

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **5/23/2013** – Approved 6/13/2013

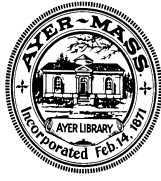
Location: Ayer Town Hall, 1st Floor

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

### **7:15 PM – Open Meeting**

- **Confirmation of the Agenda**
  - Two items were added to the agenda:
    - Discussion: Littleton Lyne Apartments, 199-125 Littleton Road (Rte. 2A)
    - Discussion: RFQ, comprehensive survey of Ayer ponds
  - GB moved to confirm the agenda as amended; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  
- **PUBLIC HEARINGS (CONT'D): NOIs / OOCs – PINGRY HILL, CRABTREE DEVELOPMENT, LLC.**
  - Steve Mullaney, of SJ Mullaney Engineering, was present.
  - CA did a site walk with Project Manager Lori Scanlan on 5/11.
    - All wetland flags were confirmed as in place.
    - At that time, CA asked that additional areas of sedimentation be cleaned out on lots 58 and 59.
      - CA has received an email from Ms. Scanlan confirming that this cleanout has been completed.
  - For each Order of Conditions (OOC) issued, BD asked Mr. Mullaney to be sure that CA was contacted 7 days prior to the commencement of work, for inspection of erosion controls.
  - **Public Hearing (cont'd): NOI – 8 Hemlock Drive, Lot 59 (DEP #100-0359)**
    - GB moved to approve the NOI and issue an OOC; LC 2<sup>nd</sup>.
      - Motion approved unanimously.
    - ConCom signed the OOC.
    - GB moved to close the Public Hearing for 100-0359 to 5/23; LC 2<sup>nd</sup>.
      - Motion approved unanimously.
  - **Public Hearing (cont'd.): NOI – 116 Hickory Way, Lot 82 (DEP # 100-0360)**
    - GB moved to approve the NOI and issue an OOC; LC 2<sup>nd</sup>.
      - Motion approved unanimously.
    - ConCom signed the OOC.
    - GB moved to close the Public Hearing for 100-0360 to 5/23; LC 2<sup>nd</sup>.
      - Motion approved unanimously.
  - **Public Hearing (cont'd.): NOI – 23 Hemlock Drive, Lot 61 (DEP #100-0354)**
    - Having previously approved the NOI, ConCom proceeded to sign the OOC.
    - GB moved to close the Public Hearing for 100-0354 to 5/23; LC 2<sup>nd</sup>.
      - Motion approved unanimously.
  - **Public Hearing (cont'd.): NOI – 26 Hemlock Drive, Lot 58 (DEP #100-0358)**
    - Having previously approved the NOI, ConCom proceeded to sign the OOC.
    - GB moved to close the Public Hearing for 100-0358 to 5/23; TT 2<sup>nd</sup>.
      - Motion approved unanimously.



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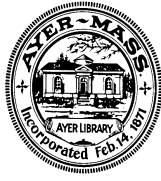
- **Public Hearing (cont'd.): NOI – 37 Hemlock Drive, Lot 62 (DEP #100-0355)**
  - Having previously approved the NOI, ConCom proceeded to sign the OOC.
  - GB moved to close the Public Hearing for 100-0355 to 5/23; LC 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 53 Hemlock Drive, Lot 63 (DEP #100-0356)**
  - Having previously approved the NOI, ConCom proceeded to sign the OOC.
  - GB moved to close the Public Hearing for 100-0356 to 5/23; LC 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 67 Hemlock Drive, Lot 64 (DEP #100-0357)**
  - Having previously approved the NOI, ConCom proceeded to sign the OOC.
  - GB moved to close the Public Hearing for 100-0357 to 5/23; LC 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd.): NOI – 74 Hemlock Drive, Lot 55 (DEP #100-0353)**
  - Having previously approved the NOI, ConCom proceeded to sign the OOC.
  - GB moved to close the Public Hearing for 100-0353 to 5/23; LC 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Littleton Lyne Apartments (LLA)**
  - Present were Sue Carter, of Places Associates; Attorney Robert Markley, representing LLA; and Jean Holmes, representing the owner of LLA.
  - Steve Mullaney also remained present, representing Rick Roper, of Crabtree Development.
  - This was previously discussed under CA Updates at ConCom's 1/24/2013 meeting.
    - The septic system for the apartment complex failed in January.
    - At that time, DPW Superintendent Mark Wetzel advised LLA they would need to file an NOI with ConCom to close out the failed septic system and connect to the Town's sewer system.
  - Ms. Carter said a permit was received in 2006 for this and, although this was never done, the permit was still valid because of the State's Permit Extension Act.
    - LLA is now seeking permission to proceed with connecting to the Town sewer by piggy-backing this work onto the OOC issued to Mr. Roper for Pingry Hill.
  - A directional boring will be made under Littleton Road (Rte. 2A) to the Pingry Hill development across the street from LLA.
    - From there, LLA's 3-inch pipe tie-in will continue up Hemlock Drive via force main to reach the first gravity manhole 6+0.
    - The LLA pipe will run up the center of Hemlock Drive, meeting proper offsets to the Pingry Hill utilities also running underneath the roadway.
  - Powell Construction, which is doing the infrastructure work for Pingry Hill, will also be doing the sewer tie-in for LLA to ensure continuity to the work in this area.
    - Because Powell Construction is getting ready to lay the sub-base for paving on Hemlock Drive, LLA is hoping to complete its tie-in before this is Powell finishes this work.
    - This will eliminate the need for a future cut into the roadway and reduce disturbance.
  - Because Powell Construction will be doing this work within the next week or so, Ms. Carter asked, therefore, if ConCom would be willing to regard the tie-in as an incidental addition to Mr. Roper's existing OOC.
    - BD asked if Mr. Roper was in agreement with this plan.
      - Mr. Mullaney said that he was.



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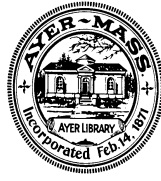
- BD said ConCom would require something in writing from Mr. Roper stating this.
  - Mr. Mullaney said he would see to this.
- Ms. Carter said Mr. Markley has already been working on legal agreements between LLA and Pingry Hill for use of its easement.
- Given the time issue and also that it was preferable to have LLA convert from septic to Town sewer, BD said ConCom could consider this as a field change and amend Mr. Roper's OOC accordingly.
- GB moved to approve the LLA sewer tie-in as a field change, pending receipt of an agreement letter from Mr. Roper; JG 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Announcements**
  - ConCom's office will be closed on Friday, May 24, for the holiday.
- **Accounts Payable**
  - Lowell Sun: \$73.39, for the Public Hearing notice for Pingry Hill's Lot 82 (116 Hickory Way).
    - Because the initial notice was in error, the corrected notice will be paid for out of ConCom's ad fund.
    - GB moved to approve payment of \$73.39; LC 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Meeting Minutes Approval**
  - GB moved to approve the minutes for 5/9/13 as corrected; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion (cont'd): Autumn Ridge development Enforcement Order (EO) status update**
  - CA has not received a written reply from Calvin Goldsmith, of Goldsmith, Prest & Ringwall, regarding her request for an update from GPR's client, Gillis Construction, regarding several outstanding items as the development nears completion.
    - CA informed Mr. Goldsmith via email 5/8/13 that ConCom will not issue a Certificate of Completion until all of the proposed and permitted work, including cleanout of detention basins and proper construction of the Turtle Habitat, has been completed.
  - CA said a meeting was held the previous week with the contractor, and at which Town Administrator Robert Pontbriand was also present.
    - John Cadigan, representing the Autumn Ridge homeowner's association, updated CA on 5/22 as to details of this meeting.
    - The three points of main focus dealt road construction, decks not built to code, and the outstanding ConCom issues.
    - The Town is hoping to avoid a situation similar to what occurred with Pond View Estates, where another developer closed out work leaving several outstanding issues unresolved or incomplete.
  - CA said Mr. Pontbriand supported ConCom's request that Building Inspector Gabe Vellante withhold further Occupancy Permits until the outstanding work is done.
  - CA also emailed Misty-Anne Marold, asking what options for enforcement NHESP has if a developer does not follow through with the requirement to construct turtle habitat per their permit.
    - Ms. Marold is looking at the plans and will get back to CA with an answer.



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- **Discussion (cont'd): Plow Shop Pond remediation plan update**
  - The Devens Restoration Advisory Board meeting scheduled for 5/16 was postponed to 6/20.
  - ConCom has not received a response to its comments to the Army's Work Plan.
- **CA Updates**
  - 31 Central Avenue
    - CA said Mr. Hillier's interest in expanding the parking area on this property is on hold.
    - Mr. Hillier informed the Town he would like to open a medical marijuana dispensary.
    - At its 5/21/13 meeting, the BOS decided this should be subject to a Public Hearing before the Town.
    - Mr. Hillier has therefore postponed proceeding with an NOI for parking until zoning and other issues with the Town are first resolved.
  - 113 Oak Ridge Drive
    - CA did a site walk with owner Mary Walker to discuss her interest in putting in a retaining wall in a backyard that slopes steeply down to Flannagan Pond.
    - CA advised Ms. Walker that this work will require an NOI and that, given the topography, she will need to talk to an engineer.
    - Ms. Walker may also need a building permit from Mr. Vellante if the retaining wall goes over 4 ft. in height.
  - DPW issues
    - CA will meet next week with DPW Superintendent Wetzel to discuss several issues.
      - Downsizing of the planned new pump station for Groton-Shirley Road
        - DPW now plans to use the old building rather than construct a new one.
      - Spectacle Pond wells
        - Construction of new wells cannot piggyback onto the OOC for the test wells.
        - Mr. Wetzel will need to submit a new NOI for this work.
      - Work on the East Main Street spillway near the rotary
        - Both CA and BD observed that DPW installed a new valve / dam next to the stream between Balch Pond and the wetlands.
        - No remediation was done nor was ConCom notified.
        - BD said this lack of communication from DPW – not for the first time since Mr. Wetzel became Superintendent -- should occasion a letter from ConCom.
      - Beaver dam management municipal survey
        - CA will ask for an update.
      - Dog Park
        - CA said the Town has been awarded a grant to construct a dog park.
        - The BOS would like to put this under Parks & Recreation but Mr. Wetzel has suggested this should be under DPW.
        - Four areas have been identified as potential sites, include Parcel H at Pingry Hill, adjacent to railroad tracks and wetlands.
          - CA told Mr. Wetzel that ConCom would need to see a management plan if Parcel H were to be used, given the wetlands nearby.



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- Flannagan Pond weed treatment
  - CA received a message from Dominic Meringolo, of ACT, saying the first treatment went well.
  - Mr. Pontbriand has received an invoice from ACT for the first payment.
- Sandy Pond III
  - CA received a phone call from a new contact at Ranger Development.
    - The developer has not paid taxes for several years on a parcel that is to go into Conservation Restriction (CR).
      - Apparently the developer thought the parcel already was a CR.
      - While they drafted a CR years ago, the developer never returned to ConCom to finalize it.
      - They have now received an assessment for back taxes on the parcel.
  - Because of the assessment, CA said that they may now move forward rather quickly to finally complete the CR.
- **Member Updates**
  - GB asked that an agenda item be added to ConCom's 6/27 meeting for the purpose of discussing ConCom's new power to impose fines, as per Spring Town Meeting vote.
  - TT said the kiosk is now up for Pine Meadow Conservation Land.
- **Discussion (cont'd): RFQ for comprehensive pond survey**
  - It was decided that the deadline for submissions will be Thursday, June 27, and that bids will be opened publically at ConCom's meeting that night.
  - Having received Mr. Pontbriand's edits and approval to the draft RFQ, CA will run ads in the Lowell Sun for 5/31 and 6/7.
  - Once proposals have been opened and reviewed, ConCom will aim to be placed on the BOS agenda for 7/16/13.
- **9:12 PM – Adjourn Meeting**
  - GB moved to adjourn; LC 2<sup>nd</sup>.
    - Motion approved unanimously.