

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **12/19/2013** – Approved 1/16/2014

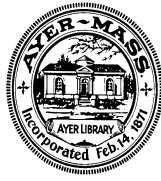
Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT)[arrived 8:30], Lee Curtis (LC), Becky DaSilva-Conde (CA, Conservation Administrator), Jessica Gugino (JG, Clerk)

APAC taped: No

### **7:20 PM – Open Meeting**

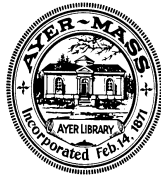
- **Confirmation of Agenda**
  - GB moved to confirm agenda as posted; LC 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
  
- **Public Hearing (cont'd.): NOI – 11 Copeland Drive, EPIC Enterprises, DEP # 100-0365**
  - Jesse Johnson, of David E. Ross Associates, represented EPIC Enterprises for its NOI application to install additional perimeter security fencing.
    - The fencing will be 7 ft. high and topped with barbed wire.
  - Mr. Johnson reviewed the concerns raised by ConCom on its 11/2 site walk and detailed revisions made to the plans (dated 12/17/13) to address these concerns.
    - Erosion controls will be installed to establish a limit of disturbance adjacent to resource areas and within uplands.
    - Heavy equipment will only be used in upland areas, not in wetland areas.
      - Fence post digging in wetland areas will be done by hand.
      - The wetland work will be done in “frozen ground” conditions between January 1 and March 31, 2014.
      - The 3-inch diameter fence posts will be directly driven into the ground to a depth of at least 3 feet.
        - No earthwork or soil removal will be necessary.
      - Approximately 1,028 linear feet of fencing will be installed within the wetlands.
      - Installation of the fence posts will result in a total permanent disturbance of 8 sq. ft. within the wetland resource areas.
    - Per comments received 10/24 from Maryann Dipinto, of Mass DEP, wildlife migration concerns have been addressed.
      - “Turtle Passage” holes (8 in. x 8 in., big enough for other small animals) will be placed every 200 linear feet along the fence.
      - This will result in a total of 7 wildlife passage holes, 6 within the wetlands.
    - Regarding vegetation removal in wetland areas, the alignment of the fencing will be selected and altered to minimize vegetation cutting.
      - Roots will be left in place, and trimmings will be left within resource areas.
      - No trees greater than 6-inches in diameter will be cut.
      - The estimated number of trees to be cut is 6-8.
      - All trees will be flagged and available for inspection by ConCom if so desired.
    - As requested by ConCom, a wildlife habitat protection study was done by Epsilon Associates earlier in December.
  - LC moved to approve and issue an OOC; JG 2<sup>nd</sup>.
    - Motion approved 3-0 (GB abstained).



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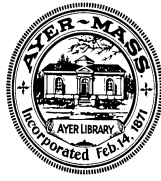
- JG moved to continue the Public Hearing to 1/16/14; LC 2<sup>nd</sup>.
  - Motion approved 3-0 (GB abstained).
- **Meeting Minutes Approval**
  - GB moved to approve the minutes for 11/21/13 as written; LC 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
- **CA Updates**
  - Vitasoy
    - Vitasoy has been required by the State to update its wastewater treatment plant.
    - The company will be coming before ConCom with an NOI some time in 2014.
    - CA met with a representative from Vitasoy and an engineer from Biowater Technologies who is working on several alternatives.
    - CA reviewed the NOI process with them.
    - Vitasoy will be working with David E. Ross Associates to get the wetlands delineated (last done in 1984).
      - BD asked CA to convey that ConCom will not accept a delineation done under snow cover.
    - CA said Vitasoy was considering splitting the project into 2 phases.
      - CA encouraged them to design the project in a single NOI so that ConCom can evaluate the whole picture.
  - East Main Street water main upgrade
    - CA received a memo from DPW Superintendent Mark Wetzel on this, and was also contacted by a consultant.
      - This upgrade is a small portion of a much larger project that will be on the Warrant for Spring Town Meeting.
    - CA will talk to Mr. Wetzel to see if this upgrade will be part of a larger NOI or addressed separately under a more limited RDA.
  - Pingry Hill
    - At least 4 new homes have been constructed now on Hemlock Drive.
  - Request for Certificate of Compliance (COC), Fitchburg Line
    - Mike Turgeon will be coming to ConCom with a COC request for this work.
    - BD said this will need to wait until spring as ConCom will want to perform a site walk and snow cover will not permit adequate assessment of the work.
- **Public Hearing (cont'd.): NOI – Debra Turner, 5 Ledge way, DEP # 100-0367**
  - J.P. Connolly, of Goldsmith, Prest & Ringwall (GPR), represented the Turner NOI.
  - The building plans / layout have changed since Mr. Connolly appeared before ConCom on 11/21.
  - Because of quorum issues, the Zoning Board did not meet in December and will not rule on the plans until 1/14/14.
  - In the interim, Mr. Connolly wanted to update ConCom and address previous questions or concerns with the plans and construction sequence:
    - The total square footage of the new footprint is 2032 sq. ft.
    - The gravel construction entrance has been extended too accommodate larger trucks.
    - Erosion controls have been pushed out to accommodate a dry well and stormwater basin.
    - The existing house will now be completely razed.



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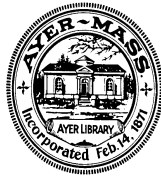
- It is designed as a conforming structure on a nonconforming lot.
- The plan calls for the use of roof gutters tied to a 1000-gallon dry well which will also collect runoff from the driveway.
  - The plan conforms to Standard 3 of Stormwater Guidelines for recharge.
  - All impervious surfaces, not just the new construction, will be treated.
  - Overflow and drainage will be released through roof drain leaders, not outlets.
- With regard to the construction sequence:
  - Trees will be removed by crane.
  - A construction fence will be installed along with straw wattles for erosion control.
  - The existing buildings will be completely razed and all material removed from site.
  - Tree stumps will be removed entirely or ground if located away from the house construction.
  - Utilities will be installed.
    - Current overhead electrical will be changed to underground.
    - If groundwater is encountered during this process, a temporary dewatering structure will be installed.
  - Excavation for the basement will be done, with all material removed from site.
  - Excavation for the foundation will be done, with material temporarily stockpiled for use as backfill.
    - Straw wattles will be placed around material down gradient.
  - The foundation will be installed and backfilled, with excess material removed from site.
  - The stormwater basin and dry well will be constructed.
  - The existing driveway will be removed and disturbed areas stabilized and mulched.
  - After completion of the house, erosion controls and fencing will be removed.
- During the construction process, parking by workers will be managed as best as can be.
  - Mr. Connolly said he would be suggesting carpooling.
- Owner and contractor Greg Turner, in the audience, addressed ConCom with additional details.
  - Mr. Turner said he would not be stockpiling soil on site other than what was necessary for backfill around the foundation.
  - BD said if piles were limited to a height of 3-ft. and set 7-10 ft. back from the straw wattles, this would be acceptable.
    - This will allow a small bobcat or track hoe to pass between the construction fencing / wattle line and the soil piles / house location.
  - BD also stressed that soil could be stored for backfill for only a limited time or it would have to be bound with additional wattles.
  - Mr. Connolly said he would make note of the requirement for temporary storage of backfill soil at a minimum of 7 ft. from the straw wattles.
- BD asked for details about the basement.
  - BD asked if Mr. Turner was going to dig test pits.
  - Mr. Turner said he no longer planned to because, with the snow, it would make a mess.
  - Based on the dryness of the 7-ft. deep hole in the current crawlspace, Mr. Turner did not anticipate running into problems with groundwater.
    - If ledge is encountered, a hammer may be used but no blasting will be done.
- BD confirmed with CA that there is no dock permit for this property.
  - Mr. Turner said the dock materials stored nearby have nothing to do with his property.



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- BD and CA concurred that the existing dock at the end of Ledgeway has no permit and therefore will have to go.
- Mr. Connolly asked if a draft OOC could be voted on and prepared, pending the outcome of the January hearing before the Zoning Board.
- Abutter Barbara Mack, from the audience, made a number of comments.
  - She stressed that Mr. Turner should not assume that stones encountered during excavation would be small because large boulders exist throughout the area.
  - Ms. Mack asked if the new driveway would be paved or gravel.
    - Mr. Turner said it would be paved.
- For the record, BD reiterated that ConCom does not have jurisdiction over the house or its footprint.
- GB moved to approve and issue an OOC, pending the Zoning Board ruling; LC 2<sup>nd</sup>.
  - Motion approved unanimously (5-0).
  - CA will draft an OOC with conditions for review at the 1/16/14 meeting, at which time ConCom will know the results of the Zoning Board's ruling.
- GB moved to continue the Public Hearing to 1/16; LC 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Public Meeting (cont'd.): Request for COCs, Easy Street subdivision, Roger Kanniard**
  - CA has received an updated electronic as-built plan from David E. Ross Associates for the 3 house lots under consideration.
    - CA will ask that they submit one full copy of the as-built for the permanent file.
  - GB moved to approve and issue a COC for 11 Easy Street (Lot 8) – DEP #100-0299 (formerly 59 Easy Street); TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to approve and issue a COC for 12 Easy Street (Lot 6) – DEP #100-0297 (formerly 64 Easy Street); TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to approve and issue a COC for 13 Easy Street (Lot 7) – DEP #100-0298 (formerly 65 Easy Street); TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Member Updates**
  - JG updated ConCom on CPC's December meeting regarding Kohler Place.
    - Town Administrator Robert Pontbriand and Board of Selectman Chair Gary Luca detailed plans to move forward with submitting an application to CPC and proceeding with steps necessary to negotiate a potential Open Space purchase of the 24-acre parcel.
      - These steps include an appraisal and Phase I environmental review.
    - BD was not confident that the crossing easement issue had been adequately addressed and said he would try to attend CPC's next meeting on 1/ 8/14.
  - JG said CPC had also been receptive to the idea of the Pond & Dam Management Committee submitting an application for additional CPC funding for the proposed comprehensive survey of Ayer ponds.
    - TT said he would convey this to PDMC.
  - GB asked if CA had heard anything further from Mr. Pontbriand as to instituting By-law enforcement.
    - CA had not.



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- GB noted that the MACC manual for ConCom commissioners is now available on-line on a subscription basis, at \$15 / year / member, with one free per Town.
    - ConCom will have to take this into consideration when it does its next operating budget for the following fiscal year.
  - GB said the Greenway Committee will be hosting a meeting and social gathering at Chipshots on 1/18/14.
  - LC said the Stormwater Committee has now met and is working on a rate and credit structure for the Stormwater Enterprise Fund.
    - LC distributed copies of Mr. Wetzel's 12/16/13 memo summarizing that meeting.
    - Charges, once approved, will be imposed via water / sewer bills.
  - LC also said the DPW is talking to education groups about getting a rain garden project going before the end of the school year.
- **9:20 PM – Adjourn Meeting**
    - GB moved to adjourn; LC 2<sup>nd</sup>.
      - Motion approved unanimously.