

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for 12/2/10 – Approved 1/13/11

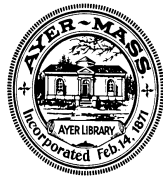
Location: Ayer Town Hall, 2nd Floor

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: No

7:13 PM – Open Meeting

- **Pledge of Allegiance**
- **Accounts Payable**
 - Grafax: \$35.00, for CA business cards and other services.
 - GB moved to approve payment of \$35.00; DB 2nd.
 - Motion approved unanimously.
 - Staples: \$80.47, for office supplies related to purchase of new lockable file cabinets.
 - GB moved to approve payment of \$80.47; TT 2nd.
 - Friendly amendment that payment be taken from office supplies.
 - Motion approved unanimously.
 - BD sent email to Town Accountant Lisa Gabree, asking if it was possible that the file cabinets themselves be paid for via reserve fund transfer, and described as an unanticipated expense necessary for Commission work given the recent unauthorized removal of material from Commission files.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes from 11/18/10 as written; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing: Ayer DPW/Tata & Howard, Inc.**
 - Stephanie Tarves, of Tata & Howard, represented the Ayer DPW, which is seeking to amend the NOI submitted in August 2008 (Mass DEP #100-0319); the work will be similar but on a larger scale.
 - The resulting OOC issued on 9/11/08 was for the installation and pump testing of three test wells associated with the replacement of Spectacle Pond Well No. 2.
 - Existing Well No. 2, a single 24-inch x 18-inch diameter gravel-packed well, will be replaced with three 16-inch x 10-inch gravel-packed wells, configured as a well field, per request of Mass DEP.
 - F.G. Sullivan Drilling Co., which did replacement wells at Grove Pond, will do the work.
 - Pump testing is expected to take place in January 2011.
 - Testing will measure drawdown of the aquifer as well as look for the presence of bacteria that would indicate water being drawn from the surface water of aquifer.
 - NHESP, which has noted the presence of Blanding's turtle habitat, has requested a copy of the pump test results.

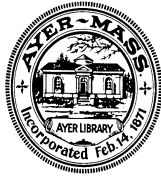


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- To install the three gravel-packed wells, the DPW will now need to push back the hill on the backside of the wells and do limited grading to allow access for drilling equipment.
- BD asked why the project now entailed 3 replacement wells, and why so close together.
 - Ms. Tarves said the change to a well field configuration allows the Town to own and control the aquifer's Zone 1, as it does not do with the existing Well 2.
 - Mass DEP also wanted a distributed load rather than a point-source load.
- DB asked if anything will be done to make it easier to close off the new wells if there is a risk of overtopping, as there was with this past spring's flooding.
- Ms. Tarves said the typical well-casing height above existing grade is 3-feet; conditions last spring were unusual given the unexpected collapsed culvert under Rte. 119.
- A submersible well pump will be installed to prevent loss of equipment due to flooding.
- BD asked Ms. Tarves to suggest DPW raise the casing height to 4-feet or more.
- BD also asked to be given information as to where the electrical junction boxes will be located, and if these will be better protected from possible flooding.
- Ms. Tarves said she would raise these issues with DPW Superintendent Dan Nason.
- She noted that casings can be raised after the well is already installed, but this work must be completed before electrical conduits are completed.
- She also said DPW will present a separate NOI in the future – after DEP has certified the results of the pump tests –for the construction of permanent piping and electrical work.
- Since the pump tests planned for January will run off of 3 generators and last for 48 hours, BD suggested notification of nearby residents in Ayer as well as in Littleton.
- DB moved to approve issuance of amendment to OOC; GB 2nd.
 - GB noted that when the original OOC was issued, the Commission may not have had its updated 'standard conditions' in place and suggested a friendly amendment to verify that the amended OOC is in compliance with current standards.
 - Motion, with friendly amendment, approved unanimously.
- The Commission decided to not close the Public Hearing on this until the CA has verified that the regulations are in compliance.
- GB moved to continue the Public Hearing to 12/16/10; TT 2nd.
 - Motion approved unanimously.
- **Emergency Certification: Nashoba Valley Medical Center, 200 Groton Road.**
 - Brian Lagasse, of Lagasse Trucking Co., Inc, appeared on behalf of Nashoba Medical.
 - Nashoba Medical scheduled the replacement of a collapsed 12-in. stormwater drainage pipe to prevent continued flooding of a back parking lot.
 - The work needed to be done before the ground freezes, but on realizing the work area was 'wet', Mr. Lagasse contacted the CA about an emergency permit.
 - The CA visited the site on 11/19; and National Grid's Digsafe marked the area as having 'no electrical'.
 - When work began 11/22, however, underground power lines to nearby office buildings were immediately hit; fortunately no one was hurt.

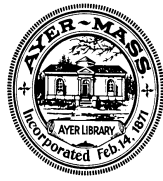


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- The wire conduit has been temporarily repaired, but the situation is now one in which water is running off the parking lot and down the hill over the top of an important electrical conduit.
- Mr. Lagasse, who has already replaced the 100-foot section of collapsed stormwater piping, proposes to alleviate this unsafe condition by installing a 4-ft. square x 9-ft. deep catch basin to redirect the flow of water underneath the wiring.
 - The basin, to be located 3-ft. off the pavement, is not intended to retain water but rather to serve as a free-flow pass-through for water that currently flows over the ground.
- GB asked about the justification for this being an ‘emergency’, and the Commission decided that public safety concerns with regard to 14K power lines were sufficient.
- BD asked for special conditions that hay bales be used for erosion control around the catch basin site, and that Mr. Lagasse return in the spring to properly seed the area.
- The Commission accepted Mr. Lagasse’s offer to provide an as-built plan.
- The start date for permitted work is to be 11/22, with an end-date of 12/22/10.
- GB moved to approve emergency certification for 200 Groton Road; DB 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont’d.) Mass Bay Transportation Authority NOI/Phase II Fitchburg Commuter Rail Line Improvements**
 - TT moved to continue the Public Hearing to 12/16/10; DB 2nd.
 - Motion approved unanimously.
- **Discussion: Violation Notice -- Park Street business condos**
 - The CA has discussed this issue with Joe Bellino, of Mass DEP.
 - Mr. Bellino suggests the Commission issue an Enforcement Order and if there is a problem with enforcing this, then Mass DEP may step in.
 - DB, who issued the original VN, will issue an EO that informs the Park Street Association of their need to hire a firm to review initial plans for the lot; come up with a viable plan to restore and/or replicate the damaged wetlands; and contact the Commission after these plans have been formulated.
- **Discussion: Drained wetlands at end of Rosewood**
 - CA discussed with Mass DEP’s Joe Bellino the condition of the drained wetlands near the Rail Trail that is the result of the illegal destruction of a beaver dam on property owned by the Estate of James Woods.
 - CA confirmed with the Board of Health that no request has ever been received by nearby residents for help in dealing with property flooding from adjacent wetlands as it relates to the old beaver dam.
 - Tracks indicating the use of a backhoe to remove material were observed 6-8 months ago and it appears trees have also been taken down.
 - The extent of the wetland drainage was not immediately apparent over the summer due to the severity of the drought.
 - CA was unable to persuade Mr. Bellino to visit the site himself.



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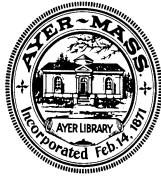
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- Mr. Bellino suggested a VN be issued to force the landowner or a representative to appear before the Commission and explain what was done.
- DB said the Commission should require that the beavers' continued attempts to rebuild the dam be left undisturbed.
- The question of whether an EO was more appropriate than a VN was also discussed; an EO allows the Commission to require an engineering plan be prepared showing how the damage would be remediated.
 - An EO also allows Mass DEP to step in with fines if there is a failure to comply.
- BD will attempt to talk with Mr. Bellino himself in an effort to secure more backing from Mass DEP for the Commission to insist on the repair and restoration of the beaver dam.

- **Discussion: Cowfield Realty Trust c/o Calvin Moore**
 - CA brought up her discussion with Mr. Bellino about Mr. Moore's request to redirect stormwater that runs across his undeveloped lot at the corner of Taft and Howard streets.
 - Mr. Moore hopes to redirect stormwater in order to dry out the lot for future development.
 - At issue is whether the shallow ditch carrying stormwater is artificial or if it is actually a natural intermittent stream.
 - CA pointed out the complication that two OOCs and an RDA were issued years ago on this block on the basis of this being considered a drainage ditch with BVW (bordered vegetated wetland).
 - Mr. Bellino asked if stormwater were stopped, would water continue to flow intermittently? The answer being yes, Mr. Bellino said that it is therefore an intermittent stream, not just stormwater as Mr. Moore claims.
 - CA said she doesn't see a problem in redirecting the ditch/stream as it is not pristine; but of concern is the precedent of the wording set in previous OOCs.
 - CA asked if Mr. Moore should be put on the Commission's next agenda.
 - BD said no as the Commission would like to get more feedback from Mass DEP.
 - The possibility was raised of requesting that Mr. Moore provide an ANRAD (Abbreviated Notice of Resource Area Delineation).

- **Discussion: Pondview Estates outstanding issues**
 - An O & M (Operation and Maintenance) Plan was presented at a meeting on 11/19 held by the Planning Board with the Town Administrator and representatives of the Pondview Homeowners Association present.
 - CA said that the Association is looking for the Commission to provide them with a bullet-point memo listing precisely what they need to do in order to meet the requirements for a Certificate of Compliance.
 - Another meeting will be taking place in the following week.

- **Discussion: 15 Douglas Drive, ponies in the buffer zone, neighbor complaint**
 - BD performed a site visit.
 - The property and swimming pool of Henry Wysk, the complaining resident, are located upland from the ponies and should not be affected by their presence.



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- The property with the ponies is a large lot and can easily accommodate the seasonal presence of ponies.
 - Still, BD suggested Mr. Wsyk contact the Board of Health himself to find out how many ponies are allowed within a certain space.
- BD noted that any BVW that may once have existed in the area were filled in, probably in the 1940s or 1950s.
- BD also informed Mr. Wsyk that he should cease mowing his property right to edge of the streambed.

- **Member Updates**
 - DB was recently contacted by Andrew Spejewski of the EPA with additional information about the possibility of Parcel H, at Pingry Hill, being gifted to the Town in lieu of Crabtree Development paying an EPA fine.
 - DB said the Town's Assessors Office neglected to assign a new parcel number to the lot, and therefore the lot no longer exists on the Assessor's Map, nor are taxes therefore being paid on it.
 - The assessment, as required by the EPA, will have to be sorted out before Parcel H can be considered viable as a land donation in lieu of fine.
 - It is possible Crabtree Development will have to pay for its own assessment.

- **10:21 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.