also distributed copies of Pingry Hill's new NOI submissions for Phase 5, to be considered at an upcoming ConCom meeting.
- File requests
 - CA has received a file request from a consultant working for National Grid and seeking to close out old OOCs.
 - CA has received a file request from an abutter to Phase 5 of Pingry Hill.
- 1/30/14 ConCom Agenda
 - Likely items on the agenda for ConCom's next scheduled meeting:
 - An Oakridge Drive property;
 - Pingry Hill Phase 5;
 - Update from LC regarding recent changes to Mass. wetland regulations;
 - NOI for Nashua Street Extension Subdivision, Molumpco Development.
- **Member Updates**
 - JG reported on the Community Preservation Committee's (CPC) meeting of 1/8/2014.
 - Limited approval was voted granting the use of CPC funds to pay for an independent appraisal of Kohler Place for potential Town purchase.
 - The use of CPC funds for this purpose was made contingent upon prior receipt of the long-awaited letter from Town Counsel addressing the thorny issue of the crossing easement at the end of Wright Road.
 - To date, however, JG reported that the elusive letter remains elusive.
 - CPC remains receptive to the Pond & Dam Management Committee (PDMC) submitting an application for additional CPC funds to pay for a proposed comprehensive study of Ayer ponds.
 - TT has conveyed this to PDMC Chair Don Rzasa.
 - CA will work on setting up a joint meeting soon between ConCom and PDMC to further discuss the comprehensive study and the updated submission from Geosyntec.
- **Public Hearing (cont'd.): NOI – Nashua Street Extension subdivision, Calvin Moore / Molumpco Development**
 - CA received a formal letter from J. P. Connolly, of Goldsmith Prest & Ringwall (GPR), asking for an extension to ConCom's next meeting on 1/30/14.
 - GPR is in the process of preparing a definitive subdivision plan.



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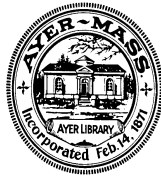
- GB moved to continue the Public Hearing to 1/30/14; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 5 Ledgeway, Debra Turner, DEP # 100-0367**
 - Present were owner and contractor Greg Turner; abutter Barbara Mack; and nearby neighbor Sharon Slarsky.
 - The re-opening of the Public Hearing was delayed while awaiting the arrival of GPR engineer J. P. Connolly.
 - Mr. Connolly not having arrived, Mr. Turner elected to proceed with the Public Hearing.
 - The ZBA was asked for a continuance before it voted on the proposed plans for this property.
 - Thus the ZBA did not hold a vote prior to ConCom's meeting, as previously expected.
 - BD noted that ConCom's 12/19/13 vote to approve and issue an OOC was made contingent upon ZBA approval of the plans submitted at that time to both ZBA and ConCom.
 - BD asked Mr. Turner if he still wanted to proceed and Mr. Turner said that he did.
 - BD reiterated that ConCom's 12/19 vote was premised on ConCom having before it the final set of drawings.
 - BD asked Mr. Turner if there had been any changes to the plans since that meeting and Mr. Turner answered no.
 - BD made sure that Mr. Turner understood that if ConCom went ahead and signed the OOC, with site-specific Special Conditions based on the most current plan, and if the ZBA did not vote to approve the same plans, the Turners would have to start the Public Hearing process all over again with a new filing based on new plans.
 - Mr. Turner said he understood this and wanted to proceed.
 - Ms. Mack summarized several points thought to be pertinent to ConCom as raised in her letter to the Commission dated 1/14/2014:
 - Complaints from Ms. Mack and abutters as to the process itself, citing incomplete documentation from the property owner, lack of access to documentation, and an insufficient level of detail from their perspective;
 - Dismay that the property owner will not be drilling test pits to establish an understanding of ledge conditions and groundwater levels;
 - Concerns over the loss of 20-plus trees as well as the possibility of potential blasting;
 - Reiteration that Ledgeway is a private road, owned by the Richardson family;
 - Concerns about the erosion of sediments into Sandy Pond, part of an ACEC (Area of Critical Environmental Concern), as well as the aesthetic and cultural impact of a substantially larger new house on the existing neighborhood.
 - In addition Ms. Mack cited a separate letter from the Richardsons also specifying Ledgeway is a private road and seeking assurance that:
 - No access is blocked during construction;
 - No damage to the existing road will be caused by construction;
 - In the event there is damage to the road, it will be brought back to its original state at the end of construction.
 - BD said issues affecting the road were outside of ConCom jurisdiction and that this issue falls back on access provisions as specified in the deeds.
 - BD also did not think any Town boards had jurisdiction over the road, reiterating that this was a deed issue.
 - Mr. Turner said the issue of sub-contractors carpooling has been discussed, and added that only a limited group of workers would be working at the site at any given time.



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- Mr. Turner asked for copies of both Ms. Mack's and the Richardson's letters.
 - CA will provide copies to Mr. Turner by way of Mr. Connolly, at GPR.
- The Commission turned to consider the draft OOC with Special Conditions.
 - CA gave Mr. Turner a copy of the draft and indicated that Mr. Connolly would have received a copy of the draft only shortly before tonight's meeting.
 - Mr. Turner reconsidered and decided that, since Mr. Connolly had not yet reviewed and commented on the draft OOC, it would be best to continue the Public Hearing to ConCom's next meeting.
 - Mr. Turner did not, however, want to wait until after the ZBA's next hearing on 2/13/14.
- GB moved to continue the Public Hearing to 1/30/14; TT 2nd.
 - Motion approved unanimously.
- Ms. Mack stayed behind while ConCom addressed some of her points.
 - BD said that, from an engineering perspective, the current plans provided for better handling of stormwater runoff than existing conditions.
 - The plans call for a dry well and drainage swale, which should alleviate concerns over increased runoff.
 - ConCom does not have jurisdictional authority over ledge, blasting, or the water table.
 - ConCom's OOC required a detailed dewatering plan if groundwater issues are encountered during excavation of a basement.
 - Abutters' concern over the lack of a wetland survey was addressed by ConCom during its fall site visit.
 - Both CA and LC agreed at that time that there were no bordering vegetative wetlands (BVW) on the property.
 - At CA's request, GPR agreed to use the tow of the bank as the agreed-upon delineation of the wetlands (Sandy Pond).
 - BD said that concerns about the impact of changing water levels in Sandy Pond on the property were unwarranted.
 - The delineation agreed upon is the tow of a vertical bank constructed from railroad ties.
 - Changes in the pond's water level therefore do not erode inland but rise or fall vertically in relation to this bank.
 - BD said on the issue of the parcel being a nonconforming lot – that is either 10,890 sq. ft. or 11,699 sq. ft. – that this is not a ConCom issue but a ZBA issue.
 - The only way to definitively establish the correct non-conforming parcel size would be to commission an engineered survey of 5 Ledgeway with the property owner's permission – or, similarly, to commission a survey of the surrounding parcels.
- **Public Hearing (cont'd.): NOI – Epic Enterprises, DEP # 100-0365**
 - ConCom reviewed the draft OOC and the 4 written comments received from Jesse Johnson, of David E. Ross Associates, dated 1/16/2014.
 - Mr. Johnson asked to confirm that Item 30c, in the boilerplate OOC, was okay as written.
 - Since no drainage is planned for the fence installation, there would be no need to show drainage information on as-built plans.



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- BD concurred that the information already on the plans regarding drainage was sufficient and that since nothing new was proposed, the conditions addressed in 30c would not apply.
 - The wording of the condition in the draft OOC was left unchanged.
- Mr. Johnson asked about Item 38a's reference to silt fence and haybales.
 - BD asked that CA change the language in this condition to indicate instead "staked filter sock / wattle."
- Mr. Johnson asked about Item 48 specifying that the removal of fallen or standing trees / vegetation within wetlands was not allowed.
 - Mr. Johnson asked to confirm that it was still permissible to cut selected vegetation.
 - BD asked CA to change the wording for this item to indicate that tree / vegetation cutting was permissible as approved by the Commission and shown on the plan of record.
- Mr. Johnson asked about the language of Item 53 which states that all brush and stumps will be removed from the site.
 - Mr. Johnson asked if this should be modified to say that stumps and brush outside of wetland resource areas would be removed.
 - It was agreed that CA would change the language of this item to specify that "all vegetative debris, including uprooted stumps and brush cuttings" would be removed.
- TT moved to issue the OOC and close the Public Hearing; JG 2nd.
 - Motion approved 3-0 (GB abstained).
- **8:45 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.