

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **09/09/10** – Approved 9/23/10

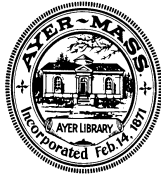
Location: Ayer Town Hall, 1st Floor

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

7:15 PM – Open Meeting

- **Pledge of Allegiance**
- **Announcements**
 - Received notice from MRPC re: recreational trails grant program
 - Received copy of NOI from Ayer Rod and Gun Club about intention to comply with the Massachusetts Forest Cutting Practices Law. Noted response of Natural Heritage & Endangered Species Program requesting reversal of normal cutting period from spring-fall to fall-spring in order to protect the Blandings turtle.
 - Received memo from Fire Chief Pedrazzi with information, as requested, about the composition of the fire retardant chemicals used at Routhier Tire Facility on 8/2/10.
- **Meeting Minutes Approval**
 - GB moved to approve 5/27/10 meeting minutes; DB 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – MBTA Fitchburg Commuter Rail Line Improvement Project (DEP #100-0336)**
 - Mike Turgeon (MT), Jacobs Engineering Group Inc (wetland consultant) presented the Notice of Intent (NOI) application and preliminary engineering plans.
 - The MBTA will be making improvements to the Fitchburg Commuter Rail Line that include track work, signal work installation at new crossovers, and grade crossing rehabilitation.
 - This application covers work from the Willow Road crossing heading west to the Shirley town line.
 - All work will take place within the existing railroad right-of-way; some work will take place within wetland buffer zone and riverfront areas and in some cases will involve demolition.
 - BD commented on the difficulty in following the MBTA plans given the lack of a reference sheet tying all the plans together; MT said an index sheet will be provided with the revised plans.
 - BD noted the confusion resulting from the conflict between the MBTA's aerial photographs of the work area that employed the conventional orientation for 'North' (i.e., pointing toward the top of the page) versus the engineered work plans in which the orientation of 'North' is exactly the reverse (i.e., pointing toward the bottom of the page).

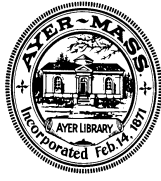


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- On sheet T-102 of the work plans, BD noted that erosion controls were inappropriately indicated as crossing Groton-Harvard Road; MT will have this corrected. On the same sheet, MT agreed that the indicated ‘underdrain’ pipe should be relabeled as a ‘culvert pipe’.
 - At the recommendation of the Commission, MT agreed to include a condition in the final application stating that culvert pipes will be cleaned as needed in areas where work is occurring.
 - In the area in the vicinity of the Library, clarification was requested to specify the location of a presumed outflow pipe that impacts drainage in the area, and to specify as well how the wetlands indicated on both sheet T-104 and figure B-3 connect. This will be looked into on the site visit.
 - MT agreed to the provision that every drawing in the final submission will include a note that all disturbed soils will remain on site to prevent the spread of previously contaminated soils.
 - BD raised concerns about the runoff of soil/sediments from work to be done at Moore’s crossing because of the area’s grade and paving (sheet T-105). Filter fabric may need to be installed to protect stormwater basins.
 - Minor mistakes were noted: ‘Plowshor Pond’ on Figure B-4 should be ‘Plowshop Pond’ and Balch Pond is mislabeled on Figure B-3 as ‘Flannagan Pond’ .
 - MT will make sure that a detail sheet for signals, foundations, pads, staircases and signal houses accompanies the final plan submission.
 - A site walk was scheduled for Saturday, 9/25/10 at 8:30 AM, meeting at the Groton-Harvard Road crossing.
 - DB moved to continue the public hearing to 10/14/10; GB 2nd.
 - Motion approved unanimously.
- **Discussion: Devens Conservation Restriction**
 - Peter Lowitt (Devens Enterprise Commission) spoke about the Ayer Conservation Commission becoming the back-up CR holder for the Shepley Hill CR.
 - PL said that the CR does not connect to the nearby landfill. He will send the Commission a copy of the mapped out parcel once he receives it.
 - Because of the area’s history of contaminated soil, TT wanted to make sure the Commission did not become the holder of a CR for potentially contaminated land. PL noted the existence of other documents in which liability is deferred to the U.S. Army in the event that unforeseen contamination turns up. TT suggested the inclusion of a similar clause in the CR that removes the Primary and Secondary Holders from such liability.
 - The Commission in general expressed its support for this CR and will look forward to continued discussion as the process moves forward.
 - **Discussion: Enforcement Order: The Willows (DEP # 100-0288)**
 - The CA passed around photos from the 8/25/10 rainfall showing continuing erosion and stormwater runoff problems at this site.
 - GB moved to ratify an Enforcement Order; TT 2nd.
 - Motion approved unanimously.



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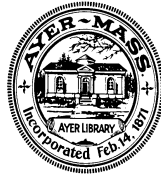
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- This is the 4th Enforcement Order issued for this site, suggesting serious design flaws.
- DB requested the CA ask the developer to bring a copy of their 401 Water Certification form when they comes before the Commission.

- **Discussion: Emily's Way Subdivision: response to comments**
 - Steve Mullaney, SJ Mullaney Engineering, has indicated by memo that if the revised plan is approved by the Planning Board to move forward, then he will come before the Commission to discussion potential wetland and stormwater issues.

- **CA Updates**
 - Ice House Dam: Scheduled drawdown will be taking place. Lisa Grady will be sending more information.
 - Mark Velarde, 71 Sandy Pond Road
 - CA is waiting for clarification from DEP as to how it plans to handle automatic extensions of OOCs.
 - A site visit was discussed but currently Mr. Vellarde is not in violation of his OOC as he has not yet begun work.
 - Roger Kanniard, 4 New England Way (DEP # 100-0306)
 - The Commission signed off on a 1-year extension of his OOC. Mr. Kanniard indicated he would not need more than one year to complete his work.
 - 5 Wagon Road
 - Chris Hillman approached Gabe Vallente, Building Inspector, about installing an in-ground pool on his property. Since his property is in the Zone 1 Aquifer, Mr. Vellante requested he first contact the Commission as well as the Board of Health before he would issue a permit.
 - Since the only encroachment into the wetland Buffer Zone would involve a single fence post about 1 foot into the BZ, the Commission decided that it had no concerns about wetland impact and that there was no need for Mr. Hillman even to submit an RDA.
 - The CA will pass on a verbal okay to Mr. Vellante.
 - File Reviews
 - CA noted a resident has made a request to review the Town's pond weed management plan, with an interest in potentially forming a pond association for residents and abutters of Flannagan Pond. The resident may come in but must pay for any photocopying.
 - Pond View Estates
 - The Pond View Estates Condominium Trust and Pond View Estates Homeowners Trust met on 9/2/10 with the Planning Board to request help with work left incomplete by Hicks Home, Inc., developer.
 - The Planning Board will consult with Town Counsel to review options.
 - Calco: 200 West Main Street
 - The Planning Board asked for comments by 9/24/10 on an application.
 - DB expressed interest in looking at the application.
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- West Main Street
 - Phil Berry spoke to the CA about putting gravel down on a lot located across from Shriver Job Corps and surrounded by wetlands. Because leased use of the space will involve vehicle parking, stormwater regulations need to be addressed.
 - Mr. Berry will be required to submit a full NOI before any work can be approved for this site.
 - DB suggested that in the future, before the BOS grants a business license, a courtesy notification is made to the Commission to ensure that proper protection of the wetlands will take place.
- **Member Updates**
 - DB: Emailed Commissioners with a sequence of photos indicating possibly unauthorized wetland filling on Park Street by business condos.
 - Discussion on this will take place at the Commission's next meeting on 9/23/10.
 - GB: Attendance at recent Planning Board Meeting
 - Concerns about incomplete work have been raised not only about Pond View Estates but at the Autumn Ridge development as well.
 - The Planning Board intends to have By-law amendments ready for Spring Town Meeting, and is developing its own Policies and Procedures.

10:30 PM – Adjourn Meeting

- GB moved to adjourn; TT 2nd.
 - Motion approved unanimously