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TOWN OF AYER
TOWN CLERK



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143
Minutes for 1/25/2024

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jen Amaya (Member), Jessica Gugino (Member/Clerk), Heather Hampson (Conservation Agent)

APAC taped: YES

All Public Hearings are opened under the Wetlands Protection Act (MCL Ch. 131, section 40)
and under the Ayer Wetlands Bylaw (Article XXVI)

7:00 PM – Open Meeting

- **Confirmation of Agenda**
 - **VOTE:** G. Bacon moved to confirm the agenda as posted; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Approval of Meeting Minutes**
 - **VOTE:** G. Bacon moved to accept the minutes for 12/14/2023 as written; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
 - **VOTE:** G. Bacon moved to accept the minutes for 1/11/2024 as written; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Public Input**
 - None received.
- **Public Meeting: Request for Determination of Applicability (RDA) (cont'd.) – 42 Park Street, Alexandria Goldinak**
 - Assessor's Map 17, Parcel 26
 - Justin LeClair, of McCarty Engineering, Inc., and applicant Ali Goldinak were present.
 - 42 Park Street has an existing dilapidated 2-family house on already-disturbed land with a driveway, sewer easement, and drainage swale, located immediately adjacent to an existing commercial facility.
 - The applicant's project proposes to gut and then redevelop the existing house and add a 2000 sq. foot building addition in the back along with a paved/curbed parking area in the back as well as along the side.
 - A substantial amount of fill, roughly 1700 cubic yards, will be brought in build the site up in back in order to be able to install an underground stormwater infiltration system that will drain into the swale.
 - ConCom conducted a site walk with Mr. LeClair, Ms. Goldinak, and the wetland consultant for the project, Maryann DiPinto (former MassDEP Circuit Rider) on Saturday, January 13, 2024.



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- Per Ms. DiPinto on the site walk, the proposed work for this project is jurisdictional to ConCom under the local Bylaw (Chapter 300), not under the Wetlands Protection Act (WPA).
- As requested at the 1/11/2024 meeting, the total existing impervious surface amounts to 0.12 acre while the proposed project will double the amount to approximately 0.26 acre.
- While ConCom members were in agreement that this project would be approved, because of the amount of fill to be brought into the Buffer Zone, they felt procedurally that this should be handled through a Notice of Intent (NOI) rather than a simple RDA.
 - The NOI should include detail on the use of erosion controls.
- **VOTE:** G. Bacon moved to issue a Negative Determination of Applicability (DOA) under the WPA (#4) and a Positive DOA under the Bylaw (#5); M. Phillips 2nd.
 - Motion approved unanimously 5-0 and the DOA was signed.
- Because of the upcoming holiday and the local newspaper deadline for publishing the required Legal Notice for an NOI, ConCom will not be able to vote to issue an Order of Conditions until its 2/22/2024 meeting.
 - In order not to delay completion of the Purchase & Sale of the property to Ms. Goldinak, which is contingent upon completion of all project permitting, H. Hampson will issue a letter to the applicant confirming that ConCom's delay in issuing an approval permit is solely based on the procedural request that an NOI be submitted rather than an RDA.
- **Public Meeting: RDA – 2 Shelly Lane, Seann and Dawn Ives**
 - Assessor's Map 34, Parcel 153
 - Kevin Kieler, of Brady-Built Inc., and applicant Dawn Ives were present.
 - The Ives propose to remove an existing 12'x13'8" deck from the rear of the house and replace it with a prefabricated Brady-Built sunroom of the same size.
 - The sunroom would include an exterior new deck, 12'x42" running along the back, as well as a side stairway on the side of the sunroom furthest from Grove Pond.
 - New footings using Helix Screws, that displace approximately 10 cups of soil per hole, will be used.
 - The gutter system for the sunroom will tie into the existing underground piping that is assumed to drain to drywells and has had no previous issues.
 - While the project appears to be approximately 108 ft. from the shore of Grove Pond, and therefore not jurisdictional to ConCom, H. Hampson advised addressing it through an RDA just to be safe in case nearby residents call the Commission to inquire about the project.
 - A crane will be used to install the prefabricated sunroom, but Mr. Kieler said it would be parked in the driveway and would hoist the sunroom over the roof of the house to the rear side.
 - **VOTE:** G. Bacon moved to issue a Negative DOA; M. Phillips 2nd.
 - Motion approved unanimously 5-0 and the DOA was signed.



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- The Town needs more resident responses in order to develop an adequate plan to address emergencies such as a dam breaking or flooding.
- Nasoya Foods USA, LLC., One New England Way
 - H. Hampson learned that a minor spill of tofu foam took place in the Buffer Zone.
 - Nothing from the spill made it into the storm drains.
 - H. Hampson made sure Nasoya knows to notify ConCom of such events in the future.
- Request for Quotes, 2024 treatment of ponds for invasive aquatic vegetation
 - The RFQ will go out shortly after some minor edits.
- ConCom FY2025 Budget
 - H. Hampson put in a \$2500 increase under services, with the intention that this money could be used for funding the preparation of Baseline Documentation for Conservation Restrictions as well as to address issues that may arise related to beaver activity.
- Wetlands Protection Act
 - A comment period on the State's website (MassDEP) is now open, until 2/24/2024, for revisions proposed to the WPA/Regulations.
 - Public Hearings will also be scheduled in the future.
 - The majority of the revisions sought will have to do with climate change resiliency as well as Chapter 91 waterways regulations.
- **7:50 PM – Adjourn Meeting**
 - **VOTE:** G. Bacon moved to adjourn; M. Phillips 2nd.
 - Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval: 2/8/2024 *Jessica G. Gugino*