

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **2/27/2014** – Approved 3/13/2014

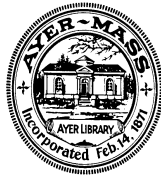
Location: Ayer Town Hall, 1st Floor

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: No

### **7:15 PM – Open Meeting**

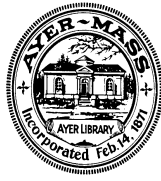
- **Public Meeting: COC – National Grid, DEP #100-096 and #100-104**
  - Katie Durand, of Coneco Engineers & Scientists (Bridgewater, MA), was present to represent the New England Power Company (National Grid).
  - LC recused herself and left the room for the duration of this Public Meeting.
  - Ms. Durand presented two requests for Certificates of Compliance from old, now-expired, OOCs.
    - #100-096
      - This OOC was issued in March 1991 for work in the vicinity of Pratt’s Junction (near Bishop and Park streets).
        - Ms. Durand noted that street names now are not the same as they were in 1991.
      - The work involved a new overhead electric power line and crossed three wetland resource areas.
        - An existing right-of-way was widened, with minor clearing.
      - Ms. Durand performed a site walk in early January.
        - The site is stabilized with no signs of erosion.
        - It was her professional opinion that the site had been fully restored.
      - GB moved to approve and issue a COC for 100-096; TT 2<sup>nd</sup>.
        - Motion approved unanimously (4-0).
    - #100-104
      - This OOC was issued in February 1992 for grading and landscaping work on land adjacent to Stony Brook Park #3, in the vicinity of what is now of New England Way.
        - An access route along a BVW was too steep to use so the work involved grading and restabilizing.
      - Ms. Durand reported that, to the best of her knowledge, work was done as planned.
        - The area is now very overgrown and therefore stabilized with no sign of erosion.
        - There is no visible sign that an access road had ever been there.
      - GB moved to approve and issue a COC for 100-104; TT 2<sup>nd</sup>.
        - Motion approved unanimously (4-0).
- **Confirmation of the Agenda**
  - The scheduled Public Hearing for 37 Groton-Harvard Road was postponed due to snow cover.
  - The scheduled Public Hearing for Pingry Hill, for the purpose of scheduling a site walk, will need to be continued due to snow cover.
  - JG asked to add in a discussion item for CPC funding of the proposed comprehensive pond survey.
  - GB moved to confirm the agenda as amended; TT 2<sup>nd</sup>.
    - Motion approved unanimously.



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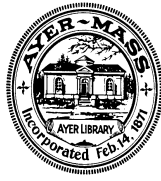
- **Public Hearing: NOI – 17 Bligh Street, Randolph Realty, LLC, DEP #100-0370**
  - Peter Bemis, of Engineering Design Consultants, Inc. (Southborough, MA), represented Randolph & Baldwin, Inc.
  - Mr. Bemis provided CA with proof of notification of abutters.
  - The NOI proposes a 6400 sq. ft. addition to Randolph & Baldwin's building on Bligh Street, along with a small additional parking lot.
    - The company has been awarded a contract and needs the additional space in order to fulfill that contract.
    - Flagging of the wetlands was done by Eco Tech in October 2013.
    - The current building is set well back from the street in a residential area close to Grove Pond.
  - The submitted plans include a stormwater management system, landscape screens, erosion barriers, and an entrance control apron for trucks during construction.
    - The plans will need to be revised to reflect changes to the zoning aquifer district.
    - Ayer DPW adopted new Zone 2 lines in 2010, and while the proposed work for this project will still be outside of Zone 2, the plans will need to be revised to reflect the new boundary.
  - Mr. Bemis said that while the size of the proposed work is not large enough to trigger EPA review, they have put a SWPPP (Stormwater Pollution Prevention Plan) together anyway.
  - Mr. Bemis said the area of the building is within the 100-year flood plain, but that Randolph & Baldwin have been there for 30 years with no flooding problems having occurred.
    - The existence of the flood plain is artificial in that it is a result of Town dams.
    - In light of this, the project will be going before the ZBA to request a special permit.
  - The project will also be going before the Planning Board in March.
  - Mr. Bemis said they were hoping to be able to begin construction in April.
  - BD said that ConCom would not be able to perform a site visit until enough snow had melted to allow for adequate evaluation of wetland conditions, flagging, proposed soil pile locations, etc.
    - Mr. Bemis noted that all areas where work is proposed are currently lawn.
  - To move things along, Mr. Bemis asked if ConCom could provide earlier input to the ZBA as to the minimal impact the work would have on the flood plain.
    - CA will swing by to take a look at the site to see if this was possible.
  - In answer to TT's question about the proposed infiltration basin, Mr. Bemis said the area had primarily A and B soils.
  - BD told Mr. Bemis that ConCom would evaluate existing snow-cover conditions at its next meeting on 3/13 and if conditions were favorable, would schedule a site visit for 3/15 and notify Mr. Bemis accordingly.
    - It was noted that the longterm weather forecast did not look like the snow would be melting any time soon.
    - When a site walk can be scheduled, Mr. Bemis was asked to stake out the footprint for the proposed addition as well as two stakes to mark the infiltration basin, with one stake being at the farthest point from the wetland.
  - GB moved to continue the Public Hearing to 3/13/14; LC 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Announcements and CA Updates**
  - The MACC annual conference, at Holy Cross in Worcester, is scheduled for Saturday, 3/1.
    - CA, LC, TT, and JG planned to attend.



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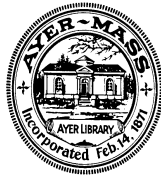
- CA is confirming a joint meeting between ConCom and the Pond & Dam Committee on 3/10.
- CA received an email from the Conservation Agent in Townsend asking for letters of support to the Secretary of the Office of Environmental Affairs from area ConComs requesting the reinstatement of a Circuit Rider for this region.
  - Due to budget cutbacks, this region has been without a Circuit Rider for four years.
    - It was noted, however, that other regions in Massachusetts have remained fully staffed with a Circuit Rider.
  - ConCom agreed that a letter of support would be a good idea and CA will see to this.
- **Meeting Minutes Approval**
  - The minutes for 1/30/14 were reviewed.
    - BD asked if CA had begun receiving construction updates from Pingry Hill.
      - CA said she had not and would be giving them a deadline.
    - BD asked if anything was new with The Willows.
      - CA said developer Mark O'Hagan had contacted CA with revised plans.
      - Per CA's request, Mr. O'Hagan would be getting a cover letter from the current engineer (David E. Ross Associates).
      - When this is ready, CA will have representatives for the Willows appear before ConCom to present the revisions for review.
    - GB moved to approve the minutes for 1/30/14 as written; TT 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 24 Oak Ridge Drive, Roger Kanniard, DEP #100-0368**
  - Portion of Assessor's Map 27, Parcel 1.
  - ConCom performed a site walk on 2/1/14.
    - (Note: ConCom's 2/13/14 meeting was cancelled due to Town Hall being closed because of snow.)
  - Observations addressed with Steve Sears, of David E. Ross Associates, at the site walk included:
    - The lack of crown to the road, meaning that material that made it into the street from construction activity would have no impediment to crossing the road and flowing directly into Flannagan Pond;
    - The need to have an erosion control barrier (haybales or wattles) that would contain the entire site, and be closed up at the end of each day;
    - The presence of a utility pole that was not tall enough and would need to be changed;
    - A request that all large trees to be removed be marked on the plans so that ConCom has a record and can respond to potential questions from abutters.
  - The revised plan submitted 2/12 by Mr. Sears included the following details:
    - Location of proposed retaining walls;
    - Location of soil piles;
    - Tree clearing delineated;
    - Details for a temporary dewatering station;
    - Proposed location of a dumpster;
    - Buried CTE (cable, telephone, electric).
  - GB moved to approve and issue an OOC for 100-0368; LC 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to continue the Public Hearing to 3/13; TT 2<sup>nd</sup>.



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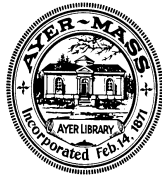
- Motion approved unanimously.
- **Discussion: CPC funding for proposed comprehensive pond study**
  - As ConCom's CPC representative, JG asked if ConCom would be willing to sponsor an application to CPC for an additional \$20,000 in CPC funds to go toward a comprehensive pond study.
    - \$10,000 in CPC funds, currently untouched, were approved by Town Meeting voters in 2011 to go to the Pond & Dam Committee for this purpose.
    - The proposal from Geosyntec, which ConCom will be discussing with Pond & Dam on 3/10, would cost \$83,000.
    - Since CPC cannot fund maintenance projects but can fund such a study, JG suggested now would be the time to solicit more funding from CPC.
  - BD agreed that the sum of \$20,000 was appropriate, and if approved by CPC and voters, would limit CPC's contribution to approximately a third of the total project cost.
  - With the Town Warrant for Spring Town Meeting (5/12) open until 4/11, the Pond & Dam Committee not having met recently, and CPC meeting next on 3/5, time is short to submit such an application.
    - JG distributed a copy of a proposed application.
    - ConCom members expressed a consensus in supporting an application for CPC funding under ConCom's name.
    - To avoid complications, BD suggested his name be used as the ConCom contact person.
  - In addition, JG will contact DPW Superintendent Mark Wetzel and Parks & Recreation Supervisor Jeff Thomas to see if they could be ready by the 3/10 meeting to definitively address their previous hypothetical suggestions that monies from their respective budgets could also be used to help fund the study.
  - Also since timing is now short, CA will ask for ConCom and Pond & Dam to be placed on the BOS agenda for 3/18.
- **Public Hearing (cont'd.): NOI – 5 Ledgeway, Debra Turner, DEP #100-0367**
  - J. P. Connelly, of Goldsmith, Prest & Ringwall (GPR), represented the Turners, who were present in the audience.
  - Also present was abutter Barbara Mack, who received permission to record the proceedings.
    - Ms. Mack addressed concerns raised in her 2/26 letter to ConCom following the ZBA's hearing (the previous night).
      - Building Inspector Gabe Vellante issued a letter to the ZBA reclassifying 5 Ledgeway from a nonconforming lot to a conforming lot no longer in need of a ZBA variance.
        - Mr. Vellante said the lot was created in 1907 and was a conforming lot (12,000 sq. ft.+) at that time.
        - In 1910 and 1911, work on new Town dams raised the level of Sandy Pond, thereby reducing the lot size to below 12,000 sq. ft.
        - Town Counsel was consulted and supported the position taken by the Building Inspector.
      - As a result, the ZBA granted the Turner's request to withdraw the application without prejudice.



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- Ms. Mack disputed Mr. Vellante's finding and the ZBA's subsequent ruling, and complained that the material affecting this ruling was not made available to abutters until 2/26, the night of the ZBA hearing.
  - Ms. Mack's subsequent 2/26 letter to ConCom requested, therefore, that ConCom continue its Public Hearing regarding 5 Ledge way for a month.
    - BD said that the issues in contention for abutters were issues that applied to Zoning, and over which ConCom had no legal jurisdiction.
      - ConCom's jurisdictional authority applied to existing conditions, and the impact of planned work on the resource area.
    - Ms. Mack said she vigorously objected to the lack of timely distribution of documents and to the resultant proceedings by the ZBA on the previous evening.
      - BD reiterated ConCom's lack of jurisdiction over these matters.
  - ConCom and Mr. Connolly proceeded to review the draft OOC and GPR's comments.
    - Revisions were made to the draft OOC in accordance with Mr. Connolly's requests.
      - Because of the previous night's ruling, reference to the OOC being dependent on a favorable ZBA ruling was removed.
      - References to the maintenance of wetland flagging, not required for this site, were removed.
      - References to the stockpiling of soil on-site were removed since no such stockpiling will be allowed.
      - Instead of vegetative cover, condition 59 was changed to indicate that bark mulch would be maintained on site to stabilize exposed soils.
    - Mr. Connolly said there had been only minor changes to the plans, and that these had been submitted to CA for the file.
      - A set of stairs to the westerly side of the proposed house had been moved to the front yard, which in turn makes the house a conforming structure.
        - No additional tree removal would take place for this change.
    - Mr. Connolly said the owners also wanted the option to install native shrubbery in the future.
      - Since the entire lot is within the 100-ft. Buffer Zone, BD said it would be better to install such shrubbery while erosion controls were still in place.
  - GB moved to issue the OOC and close the Public Hearing for 100-0367; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
    - ConCom members signed the OOC.
  - Mr. Turner asked if sending information to CA via email was acceptable and was told yes.
  - Mr. Turner said he would be contacting CA for inspection of the erosion controls a week in advance.
- **Public Hearing (cont'd.): NOI – Pingry Hill Subdivision, Phase V, DEP #100-0369**
    - GB moved to continue the Public Hearing to 3/13/14; LC 2<sup>nd</sup>.
      - Motion approved unanimously.
  - **Member Updates**
    - GB asked CA to contact the DPW to request that DPW regularly plow the parking area on Groton-Harvard Road, across from the entrance to the Pine Meadow Conservation Land.



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- LC, accompanied by four or five volunteers from BSC Group, plans to certify the vernal pool located in Pine Meadow Conservation Land on 4/26.
  - TT said one of the activities the Greenway Committee is planning this year includes a vernal pool walk, and asked if it would be acceptable for this walk to take place at the same time LC is performing the certification.
  - LC said sure.
- **9:08 PM – Adjourn Meeting**
  - GB moved to adjourn; TT 2<sup>nd</sup>.
    - Motion approved unanimously.