



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA01432 \* 978-772-8218 \* 978-772-3017(fax)  
Minutes for **09/11/08** – **Approved 9/25/08**

Location: Town Hall, 1<sup>st</sup> Floor

Members present: Bill Daniels (BD, Chair), David Bodurtha, George Bacon (GB), Takashi Tada (TT, Clerk), Denis Luken (DL), Becky DaSilva-Conde (CA, Conservation Administrator)

Not present: Dave Bodurtha, Jessica Gugino

APAC taped: Yes

### **Start (7:00 PM)**

- **Discussion: Dewatering Plan from FMC Corp. – 9 Bishop Road Remediation**
  - Gene Choquette of Arcadis (remediation contractor to FMC Corp) presented the dewatering plan submitted to Commission for review.
    - Completion of the wetland excavation work will require dewatering.
    - Dewatering is necessary due to higher than expected water table from summer rains.
    - Dewatering plan is intended to satisfy the requirements of Special Condition No. 28.
  - If needed, water will be pumped into frac tanks, hauled offsite, and disposed accordingly.
  - Sandbags will be placed along the wetland edge of the excavation to stabilize the soil.
  - GB moved to approve the dewatering plan; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - Remaining work schedule:
    - Phase 1 excavation is complete.
    - Phase 2 excavation (wetland) to be done next week.
    - Wetland restoration to be done the week after Phase 2 completion.
    - Completion of work anticipated two weeks after Phase 2.
- **Public Hearing (cont'd): Abbreviated Notice of Intent (ANOI) - Ayer DPW [DEP #100-0319]**
  - Stephanie Tarves of Tata & Howard, representing Ayer DPW, presented the ANOI application for installation of test wells at Spectacle Pond.
  - Test wells are needed to locate a potential replacement drinking water well.
    - Plan is to install three test wells, measuring 2.5 inches diameter, within Spectacle Pond buffer zone.
  - Ms. Tarves sent specifications of the dewatering basing to CA, as requested.
  - GB moved to approve the ANOI and issue Order of Conditions; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to close the public hearing; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing: Notice of Intent – Ayer DPW [DEP #100-0320]**
  - Stephanie Tarves of Tata & Howard, representing Ayer DPW, presented plans for construction of new infrastructure to bring Grove Pond drinking water replacement wells online.
  - Plan calls for new 12 inch water mains, capping of old mains, demolition of old wells/houses after new wells are online, construction of new well houses with electric and communication line connections.
    - New well houses will be prefab on concrete slab.



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- Some work will occur within 100 foot buffer, but stockpiling of soils will only occur outside the buffer.
- No net increase in runoff is expected.
- Existing erosion controls will be bolstered with additional hay bales.
- The new wells will not be impacted by Army BRAC projects on Barnum Road.
- Replacement wells 1 and 2 were installed and tested in late 2007-early 2008.
  - Awaiting DEP approval of test results.
  - Wells will likely be pumped in the range of 700-780 gpm.
  - Water will be treated at the existing treatment facility, [*which houses the backup generator for the wells.*]
  - [*New wells will be online for 60-90 days before old wells are decommissioned.*]
- Contract will go to bid in late fall 2008, after DEP approval of test results.
- Ms. Tarves will provide as-builts plans when they become available.
- GB moved to conditionally approve the NOI, pending answers to questions re: backup generators and decommissioning schedule [answers in *ital.*]; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- GB moved to continue hearing to 9/25/08; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Public Meeting: Conservation Restriction (CR) – Orion Park, Westford Road**
  - Steven Graham, Esq., representing Orion Park.
  - Mr. Graham presented the CR document that was forwarded to the Commission for review.
  - CR language reflects ‘clerical’ revisions made by EOEEA.
    - No changes were made to NHESP content.
  - Mr. Graham is looking for certification of the CR by Commission.
  - BD will forward document to unpaid consultant, Patrick Hughes, for review.
- **Discussion: Citizen Complaint – ‘The Farm’ Property, Westford Road**
  - Residents submitted a letter of complaint to Shaun Suhoski & BOS re: the ‘farm’ located on Westford road between Orion Park and Loon Hill Road.
  - Letter complained of foul odors and the accumulation of junk (old vehicles, etc.).
  - Property is located within Petapawag ACEC.
  - Based on wetland delineations completed for Orion Park and Pondview Estates, there do not appear to be any wetlands on the property.
    - According to USGS map, there are no streams shown on the property.
    - The site appears to be well beyond the buffer zone of any known resource area.
    - Therefore, the property is not within Commission’s jurisdiction.
  - CA will draft formal response to Mr. Suhoski, who will be holding a public meeting on the issue Tuesday, 9/23/08, at 7:00 PM.
- **Discussion: Pondview Estates CR Response Letter**
  - Meisner-Brem confirmed that all detention basins are outside of the CR boundary.



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- **CA Work Schedule**

- Commission had approved an additional 4 hours per week for CA, to be paid out of Wetlands Fund (approved 7/24/08).
  - At that time, Commission also voted to revisit CA schedule in September.
- Due to time off taken during summer, a portion of the approved funds are still available.
- Commission reaffirmed its approval for CA to work 14 hours/week, as long as funds remain available.

- **Pond Weed Control**

- Residents on Flannagan Pond have expressed concern re: continued presence of weeds.
- BD: Dominic Meringolo of ACT (weed control contractor) will conduct a monitoring visit.
  - CA will coordinate the ACT visit.

- **CA Updates**

- A resident will be coming into office tomorrow for a file review.
  - Commission does not have a written policy or fee for making copies.
  - CA will check with Chris Ryan to see if there is a departmental policy.
- Pheasant Circle: New construction is taking place.
  - CA will look into status of OOC.
- Autumn Ridge: CA forwarded photos of soil pile, staging area, and catch basin, taken during recent site visit (photos emailed to Commissioners).
  - New ownership will be in place soon, with Gillis Homes as subcontractor (Gillis was the subcontractor under original ownership).
- 82 Groton School Road: Mr. Routhier has begun wetland restoration work, which has a deadline of 11/01/08 under the OOC for completion of restoration/seeding.
- Sandy Pond 3: The turtle fence has been completed, as required by NHESP.
- The Willows: Work is being done on Willow Road to install sewer line connection stubs.
  - BD: This work was not part of the NOI.
  - CA: Work is being done per DPW.
  - House construction at The Willows continues on the backside of the hill.
- 88 Central Avenue: CA needs to draft violation notice for Mr. Coke.
- Chapter 91 Mailings: CA has received positive feedback, thus far, from the mailings.
  - Commission will hold a public meeting re: Ch. 91 dock licensing, 10/23/08.

- **Other Issues & Announcements**

- GB: OOC for pond weed control expires in February 2009.
- GB: Commission needs to discuss Goals & Objectives.
  - Will do so on 10/09/08.
- GB: Commission did not reorganize at the beginning of new fiscal year (July).
  - Will do so on 10/09/08.
- Community Preservation Act Committee (CPAC): BOS sent town boards a memo re: lagging participation on CPAC.
  - DB is already in place as Commission representative to CPAC.



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- Kingsbury Realty Trust – Groton School Road: Will need their OOC extended, due to slow pace of Land Court proceedings.
  - Icehouse Dam: Icehouse Partners want to know which NOI fee category their dam maintenance work falls into.
    - Category 2d: electric generating facility activities – \$500 fee.
    - Category 4b: dam, sluiceway, tidegate (safety) work – \$1,450 fee.
    - CA will get opinion from DEP.
  - **Accounts/Payables**
    - Lowell Sun: \$44.20 for legal ad – Spectacle Pond ANOI (Ayer DPW)
      - GB moved to approve payment of Lowell Sun bill; TT 2<sup>nd</sup>.
        - Motion approved unanimously.
    - Fixed Assets Accounts: Town Accountant Lisa Gabree sent inventory of fixed assets to all boards for review. The following items need correction:
      - Stratton Hill CR – not yet owned by Town (CR is still in the works).
      - West Street, 0.3 acres – not ours.
      - Brook Street land and building – not ours.
      - Fitchburg Road parcel – not ours.
  - **Executive Session (10:00 PM)**
    - GB moved, per MGL Ch. 39, Sec. 23(b), No. 6, to enter into Executive Session, TT 2<sup>nd</sup>.
      - Motion approved unanimously.
    - GB moved to close Executive Session, TT 2<sup>nd</sup>.
      - Motion approved unanimously.
- End Executive Session (10:30 PM)

### **Adjourn (10:30 PM)**

- GB moved to adjourn; TT 2<sup>nd</sup>.
  - Motion approved unanimously.