

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for 4/12/12 – Approved 4/26/12

Location: Ayer Town Hall, 1st Floor

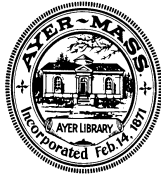
Members present: Bill Daniels (BD, Chair), George Bacon (GB), Takashi Tada (TT), Jessica Gugino (JG, Clerk), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: Yes

Not present: Warren Ball (WB)

7:16 PM – Open Meeting

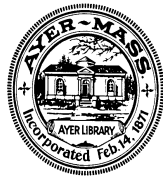
- **Public Hearings (cont'd): NOIs – Crabtree Development, Ridge View Heights/Pingry Hill**
 - **NOI: 264 Old Farm Way (Lot 51A), DEP # 100-0350**
 - The OOC for this lot is the standard template with no special conditions.
 - GB moved to approve the final OOC and close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
 - **NOI: 272 Old Farm Way (Lot 50A), DEP # 100-0349**
 - The OOC for this lot included two special conditions:
 - Lot dimensions will be house 36 ft. max. from Right-of-Way; max. depth of house 28 ft; max. depth of backyard 25 ft.
 - Creation of a mounded berm at edge of backyard during final grading to permanently demarcate a boundary to the wetland, this condition lasting in perpetuity.
 - CA reported Steve Mullaney's message that Mark Wheeler confirmed to him that the haybale line has been restaked as requested, according to the new dimensions.
 - GB moved to approve the final OOC and close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
 - **NOI: 282 Old Farm Way (Lot 49A), DEP # 100-0348**
 - The OOC for this lot included three special conditions:
 - Lot dimension as described above (36-28-25).
 - Creation of a mounded berm as described above.
 - Placement of haybales around the catchbasin on Littleton Road/Rte. 2A.
 - GB moved to approve the final OOC and close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
 - **NOI: 31 Partridge Run (Lot 34), DEP # 100-0347**
 - While this lot will use the 36-28-25 dimensions, revised plans for location of the house have moved it out of the buffer zone entirely.
 - CA said that, according to Mr. Mullaney, developer Rick Roper agreed to provide ConCom with an as-built plan that shows the revised location of the footing drain, as requested.
 - GB moved to approve the final OOC and close the Public Hearing; TT 2nd.
 - Motion approved unanimously.
- **Public Meeting: Enforcement Order, Groton-Harvard Road at railroad crossing**
 - Roger McPadden and his son Steven McPadden appeared before ConCom.
 - Mr. McPadden said they ceased all work on receiving the EO but did not know what they had done wrong.
 - Mr. McPadden said his son has been clearing debris (old railroad ties, telephone poles, tires, basketballs, computer monitors, etc.) from the stream/drainage ditch as well as clearing brush and cutting down a few trees damaged in recent storms.



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- Tree-cutting was with permission from B & M Railroad.
- In addition, Steven McPadden has been buying cut trees from Flagg Tree Service and cutting them up for firewood for resale.
 - This is the basis for the large woodpile on the bank of the drainage ditch.
- BD explained that, in response to a resident complaint, ConCom observed violations from Groton-Harvard Road on 3/17 and issued the EO.
 - Violations were alteration of the bank area, filling in of the stream, and tree-cutting.
 - While the drainage ditch (expanded by B & M five years earlier to address flooding issues on the tracks) is admittedly ugly, it is part of the connection between Balch and Grove ponds and is therefore protected under the WPA.
 - The flow of the streambed must be kept clear.
- ConCom asked the McPaddens, who were very cooperative, to do the following:
 - Remove the dirt/material that has gotten into the streambed by hand-digging.
 - Use of heavy equipment/machines in the streambed is not permitted.
 - Move the log pile back 10 ft. from the collapsing bank.
 - Steven McPadden said the firewood will likely be sold and gone by July.
 - BD asked, at minimum, that wood immediately be cleared from on top of the bank by a foot, and that as wood is sold, it be taken from the back of the pile first.
 - Once this pile is cleared, any new woodpile should be no closer than 10 ft. to the bank of the streambed.
 - Any future cutting of trees in the buffer zone must be cleared with ConCom first.
 - Mr. McPadden asked about cutting down trees growing in the streambed itself, which will eventually block everything up.
 - CA made arrangements to walk the site with Mr. McPadden on 4/13, at which time she will indicate which trees ConCom would approve being removed.
- CA asked about the EO also sent to Pan Am Railways.
 - BD said ConCom would still like a representative from PanAm to appear so that the Commission can address the issue of their giving permission for tree-cutting in a resource area without ConCom approval.
- **Public Meeting: Requests for Certificates of Compliance**
 - 56 Fox Run Drive (Lot 111), DEP # 100-0266
 - CA will double-check that the COC for this lot is not tied to other lots.
 - GB moved to sign the COC; TT 2nd.
 - Motion approved unanimously.
 - 66 Snake Hill Road (Lot U-1), DEP # 100-0323
72 Snake Hill Road (Lot T-1), DEP # 100-0322
 - The COCs for these lots were approved in 10/2010 but the paperwork was never signed and passed on.
 - ConCom signed the COC.
- **CA Updates**
 - David Bodurtha
 - A copy of a letter of complaint sent by Mr. Bodurtha to MassDEP was hand-delivered to ConCom.
 - Mr. Bodurtha complained about ConCom's issuance of a COC to Matt Pinard, 66 Littleton Road, (DEP # 100-0270), on 3/22/12.



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- BD noted that the issues Mr. Bodurtha complains about are issues pertaining to Mass Highway, not ConCom.
- Epic Enterprises, EO
 - CA and JG visited the site on 3/30 to observe the hole in the west basin dug under Roger McClure's supervision.
 - CA and JG confirmed the mystery pipe in this basin has been capped and vee-ed off as requested on 3/22.
 - Improvements were also seen in Day Brook.
 - Sediments are no longer flowing directly into the brook from the old perforated pipe leaving the east basin; the water appeared clear.
 - The area of the stream that has received flow from the mystery pipe leaving the west basin was also observed, this time from close-range.
 - The water on either side of the haybales was clear, and sediment deposits in the stream appeared to be old and not recent.
- Calvin Street Extension
 - CA received a neighbor's complaint of a resident having too many chickens, along with waste from chickens, geese and turkeys reaching Flannagan Pond.
 - CA forwarded this to Mary Spinner and the Board of Health.
 - Bridget, from BOH, confirmed there is a problem here, as the resident does not have a permit for chickens from BOH.
 - BD would like to see a process whereby ConCom and BOH work together, with BOH issuing permits and handling violations, and ConCom supervising *how* residents keep fowl near a resource area.
- Pond View Estates, Long Pond access
 - CA received a complaint from a resident that the Homeowners Association at Pond View has used fencing/boulders to seal off public access to Long Pond adjacent to the dock.
 - While the dock itself is private, the shoreline to either side is not, and Long Pond is a Great Pond for which public access is required.
 - CA forwarded this matter on to Town Administrator Robert Pontbriand for handling by the BOS.
- Flannagan Pond weed treatment
 - CA heard from Lycott about its planned weed treatment.
 - Lycott will be sending a biologist out to check water levels, and plans treatment for mid to late May, when plant growth is at the right level for effective herbicide control.
 - Lycott also confirmed they would uphold the 2011 contract pricing.
 - CA plans to talk to Dave Canney, who had offered to allow Lycott to put its treatment boat into the pond from his property.
 - If this is not feasible this year, Warren Ball indicated to CA that he might have some options for boat launching spots.
 - Lycott is still awaiting its DEP permit for treatment.
 - DEP was flooded with early requests for permits given the unusually warm spring weather and early budding of plants.
 - CA also reported hearing from Fire Chief Robert Pedrazzi that, on recent inspection, it was discovered that a third board had illicitly been removed from Balch Dam by some unknown scoundrel.
 - The board has since been replaced.
 - This is why water levels suddenly dropped in Sandy and Flannagan ponds.



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- DPW summer paving projects
 - Doug Gasperson of Ayer DPW contacted CA about what needs to be done to coordinate DPW's paving projects on Westford Road, Willow Road, and Howard Street.
 - DPW's paperwork needs to be completed before the end of June when their paving contract expires.
 - A separate RDA will be needed for each paving project.
- Chuck Miller
 - Mr. Miller, of Calvin Street, spoke to CA about ice-heave damage to his dock.
 - Mr. Miller asked if dock repairs were grandfathered so that he can do repairs as needed.
 - BD said it depends on the extent of the repairs.
 - Mr. Miller needs to provide details as to what he plans to do before ConCom can decide if he needs to appear before the Commission.
- FYI notices
 - National Grid will be performing electrical transmission line repair on the corridors near Groton School Road (Rte. 111).
 - Mass Bay Commuter Rail (MBCR) provided a copy of their 2012 Vegetative Control Program.
- Ayer government policy changes
 - CA received a memo just last week dated 3/2/12 detailing policy changes effective 2/28/12 by BOS vote.
 - Care and custody of Town Hall will now be overseen jointly by TA Pontbriand and Dan Sherman, Director of Facilities Maintenance.
 - Town appointments to non-department-head level positions must now go through TA Pontbriand.
 - BOS will receive recommendations from Mr. Pontbriand based on screening committee interviews.
 - No member of an appointing authority will be allowed on a screening committee.
 - At his own discretion, TA Pontbriand may elect to receive input on appointments from relevant commissions, boards, and committees.
- CA maternity leave and temporary replacement
 - CA's planned last day of work is 6/15/12.
 - CA asked for a 12 week maternity leave, returning around the week of 9/17.
 - CA's maternity leave is unpaid, given CA does not receive benefits.
 - In light of the memo detailed above re policy changes, BD sent an email to TA Pontbriand asking for guidance on how ConCom should proceed to seek a temporary CA.
 - TT noted that his wife Beth Suedmeyer may know someone for potential fill-in.
- **Accounts Payable**
 - Lowell Sun: \$323, for five Public Hearing notices (the 4 Pingry Hill NOIs, and the Kelleys of Oak Ridge Drive).
 - CA has received payment for all of these ads.
 - TT moved to pay the Lowell Sun \$323; JG 2nd.
 - Motion approved unanimously.
- **9:08 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.