

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **10/24/2013** – Approved 11/7/2013

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)

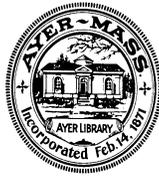
Not present: George Bacon (GB, Vice-Chair), Lee Curtis (LC)

APAC taped: Yes

7:30 PM – Open Meeting

- **Confirmation of Agenda**
 - The Public Hearing (cont'd.) for Molumpco Development, EO & NOI, was taken off the agenda.
 - A Public Meeting for a Request for a Partial Certificate of Compliance (COC) for 2 Juniper Ridge was added.
 - JG moved to confirm agenda as amended; TT 2nd.
 - Motion approved unanimously.

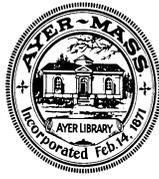
- **Public Hearing: NOI – 11 Copeland Drive, EPIC Enterprises, Inc., DEP # 100-0365**
 - Jesse Johnson, of David E. Ross Associates, represented EPIC Enterprises.
 - Mr. Johnson provided copies of the abutters' notices to CA.
 - The NOI seeks an OOC for the installation of additional perimeter security fencing.
 - In addition to EPIC's manufacturing and distribution facility, the property also contains roughly 39 acres of undeveloped upland forest, wetlands, and bordering vegetated wetlands (BVW).
 - 75% of the property is currently already fenced.
 - The NOI seeks to extend this fencing along the perimeter so that the entire site is enclosed.
 - EPIC has had a recurrent problem with squatters.
 - In addition, a public water supply well exists on the property and EPIC wants this closed off and protected.
 - To do this, work within wetland resource areas and buffer zones will be required.
 - Total area of temporary disturbance within resource areas is estimated to be 11,500 sq. ft.
 - David E. Ross Associates delineated the wetlands in April, 2013.
 - Mr. Johnson said the plan detailed in the NOI seeks to minimize environmental impact.
 - The contractor to be used is Buxton, which did the existing fence installation for EPIC 3 years ago.
 - In upland areas, 12" postholes would be excavated and backfilled.
 - In wetland resource areas, 3" diameter fence posts would be directly driven into the ground to a depth of at least 3 ft.
 - The spacing between fence posts would be 10 ft.
 - Approximately 987 ft. of fencing, using 100 fence posts, would be installed within wetlands.
 - Mr. Johnson said planned erosion controls were designed to establish a maximum working area width of 12 ft.
 - BD questioned the necessity of clearing to this extent and this will be looked at during the site walk.



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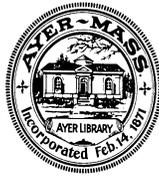
- Mr. Johnson will try to have the contractor attend the site walk to discuss equipment needs for clearance.
 - In wetland work areas, the plan calls for vegetation to be cut low to the ground, with roots left in place.
 - Cuttings will then be laid down to create a “Slash Mat” for equipment access.
 - It is anticipated that the mat would minimize rutting from a 2.5 ton tracked mini-excavator to be used to move material.
 - The project is not within ACEC or rare and endangered species habitat.
 - Mr. Johnson distributed copies of comments received 10/24 from Maryann Dipinto of Mass DEP.
 - Given that the project involves protection of a public water supply well, DEP wrote that it could be filed as a “limited project.”
 - To mitigate wildlife impact, DEP requested that openings in the fence be provided so that “turtle-sized” animals could readily pass through.
 - The fence is to be 6 ft. tall, which Mr. Johnson said would not impede deer from jumping over.
 - Mr. Johnson will check to see what the fence would be topped with.
 - One access to the site during fence installation would be from Snake Hill Road, another possibly through an abutter’s property.
 - For long-term maintenance of the fence, Mr. Johnson said ideally they would want 3 ft. of clearance on either side of the fence, though he added that at minimum, one side had to be kept clear for access.
 - CA requested that the specifications for long-term maintenance be detailed in writing as part of the NOI application.
 - BD said these specifications would be entered into the OOC.
 - A site walk was scheduled for 11/2, at 9 a.m., meeting on Coffman Way, off Copeland Drive.
 - TT moved to continue the Public Hearing to 11/7; JG 2nd.
 - Motion approved unanimously.
 - Mr. Johnson contributed the fun fact that EPIC is an acronym for ‘Enjoy Pepsi In Cans’.
- **Public Meeting: RDA – 45 Partridge Run, Nick Mancini**
 - Mr. Mancini submitted an RDA as requested by BD during site walk on 9/28.
 - Mr. Mancini seeks permission to cut down 24-25 trees on his property because of safety concerns.
 - He confirmed trunks would be left in the ground and no stump grinding would be done.
 - BD said the only thing missing from the RDA was the detail as to what plantings Mr. Mancini would use to fill in between the downed trees.
 - Mr. Mancini said he would plant whatever ConCom wanted him to.
 - CA will provide Mr. Mancini with a list of suggested native plantings.
 - One shrub is to be planted for every tree downed.
 - BD reiterated that Mr. Mancini was not to expand the lawn beyond its current limit.
 - TT moved to issue a Negative Determination of Applicability with the conditions that one shrub will be planted for each tree downed, and that the lawn is not to be extended; JG 2nd.
 - Motion approved unanimously.
 - Mr. Mancini gave CA a check for \$64.44 for the cost of the legal notice.
 - BD asked Mr. Mancini to let CA know both when the work was to begin and when it was complete for a follow-up inspection.
- **Public Hearing (cont’d.): NOI – Victor Drive culvert replacement, Ayer DPW**



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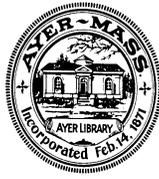
- A draft OOC was not yet ready for review.
- CA received an electronic version of a drawing showing the location for a temporary soil pile.
 - Because the drawing was confusing, both BD and CA will drive by to confirm the storage location.
- TT moved to continue the Public Hearing to 11/7; JG 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI & EO – Molumpco Development, Nashua Street extension subdivision, Calvin Moore**
 - TT moved to continue the Public Hearing to 11/7; JG 2nd.
 - Motion approved unanimously.
- **Discussion: Proposed soil pile distribution, Nashoba Valley Medical Center**
 - Present were Tony Moura and Attorney Thomas Gibbons.
 - Mr. Moura said the hospital has been working on construction of a new geriatric/psychiatric addition.
 - In the process, it was found that soil underneath the location of the new building was not suitable for structural support.
 - Approximately 3000 cubic yards of soil was removed and piled nearby.
 - The hospital would now like to move the soil to a meadow area to the rear of the hospital and spread it there.
 - The designated meadow area is approximately 145 ft. from a wetland resource area.
 - Wetland flagging and surveying was done in July or August 2013.
 - The hospital has received approval from NHESP, provided the work, including successful seeding, was done before April 1st.
 - The area is priority habitat to the vespers sparrow and April 1 marks the beginning of its nesting season.
 - Mr. Moura said the hope was to get the soil moved, spread, seeded, and the area hydromulched for winter, as soon as possible.
 - To reach the meadow area, the soil must be transported down a cart path crossing a wetland strip.
 - A row of haybales will be installed along the cart path in case of potential spills.
 - No change or disturbance is proposed for inside the buffer zone.
 - BD said he was comfortable with handling this project through an RDA filing for ConCom's next meeting on 11/7.
 - Attorney Gibbons said they wanted to start the project sooner to get the seed down immediately before freezing occurs.
 - BD said that haybales could be installed in the interim so that work could start immediately after the 11/7 meeting.
 - Attorney Gibbons said he did not want a precedent set that restricted the hospital's use of its cart path for other things unless they came before ConCom.
 - Mr. Moura said the hospital has been using the cart path for other purposes already.
 - BD said other situations, such as transporting mowers, were not comparable to using the path to transport 3000 cu. yards of soil.
 - Transport of such a large amount of material, within a buffer zone, constituted 'work' and was therefore subject to ConCom's jurisdiction.
 - Mr. Moura asked what conditions would be attached to an RDA that would be different from what was being discussed at this meeting.



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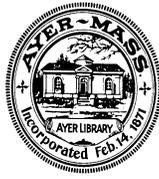
- Attorney Gibbons asked what could be done at tonight's meeting so that work could begin immediately.
 - BD said that ConCom insists on consistency in holding to the formal procedure of an RDA, whether dealing with large companies or individual residents.
 - The RDA formalizes the process and makes decisions part of the official record.
 - The RDA is also a Public Meeting and must be advertised, via legal ad, accordingly.
 - BD reiterated, yet again, that passing through the buffer zone with a large quantity of soil constituted 'work' considered jurisdictional to the Wetland Protection Act.
 - CA also said she had been in contact with the hospital about this for over a month and had only just gotten the plan.
 - CA pointed out that she had offered hospital representatives the opportunity to attend ConCom's 10/10 meeting but this had been declined.
 - [See CA email, 10/7, to Stephen O'Connor, cc'd Tony Moura, and Mr. Moura's decline of the invitation in a 10/10 email.]
 - BD said he was also sorry the issue of soil transport had not come up at an earlier meeting.
 - Mr. Moura and Attorney Gibbons asked again why they needed to do an RDA.
 - BD said that ConCom would be happy to fully research the reasons why and explain it to them at its 11/7 meeting, after which an RDA meeting could then be held on 11/21, further delaying things.
 - There being no further argument, BD confirmed that an RDA hearing for this project would be held on 11/7.
 - CA said she would need the RDA filed by Monday, 10/28, so she could then run the legal ad.
 - CA also asked for a copy of the NHESP approval.
- **Public Meeting: Request for Partial COC, 2 Juniper Ridge, Lot 81, The Willows (DEP # 100-0288)**
 - CA said the current owner, not the developer, is selling this unit in a private sale.
 - CA was contacted by the buyer's attorney.
 - The lot is as far from wetland resource areas as it can be and is fully stabilized.
 - Had it not been included in the subdivision's broader DEP filing, the individual lot would not have fallen within ConCom jurisdiction.
 - Because no separate DEP filing for this building was done, only a partial COC can be considered.
 - CA explained this to the buyer's attorney.
 - TT moved to issue a partial COC for 2 Juniper Ridge; JG 2nd.
 - Motion approved unanimously and the COC signed by ConCom.
- **Public Meeting: Request for COCs, Easy Street subdivision, Roger Kanniard**
 - COCs have been requested for:
 - 11 Easy Street (Lot 8) – DEP #100-0299 (formerly 59 Easy Street);
 - 12 Easy Street (Lot 6) – DEP #100-0297 (formerly 64 Easy Street);
 - 13 Easy Street (Lot 7) – DEP #100-0298 (formerly 65 Easy Street);
 - Easy Street Subdivision – DEP #100-0300.
 - A site walk was performed by ConCom on 10/19/13.
 - CA received amendments to the existing OOCs for the house lots, as requested on the site walk.
 - CA also received a resubmission of the as-built but said it was the same one submitted before the site walk.



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- As such, it is still incomplete as it does not show the berm or other details.
- BD asked CA to contact Steve Sears, of Goldsmith, Prest, & Ringwall and convey that ConCom needs a correct as-built for its files before it will issue COCs.
- There were no issues, however, with the COC for the subdivision itself.
- TT moved to approve and issue a COC for DEP #100-0300; JG 2nd.
 - Motion approved unanimously and signed by ConCom.
- **Public Meeting: Request for COC – MassBroadband Institute**
 - CA has not been able to do a site walk yet to inspect the installation of 4 poles.
 - BD said he would drive by and take a look.
 - A vote on the COC was therefore postponed to ConCom's 11/7 meeting.
- **Meeting Minutes Approval**
 - TT moved to accept the minutes for 10/10/13 as amended; JG 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Lowell Sun: \$134.25, for legal ads:
 - \$60.86, for RDA, Scott Pezza, 272 Old Farm Way, irrigation system installation
 - \$73.59, for NOI, Molumpco / Calvin Moore, Nashua Street Extension subdivision
 - TT moved to approve payment of \$134.25; JG 2nd.
 - Motion approved unanimously.
- **CA Updates**
 - Pingry Hill
 - CA has inspected work on the new drainage system along Rte. 2A.
 - While the work looked fine, the wetlands are no longer flagged.
 - Only one tattered partial flag remains.
 - The OOC specifies that wetland flagging must be maintained.
 - CA will be talking to Powell Construction Project Manager Lori Scanlan to remind her of this.
 - CA will also remind Ms. Scanlan that the newest OOC requires the submission of regular reports during active construction.
 - ConCom has not been receiving these reports.
 - Grove Pond
 - CA has been updated by a consultant to National Grid on the electrical work planned for the renovation to the water treatment plant.
 - The initial plan was for National Grid to dig trenches for buried wires.
 - Instead, National Grid will keep the wiring above ground on poles, with less environmental impact.
 - ConCom will therefore be getting an official request for an amendment to do this work.
 - This amendment will be piggybacked onto DPW's OOC.
 - Snake Hill Road, near the railroad tracks
 - CA has informed a resident who wants to put on an addition that this will require the filing of an NOI.
 - West Main Street



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- CA was contacted by a concerned resident over ground work being done on West Main, across from the Ayer Veterinary office.
 - No door number exists on the building in question.
- CA contacted Building Inspector Gabe Vellante who said that “exploratory demo work” was being done.
 - CA just received contact information for the owner from Mr. Vellante.
- CA will be following up on this as it appears ConCom should have been notified of this work.
- Vitasoy, New England Way
 - Vitasoy is under an enforcement order from Mass DEP (an Administrative Consent Order, ACO) that mandates upgrades to its wastewater treatment.
 - This wastewater discharges into the Town sewer system.
 - Vitasoy has been in contact with the Board of Health because of its location over aquifer, and with the Planning Board over zoning issues.
 - A pond and BVW are on the property and because of this, Vitasoy was told by the Planning Board Office Manager that it needed to contact ConCom as well.
 - Sean Kingsley is the Engineering Manager for Vitasoy.
 - CA will be visiting the site in order to ascertain whether an RDA or an NOI would need to be filed.
- Fall Town Meeting
 - FTM will be held Monday, 10/28, upstairs in Town Hall.
- Joint Meeting with Pond & Dam Management Committee
 - The 10/21 meeting to discuss the comprehensive pond study was postponed because the revised proposal from Geosyntec had not yet been received
 - CA has since received the proposal and will contact PDMC Chair Don Rzaza about rescheduling this joint meeting at one of the Committee’s next meetings.
- **9:24 PM – Adjourn Meeting**
 - JG moved to adjourn; TT 2nd.
 - Motion approved unanimously.