

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for 10/13/11 – Not Approved

Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), George Bacon (GB), Takashi Tada (TT), Jessica Gugino (JG, Clerk), Warren Ball (WB), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: Yes

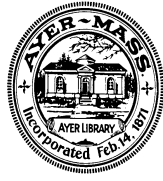
7:07 PM – Open Meeting

- **Confirmation of the Agenda**

- TT moved to amend agenda to add Discussion of DPW culvert work on Victor Drive; GB 2nd.
 - Motion approved unanimously.
- TT moved to amend agenda to move General Business to 9:30 p.m.; GB 2nd.
 - Motion approved unanimously.

- **Discussion: Ayer DPW – Possible Emergency Certification for Victor Drive work**

- DPW Superintendent Dan Nason described the urgent need for culvert and roadwork repair on Victor Drive before the onset of winter.
- The 61 ft. corrugated metal pipe culvert is failing; there is a gaping hole in the pavement that will make snowplowing difficult and risk further road damage; and the headwalls on either side of the culvert show cracks and buckling.
 - Since spring, DPW has been pursuing the lengthy process of seeking state funding to engineer a traditional culvert replacement.
 - A traditional culvert replacement at this site would be expensive (\$150,000+), would involve closing the road for a period of time, and would result in other substantial problems unique to this site:
 - once excavation began, the cracked headwalls would likely fail, along with the adjacent steep, timbered embankment of an abutting resident.
- Mr. Nason recently learned of an alternative trenchless solution, from AP/M Permaform.
 - This would involve centrifugally spin-casting a concrete pipe along the walls of the existing pipe.
 - The lifespan of the ‘Centripipe’ is estimated by the Army Corps of Engineers to be 75-100 years.
 - In addition, a coating can be applied to reinforce the headwalls.
 - This would likely be a substantially cheaper as well as less invasive method of repair.
- In order to find out if this is a viable solution for the Victor Drive culvert, Mr. Nason asked ConCom for permission so that the AP/M Permaform engineer can hydrojet the culvert walls.
 - If allowed, this would likely be done the following week and would allow examination of the walls to determine if the Centripipe would work on this culvert.
- BD said hydrojetting would add flow and asked how sediment materials would be kept from entering the stream.
 - Mr. Nason said he planned to use silt wattles, but that the engineer would also be using a Vactor truck to vacuum materials up.
- BD said he was also concerned about what happens when the Vactor truck fills to capacity.
 - Mr. Nason suggested a large (table-sized) silt filter sock could also be used.
- BD asked that the hydrojetting be done during a time of low-flow in the stream.
- If the testing yields a positive result, the full project would require an RDA.
 - The methods for re-routing the streamflow during the repair process would be discussed at that time.



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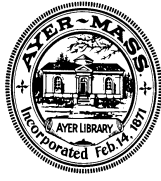
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- For the hydrojetting, BD asked that Mr. Nason secure a letter from the company indicating their plans to use a filter sock in addition to the Vactor truck.

- **Discussion: DPW – laptop sharing and beaver management**
 - Mr. Nason is purchasing a new laptop for CA, who is also working part-time now for DPW.
 - Mr. Nason offered to split the \$900 cost with Con Com (DPW – 2/3; ConCom – 1/3) so that CA can also use the laptop for Commission work; BD agreed that ConCom would pay a third.
 - Mr. Nason said a couple of the workers at DPW are in the process of getting licensed through the state to perform beaver eradication.
 - Mr. Nason said Pat Huckery, of Mass Fish & Wildlife, has indicated the new state policy is to eradicate problem beavers due to the growth of beaver populations.
 - JG emailed Mr. Nason about the use of ConCom’s beaver control funds to construct a beaver deceiver at Long Pond Dam to lessen the DPW workload of repeatedly clearing material.
 - Mr. Nason said this was worth looking into and added that DPW has considered use of a deceiver at the dam by Oak Ridge Drive as well.
 - Mr. Nason has a list of consultants from Mass Highway and will provide CA with a copy.

- **Public Hearing: NOI – Emily’s Way Subdivision, 38 Groton-Harvard Road, MEMS Realty Trust, DEP # 100-0345**
 - Steve Mullaney, of S.J. Mullaney Engineering, gave CA proof of the certified mailing to abutters.
 - Emily’s Way will consist of 8 houses constructed on 6.47 acres, most of which is sloped and undeveloped woodland.
 - The exception is the current house belonging to James Luchessi which will be demolished and the land redeveloped for the entrance road into the subdivision.
 - An RDA was previously submitted to determine the wetland line and ConCom jurisdiction.
 - Following a site walk on 8/20, a Positive Determination was issued on 8/25.
 - For the purpose of this project only and to establish the limits of the buffer zone, it was agreed that the easterly side of the Right-of-Way that is Groton-Harvard Road would mark the edge of the wetland resource area.
 - The buffer zone jurisdictional to ConCom therefore consists of 50 ft. of Groton-Harvard Road and an additional 50 ft. extending into the project on the Luchessi property.
 - Mr. Mullaney said MEMS Realty recently sold Parcel A, at the top edge of the subdivision, to the Volunteers of America but its future use is unknown to MEMS.
 - Mr. Mullaney said that all of the construction work that will take place inside the buffer zone is redevelopment of the Luchessi property, resulting in only a minor increase in impervious surface.
 - Mr. Mullaney said the design of the stormwater system involves deep sump catchbasins discharging into sediment forebays and then on into a series of infiltration basins.
 - Because the subdivision is within the range of 5-9 houses and involves an area of redevelopment work, Mr. Mullaney said the project qualifies for the relaxation of stormwater standards to “the extent practical.”
 - MEMS Realty plans to control erosion and sediments onsite, before it reaches the buffer zone and crosses Groton-Harvard Road.
 - CA reiterated for the record that the catchbasins have been designed to control 100-year storms but not to resolve the ponding on Groton-Harvard Road (which will be worked on by the DPW this fall).
 - BD said a site walk was needed specific to the NOI application.
 - CA agreed, asking that the roadway and other structures in the buffer zone be staked out.
 - The site walk will take place at 9 a.m. on Saturday, 10/22, at 38 Groton-Harvard Road.

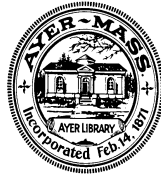


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- GB moved to continue the Public Hearing for DEP # 100-0345 to 11/3/11; TT 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Warren Ball: \$57.09, for purchase of the MACC handbook.
 - GB moved to authorize reimbursement to WB of \$57.09; TT 2nd.
 - Motion approved unanimously.
 - Business Communication Systems, Worcester, MA: \$74.38 (out of a bill for \$148.75)
 - This was for work to reprogram CA's phone so it no longer forwards to another office.
 - CA did not preauthorize the work and the repair person arrived unannounced when CA was not there; at the same time, repairs were also done to Janet Lewis's phone, accounting for the rest of the bill's balance.
 - GB moved to approve payment of \$74.38; TT 2nd.
 - Motion approved unanimously.
 - CA said the bill will be paid under ConCon's line item for 'services'.
- **Meeting Minutes Approval**
 - Minutes for 6/24/10:
 - Former Commissioner David Bodurtha submitted minutes from 2010.
 - GB moved to approve the minutes for 6/24/10 as amended; JG 2nd.
 - Motion approved 3-0; WB and TT abstained.
 - GB moved to approve the Executive Session minutes for 6/24/10; JG 2nd.
 - Motion approved 3-0; WB and TT abstained.
 - Minutes for 9/22/11:
 - GB moved to approve the minutes for 9/22/11 as written; TT 2nd.
 - Motion approved 4-0; WB abstained.
- **Public Hearing (cont'd): NOI – Kohler Place, 0 Sandy Pond Road, Sandy Pond Investment Trust/Oxbow Associates, DEP # 100-0340**
 - The approval letter from NHESP (Natural Heritage and Endangered Species Program), specifically referencing the NOI application and dated 9/30/11, has now been received.
 - GB moved to issue the OOC for DEP # 100-0340; JG 2nd.
 - Motion approved 3-0; WB and TT abstained.
 - CA asked ConCom to sign a new signature sheet, given the original was signed back in April.
 - GB moved to close the Public Hearing; JG 2nd.
 - Motion approved 3-0; WB and TT abstained.
- **Public Hearing (cont'd): Amendment to NOI: OnSite Engineering for Ayer DPW, Grove Pond Wells, DEP #100-0320**
 - A site walk took place on 9/24/11 and the staked area for the proposed Water Treatment Facility building was inspected.
 - No problems were encountered nor were any special conditions deemed necessary.
 - GB moved to approve the amendment and issue a new OOC with same DEP file number; JG 2nd.
 - Motion approved unanimously.
 - GB moved to close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Rosewood Property for sale, Wood family**

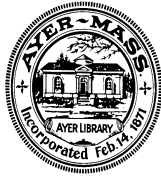


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- A site walk took place on 10/1/11 to look at the 36 acre parcel adjacent to the Rail Trail.
 - The parcel has some relatively dry land to the southwest of the power lines, and after crossing under the power lines, has upland property that overlooks James Brook.
- BD listed several concerns:
 - Suitability of the parcel for public trails that would cross various easements, including the one under the power lines.
 - The fact that consideration of the Town purchasing the property would undoubtedly trigger a Phase II environmental review because of proximity to the power lines as well as to the old railroad line.
 - This cost would have to be borne by the Town prior to any decision to purchase.
 - It is as questionable how viable the parcel is to the development of house lots. The only access to the parcel would involve crossing over a dammed area or under the power lines.
- In all, BD said the costs of the Town performing due diligence (including an environmental study, land survey, and real estate appraisal) would have to be approved by the Community Preservation Committee (CPC) and would be greater than the costs involved in the purchase of the former Tooker property.
 - BD will check on the likely cost of a Phase II study in order to prepare a letter advising CPC of what it could anticipate as the first steps necessary to consider a purchase.
- The next CPC meeting is 11/2; JG will contact CPC and ask to be put on the agenda.
 - CA asked if the intent was to summarize ConCom findings or to make a recommendation to purchase.
 - BD said another site walk would be scheduled for CPC if it expressed interest and to help CPC make a determination if they want to move forward.
- Also on the 10/1 site walk, BD said evidence was still apparent that machinery had been used to remove a beaver dam last year, and showed another dam had likely been tampered with as well.
 - CA is still waiting for a response from the Environmental Police.
- **Public Meeting: Enforcement Order (EO) / Cease & Desist (C&D) -- MCO & Associates, The Willows Subdivision, DEP # 100-0288**
 - Mark O'Hagan, of MCO & Associates, developer of The Willows subdivision, was present along with Kevin Hunt, Project Manager for The Willows; Engineer Jesse Johnson, of David E. Ross Associates; and Mary Trudeau, Environmental Consultant.
 - ConCom issued an EO and C&D on 9/26/11 and asked for Mass DEP involvement.
 - CA made a site visit to The Willows on 9/29 with Joe Bellino, of Mass DEP; JG was also present.
 - Kevin Hunt, and Site Manager Glen Pyburn, representing The Willows, were present.
 - At that time Mr. Bellino determined that Mass DEP would support ConCom and issue a Superceding Enforcement Order.
 - Since then and as requested by Mr. Bellino, an erosion control plan, developed by Ms. Trudeau and Mr. Hunt, was submitted to Mass DEP.
 - ConCom discussed the comments made by Mr. Bellino in his email sent on 10/12:
 - Mr. Bellino was dubious about the loaming and seeding of exposed slopes for stabilization this late in the growing season; BD agreed.
 - Ms. Trudeau said their reasoning for putting loam down now is that it is easier to clean runoff from loam than from clay.
 - It is the clay soils that have produced the excess of fine particulates running off the site and into Bennett's Brook.
 - Ms. Trudeau said they would put loam and seed down, then follow with mats and tackifiers to winterize the site.

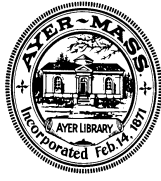


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- Mr. Bellino recommended the use of flocculents to reduce the turbidity of storm water runoff.
 - Ms. Trudeau agreed that this was the only way to treat water runoff and drop the fine particulates out of solution.
 - The erosion control plan includes use of flocculent logs and crystal-seeded check dams.
 - Ms. Trudeau noted that one requirement for use of flocculents is that the water needs to be moving in order to be treated.
 - BD asked how long flocculent logs last.
 - Ms. Trudeau said they can last anywhere from a few weeks to a season depending on runoff.
 - At The Willows Mr. Hunt said the logs will be checked every two weeks and expects them to last only weeks before needing replacement.
- Mr. Bellino indicated that the unfinished detention basin at the bottom of the site is priority 1 and recommended that its size be increased for additional storage.
 - Ms. Trudeau agreed that the basin needs to be built now.
 - She added, however, that the current design size is appropriate to the finished subdivision site, but it is not the right size for conditions on the site right now.
 - The basin will be made larger temporarily, including making it more L-shaped to add capacity for the winter months.
 - Mr. Johnson added that once the subdivision is completed, loamed and seeded, then the problem of clay silt runoff into the basin will no longer be an issue and the basin should work then as intended.
- Mr. Bellino recommended that exposed soils on house lots already constructed be stabilized immediately, preferably with sod.
 - Mr. Hunt said 970 ft. of curbing will be laid in these areas over the next couple of weeks, after which sod will be laid in front and along walkways.
 - Ms. Trudeau added that curbing was better and cheaper than using haybales.
- Mr. Bellino recommended frequent street sweeping.
 - The Willows will continue to do this and uses Rogers Streetsweeping of Littleton.
 - Mr. Hunt said that Mr. Pyburn scrapes the roads down daily and that streetsweeping will be done on a 2-3 week basis.
- Mr. Bellino recommended the use of silt sacks to reduce turbid discharges to catchbasins.
 - Ms. Trudeau said at this point they prefer to use flocculents, then silt sacks later on.
 - This is so the capacity of the catchbasins can be used as underground storage for treatment purposes to prevent sediment-contaminated water from reaching the basins.
- Mr. Bellino recommended pumping out and treating the water in the unfinished detention basin using dirt bags filled with flocculent crystal to reduce turbidity.
 - Ms. Trudeau said this was a good suggestion from DEP.
- Mr. Bellino said it would be helpful to have all of this information on an engineered plan along with a narrative.
 - Ms. Trudeau said having to produce an engineered plan would be time-consuming at this point late in the season, and would delay work necessary before winter.
 - CA said Mr. Bellino intended such a plan as a means of cross-referencing what is planned and what has been accomplished.
 - Mr. Hunt said he had a good handle on what things needed to be done and felt that the best course of action was to do this now rather than sit down with Mr. Johnson to produce an engineered plan.
 - Mr. Johnson said he also thought it would be more useful to show ConCom in the field what was planned and staked or done rather than putting something down on paper.



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- Mr. O'Hagan agreed, saying the erosion control process would be a fluid process.
 - BD said there still has to be something put on paper to measure progress against, highlighted and color-coded but not necessarily a formally engineered plan.
 - Mr. Hunt said he would show CA a plan on the following day.
 - BD said ConCom will want to see a progress report weekly by email.
 - JG asked about the suggestion made by Mr. Bellino on 9/29 about temporarily plugging an outflow pipe.
 - Mr. Johnson said this would cause more problems by overflowing and potentially destroying the planned berm.
 - GB asked how much loam would be put down on the site.
 - Mr. Hunt said 4-6" on the slopes, and 6" in yards.
 - CA reiterated the importance of weekly reports and plans for immediate work in the offing.
 - JG added that plans for CA review needed to be marked up in advance so as to take up less of CA's limited work time.
 - David Bodurtha reminded ConCom that he had visited The Willows weekly or biweekly for over 4 years while on the Commission.
 - Mr. Bodurtha reiterated that the lack of plans showing sedimentation controls has been an ongoing problem with this site.
 - BD summed up expectations for Mr. Hunt, including a highlighted plan that notes where flocculent logs will be placed, terracing, etc., and weekly communication with ConCom.
 - BD added that Mr. Hunt should keep a copy of whatever material is given to CA in the work trailer at the site.
 - As there are only 6 weeks left of the season before frost likely sets in, BD asked what time-table for completion of erosion controls is foreseen.
 - Ms. Trudeau the unfinished basin should be completed in the next two weeks.
 - Mr. O'Hagan asked about the status of the Cease & Desist.
 - BD said this now falls under the authority of Mr. Bellino and Mass DEP, which will have to give authorization before new construction may resume.
 - CA reminded Mr. Hunt that Mr. Bellino had given permission to immediately begin work on slope/soil stabilization, but that work on the basin would have to be okayed by Mr. Bellino.
 - Mr. Hunt said that Mr. Bellino had indicated he would defer to ConCom on that.
 - BD asked Mr. Hunt to request a follow-up email from Mr. Bellino to that effect.
 - CA reiterated that the Cease & Desist still holds for new ground work pertaining to construction until Mr. Bellino gives the go-ahead.
 - Mr. Hunt said he understood that to be the case.
- **10:46 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Mr. Bodurtha asked whether an Enforcement Order had been issued to Crabtree Development for problems at the intersection of Hickory Way and Route 2A, for runoff from Pingry Hill/Ridge View Heights reaching Bennett's Brook.
 - CA said she has been following this and has asked developer Rick Roper to hire an erosion control specialist to resolve issues.
 - If Mr. Roper is not amenable to this, CA said there would then be an Enforcement Order and a request to Mass DEP for their assistance.
 - Motion to adjourn voted on and approved unanimously.