

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **05/26/11** – Approved 6/23/11

Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), Dave Bodurtha (DB, Vice-Chair), George Bacon (GB), Takashi Tada (TT), Jessica Gugino (JG, Clerk), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: Yes

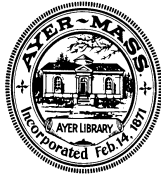
7:06 PM – Open Meeting

- **Meeting Minutes Approval**

- GB moved to confirm the minutes of 5/12/11 as written; TT 2nd.
 - Motion approved unanimously.

- **Discussion: Flannagan Pond RFP for Aquatic Plant Management**

- The only proposal submitted for review by the advertised deadline was from Lycott Environmental, Inc.
- Lycott's bid was for \$28,200, which is easily covered by the \$35,000 in UDAG funds made available for this purpose by the BOS on 4/19/11.
- Town Administrator Robert Pontbriand said the proposal met all the requirements of the RFP, was in compliance with Ch. 30B (Massachusetts Uniform Procurement Act) and, speaking on behalf of the BOS, urged approval of the RFP.
- Mr. Pontbriand also stated his intent to work with the Commission during FY 2113 to put into place both a dam management plan and a vegetation/pond weed management plan.
- DB and JG noted the late-notice use of CA's time and the Town Administrator confirmed that he would submit a request to the BOS for reimbursement to ConsCom for CA's time.
 - JG said that neither the proposed dam management plan nor the vegetation management plan should fall solely on ConsCom's shoulders.
 - BD said he assumed such work would be subcontracted out and asked for Mr. Pontbriand to confirm this, which he did.
 - Selectman Gary Luca said it was the intent of the BOS to work with ConsCom and to include Fire Chief Pedrazzi and the DPW.
- DB asked about Lycott's plan to have the pond lowered 12-18 inches over a 60-day treatment period.
 - CA said one of the two boards in Balch Dam has already been removed but, for safety reasons, the second board has not been removed.
- CA talked with Mass DEP: Phil Nadeau said ConsCom needs to file an amendment to its OOC for lowering the pond levels.
 - DEP's permit allows the boards to be removed from Balch Dam no earlier than Nov. 1, and requires their replacement by April 1.
 - With the boards having been replaced this spring, it now requires an amendment to allow for their removal outside of the permitted time frame for the purpose of weed control.
 - ConsCom plans to submit the amendment to DEP in the next few weeks and ask for dispensation to begin weed treatment while DEP is in the process of review.
- GB moved to accept Lycott's RFP bid of \$28,200 for treatment on Flannagan's; TT 2nd.



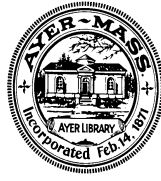
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- Motion approved unanimously.

- **Discussion: Sandy Pond/Pine Meadow Pond RFP for Aquatic Plant Management**
 - ConsCom received two proposals in response to the RFP for weed control treatment.
 - Lycott Environmental's bid was for \$12,400 (\$7900 for Sandy Pond; \$4500 for Pine Meadow)
 - The competing bid from ACT (Aquatic Control Technology) was for \$7,200 (\$2350 for Sandy Pond; \$4850 for Pine Meadow.
 - ConsCom's available budget for this work is \$8640.
 - Mr. Pontbriand said both proposals met the requirements of the RFP and were in compliance with Ch. 30B.
 - Lycott's bid proposed using Sonar in both ponds while ACT's bid proposed Reward.
 - ACT's bid also specifically referenced the treatment of phragmites and purple loosestrife in Pine Meadow Pond, based on their prior familiarity with conditions on the pond.
 - GB moved to award the bid of \$7,200 to ACT for treatment on Sandy Pond and Pine Meadow Pond; TT 2nd.
 - Motion approved unanimously.
 - Mr. Pontbriand, as the Town's procurement officer, agreed to issue the letters awarding the contracts to Lycott (for Flannagan Pond) and ACT (for Sandy Pond/Pine Meadow Pond) on the following day (5/27/11).
 - JG noted that ACT needs to be reminded that when they notify the Town seven days in advance of treatment, they must also obtain confirmation from the Town that the notification has been received.
 - Chuck Miller asked CA to send him an email for Flannagan's treatment schedule so that he can notify abutters through his Friends of Flannagan Pond email list.

- **Public Meeting: RDA – MASS DOT (Department of Transportation)**
 - Bill Clougherty, District Environmental Engineer from Mass DOT's Highway Division, addressed ConsCom about the RDA to repave 1.6 miles of Rte. 2A (Littleton Road) from the Littleton line to the rotary.
 - The work planned is basic roadway maintenance involving grinding and paving, and takes place almost entirely within the current roadway surface.
 - The two exceptions are where drainage structures need cleaning/jetting, and within the rotary where some catchbasins may need to be raised.
 - DOT plans to remove 2 inches of pavement and replace it when 3 inches, adding an inch of height.
 - BD said one ConsCom concern has to do with the area near Bennett's Brook, specifically the connecting roadway (Hickory Way) put in by the new Ridgeview Heights/Pingry Hill development that lies uphill from Rte. 2A.
 - Two catchbasins, that pre-exist Hickory Way, lie at the bottom of the hill, and one of them carries water directly across and into Bennett's Brook.
 - BD acknowledged budget constraints and that this was outside of DOT'S planned scope of work but asked if there was any way that these existing structures could be changed to better protect the brook.

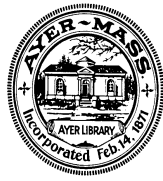


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- Mr. Clougherty suggested ConsCom contact Ronald Dionne, Interim District 3 Highway Director at Mass DOT, and ask him to address this.
- DB expressed concern that the situation affecting Bennett's Brook will only get worse given that the repaved roadway will be an inch higher and noted that the catchbasins referred to above are often clogged.
- BD asked, as a condition, to have those catchbasins cleaned out by Mass DOT while they are cleaning out other catchbasins.
- Mr. Clougherty expressed his willingness to meet with ConsCom members on site to discuss maintenance and cleaning issues.
- Mr. Clougherty gave CA a map of the plans detailing placement of erosion controls.
 - Mass DOT plans on using biodegradable straw wattles for erosion control.
- DB brought up ConsCom concerns about an unauthorized roadcut made by a landowner on Littleton Road last year.
 - The landowner had cut into the Rte. 2A curb within the DOT easement using an expired permit held not by the landowner but by the developer who had sold the property to him.
 - ConsCom had attempted in the past to contact Mass DOT but received no response.
 - Mr. Clougherty said he'd be happy to help facilitate contact between CA and Mass DOT on this.
- In response to TT's question, Mr. Clougherty said the work would be performed at night, either before July 1 or later on in the summer.
- GB moved to issue a Negative Determination of Applicability with conditions specific to the installation of erosion controls and adherence to ConsCom's timeframe for inspection of them prior to onset of work; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI, Epic Enterprises, Inc., 11 Copeland Drive**
 - Mark Davies, of the Stahlman Group, appeared before the Commission.
 - The site walk that took place on 5/14/11 uncovered two mystery pipes discharging water directly into Day Brook; ConsCom asked Epic Enterprises to look into this.
 - Mr. Davies said the pipes serve as underdrains, with stone wicks, for the retention basins, and were put in years ago but do not appear on old as-built plans.
 - Mr. Davies said the water is not turbid and probably comes from roof runoff.
 - BD asked why a wick under a detention basin is if the purpose is to recharge.
 - Mr. Davies said the soils in the area are so poor that the basins do not drain down quickly and would become a mosquito factory without the additional drainage.
 - CA suggested Mr. Davies notify Joe Bellino, at Mass DEP, about the pipes as well as the status of Day Brook as an intermittent stream.
 - Given that the pipes discharge directly into the stream, BD said that a better level of certainty about the pipes and where they start was needed. He suggested either the use of die tablets or a snake conduit, and added that a photographic record should be established as well.

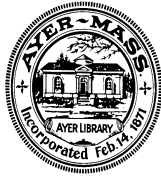


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- Without the pipes having been drawn on any previous plans, ConsCom could require their removal.
 - If, after testing (see above two methods), they are to remain, the pipes will have to be drawn into the new plans as part of Epic Enterprise's application.
 - Mr. Davies said that as they would be disturbing the area anyway, it wouldn't be a problem to run a die test and suggested this be a special condition of the OOC.
 - If the pipes turn out to get their water from something other than roof runoff, then the special conditions will need to provide a means for ConsCom to have this addressed differently so as to protect the intermittent stream.
- GB asked what sort of erosion controls will be used in the project.
 - Steve Sears, of David E. Ross Associates, said they hoped to use wattles rather than haybales and silt fencing.
 - The wattles are filled with mulch/wood chips.
 - BD said this should be fine but if there was a failure, then ConsCom would have to revisit their use.
 - BD asked for a special condition requiring the removal of all nonbiodegradable material at the end of the project.
- GB asked if there was a maintenance plan for the basins.
 - Mr. Davies handed two booklets to CA. The first was 'stormwater management calculations' and the second was the SWPPP (stormwater pollution prevention plan), which contains the maintenance plan for the basins.
 - CA said DPW Superintendent Dan Nason has already reviewed the calculations and found them acceptable.
- GB moved to approve the NOI with conditions discussed; TT 2nd.
 - Motion approved unanimously.
- As the hearing cannot be closed until ConsCom issues the OOC, GB moved to continue the Public Hearing to 6/9/11; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd): NOI – Kohler Place, Sandy Pond Investment/Oxbow Associates**
 - In response to CA's draft OOC, Scott Smyers, of Oxbow Associates, emailed CA with two requests:
 - First, Mr. Smyers asked that any reference to a riverfront area or perennial stream be removed.
 - CA said this is part of ConsCom's boilerplate language in the general conditions and that therefore this language should remain.
 - Second, Mr. Smyers asked about condition 55, requiring weekly reports, and if this was required only when new construction work was proposed.
 - CA said we would want to know weekly on things like laying down pavement, hydroseeding, and other activities within the buffer zone that fall within ConsCom's jurisdiction.
 - BD told CA to let Ed Cornelier know that the weekly reports can be handled simply by an email that just informs us of what progress is being made.
 - Completion of the OOC still awaits the NHESP permit number.



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- GB moved to continue the Public Hearing to 6/9/11; TT 2nd.
 - Motion approved unanimously.

- **CA Updates**
 - Crabtree Development, Phase III OOC
 - ConsCom approved the NOI on 5/12/11, but in an oversight, forgot to require third party review of the stormwater calculations by Tata & Howard, as had been previously discussed.
 - CA spoke with Steve Mullaney about this and he agreed to forward the calculations on to Tata & Howard.
 - GB moved to continue the Public Hearing to 6/9/11; DB 2nd.
 - Motion approved unanimously.
 - Upcoming meeting agendas will include Keith Henderson, for the RDA for Pan Am Railways, on 6/23/11; and an NOI for Patriot Way on 6/9/11.
 - The Water Department is prepping to start water pumping at the Spectacle Pond wells.

- **Member Discussion**
 - The Commission discussed the notion of a dam management plan that has been mentioned by the BOS.
 - JG said she was concerned about the vagueness of BOS references to this as well as a weed management plan, and that all of this appeared to be tacitly being pushed onto the Commission's lap.
 - DB nodded sagely in agreement.
 - BD said he assumed the role of ConsCom would be to commission studies.
 - The lack of clarity in the language used by the BOS and Town Administrator, including who is to get the ball rolling, was commented on with fervor.
 - After further discussion, BD sent an email to Town Administrator Pontbriand expressing the Commission's enthusiastic interest in having a representative on the Dam Management Committee that the BOS forms, as well as on the Pond Management Committee that they form.
 - The email asked Mr. Pontbriand to notify ConsCom when these committees were to be formed.
 - The email also asked for detail as to how ConsCom should charge CA's time spent on the Flannagan RFP, especially given that the ConsCom budget is now depleted for this FY.

- **9:57 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.