

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **5/10/12** –Approved 5/24/12

Location: Ayer Town Hall, 2nd Floor

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

APAC taped: Yes

Not present: Bill Daniels (BD, Chair)

### **7:08 PM – Open Meeting**

- **Meeting Minutes Approval**

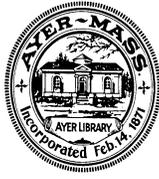
- TT moved to accept the minutes of 4/26/12 as written; JG 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Accounts Payable**

- Staples: \$29.74, for purchase of photocopy paper.
  - TT moved to approve payment; JG 2<sup>nd</sup>.
    - Motion approved unanimously.

- **CA Updates**

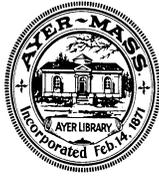
- Pan Am Enforcement Order, Groton-Harvard Road
  - CA received a copy of the letter Pan Am sent to the McPaddens, as requested at ConCom meeting 4/26/12.
    - Pan Am's letter summarizes their meeting with ConCom and requests that McPaddens cease all clearing on Pan Am land and restore to its natural state.
  - JG reported that the McPadden's woodpile resting on the edge of the bank to the culvert/stream has not changed in appearance.
    - ConCom requested at its 4/12/12 meeting that Steven McPadden immediately hand-clear wood from the first foot closest to (on) the bank, with the ultimate goal that, by early summer as firewood is sold, the woodpile is cleared and completely relocated to no closer than 10 ft. to the edge of the collapsing bank.
    - CA will call the McPadden to remind them of this.
- U.S. Army Corps of Engineers (USACE) announcement
  - USACE is in process of finalizing remediation plans to remove contaminated sediment from Plow Shop Pond in AOC 72 (area of contamination, former Ft. Devens).
- Flannagan Pond weed treatment
  - Joy Liptak, field biologist for Lycott Environmental, performed an inspection of Flannagan Pond earlier in the week and will speak to CA tomorrow (5/11) about her findings and recommendation for dates of treatment.
  - Mass DEP has issued Lycott its weed treatment permit, but Lycott still awaits the new permit now required from EPA as well.
- Pingry Hill
  - CA spoke to Rick Roper, of Crabtree Development.



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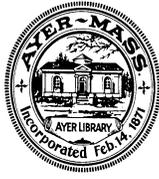
- The tree-clearing which GB previously observed from the commuter rail is being done in preparation for building out a new detention basin.
  - GB said that he observed that heavy equipment was used to cut the trees but there was no sign of any haybales.
- **Public Meeting: RDAs – Ayer DPW, highway repaving**
    - New DPW Superintendent Mark Wetzel and Assistant Foreman for DPW Highway Doug Jasperson were present.
      - DPW currently has Ch. 90 funds for the paving of three roads in Ayer.
    - Mr. Wetzel, a former Reading ConCom member, also indicated for the future that he planned to prepare a 3-year General Permit form (using Reading's as an initial model) for upcoming DPW projects so that DPW would not have to come before ConCom for each individual project.
      - If this operating procedure were to be approved, then at the activation of each project, DPW would notify CA for inspection of mitigation measures, etc.
    - Howard Street, from Washington Street to Pleasant Street
      - This repaving will be a full-depth reclamation involving grinding.
      - The repaving applies only to the road; sidewalks will not be involved.
      - No resource areas are near this project.
      - Three catchbasins involved have been fitted with silt sacks.
      - TT moved to issue a Negative Determination of Applicability; JG 2<sup>nd</sup>.
        - Motion approved unanimously.
    - Westford Road
      - Two sections, from the little red school house to New England Way and from the other side of Crabtree Heights to the Ayer/Groton town line.
        - The section in between was repaved 6 years ago.
      - The repaving here involves only a 1-1/2 in. overlay.
      - The only grinding will be for cutting 2 in. down for 12 in. keyways.
      - Resource areas nearby are at least 50 ft. from the work area.
      - JG moved to issue a Negative Determination of Applicability; TT 2<sup>nd</sup>.
        - Motion approved unanimously.
    - Willow Road, from The Willows to Rte 2A (Ayer/Littleton town line)
      - The repaving here involves only a 1-1/2 in. overlay.
      - 50 ft. of wattles for erosion/runoff control, 25 ft. on each side, will be placed at the crossing over Bennetts Brook.
        - CA said this was sufficient and suggested curving the ends of the wattle lines.
      - The two catchbasins at the culvert have had silt sacks placed in them.
      - The only grinding will be for cutting 2 in. down for 12 in. keyways.
      - JG moved to issue a Negative Determination of Applicability; TT 2<sup>nd</sup>.
        - Motion approved unanimously.
    - DPW expects to start the repaving on Westford Road and Willow Road next week, with Howard Street to follow later.



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- **Discussion: DPW – beaver control management concerns**
  - The upper beaver dam on ‘Rock Meadow Pond’ adjacent to Pine Meadow Conservation Land was discussed.
    - Mr. Jasperson was contacted by residents who alerted him that someone has pulled a large number of branches from this dam, stacking them nearby.
      - The branch pile is on land under the National Grid powerlines.
      - New tracks from a four-wheel ATV run down to this area.
      - Mr. Jasperson provided ConCom with photos.
    - This is the same beaver dam that blew out in July 2011, catastrophically draining the wetland and leading to the washing out of a portion of Oak Ridge Drive.
      - Since then, beavers have successfully reconstructed the dam so that the wetland behind it has substantially recovered its water level.
    - JG provided Mr. Jasperson with a Mass. Fish & Wildlife ‘Protected Beaver Dam’ sign for posting on this side of the dam.
      - JG has previously posted these signs on trees on the other side (Autumn Ridge side) of the dam.
      - There are no trees on this side; DPW will devise a secure stake.
    - ConCom will notify the residents of nearby Autumn Ridge as well as the Ayer Rod & Gun Club, also nearby on the other side of the dam, to ask for alertness in noticing any further tampering.
      - The police should be contacted in such event.
    - JG suggested also contacting Mary Arata, of The Public Spirit, about running a story warning against tampering with beaver dams and the \$25,000 fine associated with such activity.
  - Mr. Wetzel pointed to other beaver dam areas in Town for which there is a need for better management – such as flow control structures or beaver deceivers.
    - While former DPW Superintendent Dan Nason indicated the previous year that some DPW workers might become licensed for beaver trapping, Mr. Jasperson said that no workers now plan on this because this would be on their individual hunting licenses, making them personally liable.
    - Mr. Wetzel suggested picking one or two areas for pilot flow control management to test what might be most effective.
    - One priority area is the culvert at Shaker Road which the DPW needs to clean out on a daily basis.
      - The rudimentary cage around the culvert is ineffective.
      - The culvert itself also needs replacement, though Mr. Wetzel said this wouldn’t be considered until fall when water levels are lower.
        - CA said this work would require an NOI.
    - GB told Mr. Wetzel of the \$10,000 which ConCom has in its budget for beaver control issues on Town-owned land and that this might be a resource.
    - CA reiterated that, by state law, beaver dams cannot be disturbed without a permit from Mass Fish & Wildlife.
      - ‘Nuisance’ beaver dams do not qualify but man-made culverts can be cleared of beaver debris as often as is necessary.



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- In the case of an emergency (where dam flooding impacts well water, basements, etc.), the Board of Health can issue an Emergency Certification, with the Fish & Wildlife permit to be pursued later.
- Resident Bob Kalkert spoke up about problems associated with another nearby beaver dam at Bennetts Crossing on a parcel now owned by the Town.
  - Mr. Kalkert spoke previously to CA re concern with the rising level of water impounded by this dam and concern that Bennetts Brook is being blocked up.
  - CA has looked at the dam in question.
    - The flooding constitutes a ‘nuisance’ and not an ‘emergency’; no damaging flooding is taking place at this time.
    - Bennetts Brook continues to flow through and is not blocked.
    - This type of area – standing open marsh/shrubby marsh – is the kind of wetland ecosystem in which beaver activity is to be expected.
  - Mr. Kalkert asked to see for permission to build a berm at his property’s edge to prevent encroachment if flooding becomes a problem in the future.
    - GB said he would need to see ConCom for that kind of work and would probably be asked to provide compensatory storage capacity elsewhere.
- Mr. Wetzel suggested that he, Mr. Jasperson, and CA meet to formulate an action plan.
  - JG asked to be part of this as well.
- **Discussion: DPW – status of Victor Drive culvert**
  - Mr. Jasperson said the large sinkhole that opened up last year has been covered with plates and surrounded by a Jersey barrier.
    - DPW does not have money in its budget to repair the aging and damaged culvert, which will likely cost from \$100,000 - \$150,000.
- **Member Updates**
  - TT attended his first meeting on 5/7 as ConCom representative on the Pond & Dam Management Committee.
    - This was primarily a Q-and-A with Will Stephenson of Lycott.
    - Once treatment dates for Flannagan Pond are set, the first treatment will be for milfoil using Reward; the use of Sonar to treat fanwort will follow.
    - Mr. Stephenson suggested the Coalition of Lakes and Ponds as a good resource for the Committee.
    - GB asked if Mr. Stephenson addressed any questions on the use of a harvester for weed treatment.
      - TT said Mr. Stephenson recommended against the use of a harvester for mowing and said that chemical treatment was the most cost-effective option for Flannagan Pond.
    - Mr. Stephenson also stressed the need for a strong and active education program.
- **8:44 PM – Adjourn Meeting**
  - TT moved to adjourn; JG 2<sup>nd</sup>.
    - Motion approved unanimously.