

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 7/26/12 – Approved 8/9/12

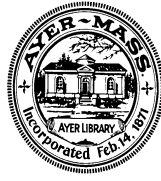
Location: Ayer Town Hall, 1st Floor

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

APAC taped: Yes

### **7:07 PM – Open Meeting**

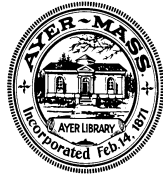
- **Confirmation of Agenda**
  - GB moved to confirm agenda as amended; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Announcements**
  - The weekly update from The Willows indicates the storm retaining wall has been built.
  - The Town of Groton has given ConCom a copy of its Environmental Notification Form (ENF) for its Dam Management Plan for Lost Lake and Cowpond Brook.
    - The ENF was prepared by Woodard & Curran, which has offices throughout the eastern United States, including Andover and Dedham, MA.
    - Groton will be implementing an interbasin transfer of wastewater from the Merrimack River watershed to the Nashua River watershed.
    - Groton, which does not have a sewer system of its own, will be paying Ayer to treat its wastewater.
      - The point of connection will be on Westford Road, near the town line.
- **Public Meeting (cont'd): Enforcement Order – Lillie Wilson, 32 Deer Run (Pingry Hill Lot 88) (DEP # 100-0263)**
  - Following the 6/28 Public Meeting with ConCom, Ms. Wilson met with CA on site on 6/29 for review of the plot plan and resource area.
    - It was raining at the time, allowing Ms. Wilson to see how water drained in the resource area.
  - Ms. Wilson distributed a detailed drawing showing what she now plans to do to the area.
    - She has already transplanted some blueberry bushes and will be planting additional ones, along with raspberry bushes.
    - She also plans on planting a maple tree and 3 hemlocks in the fall.
  - BD suggested the blueberry bushes be planted in front/south of the raspberry bushes since the latter will grow faster and otherwise overshadow the blueberries.
    - For the same reason, BD suggested the maple be located in front of the hemlocks.
  - Ms. Wilson expects the invisible fence wire to be relocated above ground within a few weeks.
  - BD asked that Ms. Wilson send an email in the fall to let ConCom know how things worked out with her planned plantings.
- **Meeting Minutes Approval**
  - GB moved to accept the minutes for 7/12/12 as corrected; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Accounts Payable**
  - Lowell Sun: \$57.28 for Public Meeting notice for the Steeves RDA (32 Calvin Street).



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 7/26/12 – Approved 8/9/12

- GB moved to approve payment to the Lowell Sun \$57.28; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- MACC: \$291.00 for yearly dues for 5 Commissioners and CA.
  - GB moved to approve payment to MACC for \$291.00 from account 01171-5700; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Autumn Ridge Enforcement Order Update (Mass DEP # 100-317)**
  - Resident John Cadigan, representing the Trustees of the Autumn Ridge Farms Condo Association as Vice Chair, was present.
  - Neither Mr. Gillis, of Gillis Homes, nor Mr. Goldsmith, from Goldsmith, Prest, & Ringwall, were able to attend.
  - Mr. Cadigan said the Association was concerned with the builder's delay in addressing points raised in the Enforcement Order.
    - The Enforcement Order was issued in the spring and Mr. Goldsmith appeared before ConCom to discuss it on 4/26/12.
    - The Association is also concerned because the development is nearing completion, and Mr. Cadigan expressed concern that that developer may clear out before all Enforcement matters have been addressed.
  - In particular, the lack of progress in addressing the detention basin behind building #5 was discussed.
    - The basin is still holding water.
    - The accumulation of sediment in the forebay has saturated the embankment and sealed off the wick, preventing proper flow-through of water.
    - BD was disappointed to hear that, despite recent drought conditions, the basin is still wet and the builder has not yet restored the basin to proper functioning.
  - Mr. Cadigan said the site was still bleeding sediment in some areas and that residents were also concerned over ponding in front of building 5.
  - BD said that some of these issues, given that construction was not yet complete, were nonjurisdictional to ConCom until such point as the developer applies for a Certificate of Compliance (COC).
    - BD asked CA to send Mr. Goldsmith an email saying the developer needs to come up with a plan for cleaning out the basin, even if still wet, by the end of August.
  - Mr. Cadigan said the restoration of the turtle nesting area had not yet been done.
    - Mr. Cadigan was reminded that at the 4/26 meeting, it was noted that work on the turtle nesting area cannot take place until after mid-October, in compliance with NHESP rules.
  - Mr. Cadigan said there were no haybales around building 6 to prevent runoff.
    - BD said the haybales were at the bottom of the slope and were fine as is.
  - Mr. Cadigan asked if a tree growing on the outside edge of a basin forebay could be removed.
    - BD said there shouldn't be any trees in or on the side of a forebay and that such trees should be cut down leaving the stump as low to the ground as possible.
      - BD said the developer could leave the tree there until asking for a COC.
      - The Association could ask Mr. Gillis for permission to remove the tree earlier.
  - JG asked about the status of the catchbasin behind the clubhouse (catchbasin # 15) which Mr. Cadigan had said on 4/26 was inaccessible to use of a clamshell for clean-out due to a jutting hood.
    - Mr. Cadigan said the catchbasin has been lined with a yellow bag to collect sediment so that it cannot at present be determined if the problem with clean-out access has been addressed.

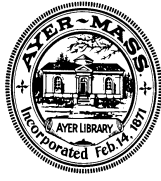


## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)

Minutes for 7/26/12 – Approved 8/9/12

- BD said ConCom will copy the Ayer Building Inspector and say that there are certain items yet to address on the site.
  - It is possible that the issuance of a Certificate of Occupancy could be delayed until that time.
- Mr. Cadigan said that after the development is finished, the Association would like to get guidance from ConCom as to how to properly maintain the area.
  - BD suggested as a starting point that the Association ask Mr. Goldsmith for a copy of the GPR plan provided to the developer.
- Mr. Cadigan asked to be copied on ConCom correspondence with GPR and the builder.
- **CA Updates**
  - McDonald's, 2 Sandy Pond Road
    - CA was contacted by Melissa Spooner, CAD Operator for Stantec, in California, about plans to potentially modify the drive-through to add a second ordering lane/island so that two customers can order simultaneously.
      - This McDonald's was built in 1982, before wetland permitting was required.
        - This area may involve floodplain as well as endangered species.
    - BD asked CA to contact Ms. Spooner and say that the appropriate procedure for a nonresident company considering this work would be for them to hire a local company to perform a site review and make a determination as to whether the planned work would require submission of an RDA or an NOI.
  - DPW projects.
    - CA has been in conversation with DPW Superintendent Mark Wetzel over several projects.
      - Victor Drive
        - Mr. Wetzel is working on plans to repair the Victor Drive culvert.
    - Spectacle Pond well infrastructure
      - CA said the wells are in and the next step will be to tie the wells into the pump buildings.
      - BD said that ConCom would not have approved the buildings without having considering the need for pipe connections.
        - A minor amendment to the OOC might be necessary.
    - Shaker Road culvert
      - Referring to minutes for ConCom's 5/10/12 meeting, BD asked CA to make sure Mr. Wetzel knows that if the Town is not the owner of the land with the failing culvert, the Town cannot submit an NOI to replace the culvert without the involvement and signed permission of the landowner.
      - GB noted that the nearby road to the golf course has haybales and silt fencing on one side and speculated that the golf course might be re-grading.
        - If so, this would be within ConCom's jurisdiction.
  - Sunflower Court, steps to Long Pond
    - Louise Moncreaff, of the Pond View Condo Association, confirmed the existence of steps leading down the hillside behind one of the condos.
    - CA has spoken to the condo owner.
    - The condo owner has planted native wildflowers in the area, installed some boards and fresh stone to prevent erosion, and placed stone steps to allow access to birdfeeders down the slope.
      - The steps do not go all the way to the Long Pond.



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)

Minutes for 7/26/12 – Approved 8/9/12

- BD said this work was all done in an area already disturbed by the construction.
  - Work done by the condo owner appears to have helped stabilize the site rather than disturb it.
- TT asked CA to ask the owner to provide a list of the wildflowers he planted.
- BD asked CA to check whether this work was done inside a Conservation Restriction.
  - If not, there is no need for the owner to appear before ConCom.
- Sandy Pond Estates (aka Sandy Pond 3)
  - CA was contacted by a member of the homeowners association.
  - They are receiving tax bills on 3 parcels that should have been turned over to the Town as Conservation Restrictions.
    - If Sandy Pond Estates is being taxed for these parcels, then the parcels have yet to be transferred over.
    - The resident was still trying to get information from the developer's attorney on this.
  - BD said that NHESP mandated the CR, not ConCom, and that the resident should therefore contact NHESP.
- COC's, 50 and 52 Nashua Street
  - ConCom signed the COC's as voted on at its 7/12/12 meeting.
- East Main Street woodpile
  - An Enforcement Order was issued back in March to the McPaddens as well as B & M Railroad.
  - Roger and Steven McPadden appeared before ConCom on 4/12/12.
    - The McPaddens said then that the woodpile would be sold by the end of July.
    - While ultimately any woodpile would need to be at least 10 ft. from the bank of the streambed, BD had asked that at least a foot of the wood, resting on top of the bank, be immediately removed.
  - CA talked to Roger McPadden about the woodpile still standing.
    - Mr. McPadden admitted that they hadn't moved the woodpile as requested by ConCom at a Public Meeting on 4/12.
  - BD asked CA to inform the McPaddens that the woodpile must be moved, as initially asked, by the end of August or they would have to re-appear before ConCom.
- **Member Updates**
  - GB said that J.P. Routhier Tire Company, on Willow Road, appears to have been sold.
    - The concern is whether the new owner will maintain the recycling business and avoid the violations that led to Enforcement Orders in 2004 or 2005 and the site being taken over by Mass DEP.
    - BD asked CA to notify Joe Bellino, of Mass DEP, to make sure they are aware of the change in ownership.
- **8:40 PM – Adjourn Meeting**
  - GB moved to adjourn; TT 2<sup>nd</sup>.
    - Motion approved unanimously.