

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 6/28/12 – Approved 7/12/12

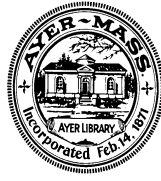
Location: Ayer Town Hall, 1st Floor

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

APAC taped: Yes

### **7:18 PM – Open Meeting**

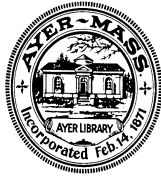
- **Confirmation of Agenda**
  - GB moved to confirm agenda as posted; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Meeting Minutes Approval**
  - GB moved to accept the minutes for 5/24/12 as written; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to accept the minutes for 5/30/12 as written; JG 2<sup>nd</sup>.
    - Motion approved 3-0; TT abstained.
  - GB moved to accept the minutes for 5/31/12 as written; JG 2<sup>nd</sup>.
    - Motion approved 3-0; TT abstained.
  - GB moved to accept the minutes for 6/14/12 as amended; TT 2<sup>nd</sup>.
    - Motion approved 3-0; BD abstained.
- **Public Meeting: Enforcement Order – Lillie Wilson, 32 Deer Run (Pingry Hill Lot 88)(DEP # 100-0263)**
  - The EO was issued for tree-clearing and garden encroachment within a wetland resource.
    - An Invisible Fence for Ms. Wilson’s dog has also been buried in the area.
  - BD asked Ms. Wilson if she had previously talked with developer Rick Roper about restrictions in the OOC and passed on to homeowners re work in the resource area.
    - Ms. Wilson said she had and apologized for the mishap, saying she had not intended to create issues or damage nature.
      - As a first-time homeowner, she was ‘caught up in the excitement’ of owning a home and had not really understood the wetland issues involved.
  - BD explained the beneficial role of wetlands in providing flood storage and that the Wetlands Protection Act protects these resource areas by essentially walling them off from work.
    - In compliance with state law, the proper way to consider cutting down trees within a buffer zone or resource area is to first have a discussion with ConCom in order to determine whether an RDA or OOC is needed to authorize such work if deemed permissible.
  - CA arranged to perform a site visit with Ms. Wilson at 9 a.m. on 6/29, at which time he will review the demarcation of protected areas.
  - BD summarized the discussion:
    - No further tree clearing can take place within the resource area.
    - The black tarp for weed control must be removed.
    - No garden for vegetables or flowers can remain in the area.
    - The Invisible Fence wire must be dug out of the ground in this area but can remain in its current layout resting on top the ground.
      - Tent stakes may be used to fix its position.



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- Some replication will be required with shrubs and trees native to wetland areas.
  - CA will discuss options with Ms. Wilson on site.
- BD said ConCom would put off ratifying the EO at this time.
  - The issue will be revisited after feedback from CA based on the site visit and the homeowner's compliance with the above-stated conditions.
  - If Ms. Wilson complies with ConCom's conditions, the EO will not be ratified, and therefore not passed on to Mass DEP where it would also then be attached to Ms. Wilson's deed.
- **Public Meeting: Request for Certificates of Compliance – 50 & 52 Nashua Street, Twin Valley Homes, Inc./ Mike Sheehan**
  - A representative from Twin Valley Homes will be present at ConCom's 7/12/12 meeting.
  - In the meantime, CA Zisk did a site walk/review with CA DaSilva-Conde prior to her departure for maternity leave.
  - CA Zisk has also talked with Design Engineer Jack Visnewski.
  - CA said that the area that was supposed to be a drainage swale is very dry, indicating the area is not draining the way it was supposed to.
    - It looks as though the current drainage pitches back toward the houses.
  - CA will be meeting with Mr. Visnewski on-site at 10 a.m. on 6/29.
- **CA Updates**
  - Spectacle Pond
    - A copy of the paperwork and official documentation for work performed on Spectacle Pond by Lycott Environmental for the Town of Littleton has been received.
      - The pond appears to be in good shape.
  - Chicken coop – 32 Calvin Street
    - Homeowner Melissa Steeves has now filed an RDA, as requested by ConCom on 6/14 after issuing a Violation Notice.
    - CA Zisk performed a site walk with CA DaSilva-Conde on 6/15.
      - CA Zisk noted that what was described as a seasonal stream is actually part of the pond.
      - Both CAs concurred that the chickens were penned up, the area was clean, and that plenty of woods lay in between the chicken area and Flannagan Pond.
    - Ms. Steeves will appear before ConCom with the RDA on 7/12.
  - 105 Oak Ridge
    - This residence was discussed on 6/14 because the construction of an apparent addition has resulted in a large soil pile stored to the left of the garage, uphill from Flannagan pond and with no erosion controls present.
    - In response to a ConCom inquiry, Building Inspector Gabe Vallente said a building permit was issued and that he had not seen anything to require ConCom notification.
    - CA has looked at Mass GIS and Google GIS maps which indicate the area of storage to be approximately 100 - 128 ft. from Flannagan Pond, putting it outside of a jurisdictional buffer zone.
    - CA and/or BD will attempt to contact the homeowner to make the friendly suggestion of the placement of a few haybales or wattles to prevent soil washing down the hill, thus avoiding a potential violation.
  - Elevation Certificate



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- CA received a request from Robert Lewis asking for ConCom to sign off on an Elevation Certificate to be used for insurance purposes.
- Neither CA nor ConCom had ever seen such a request for ConCom signing before.
  - CA said he thought this was probably more an issue for the Building Inspector.
  - BD concurred that the ‘local official who administers the Floodplain Management Ordinance’ was not ConCom.
- BD asked CA to have Mr. Lewis talk to the Building Inspector, but suggested Mr. Lewis also be told to ask his professional engineer who usually signs such forms as well.
- Upcoming Agenda Items
  - Paul Magno will appear on 7/12 to represent the Pond View Estates Homeowners Associations in response to a Violation Notice issued by ConCom.
    - The VN was issued over the unauthorized construction of a fence within the buffer zone of Long Pond, on land intended to provide public access.
  - BD recollected that the requirement for public access may have come from NHESP and will check his application materials from 10 years ago to confirm.
  - CA said Mr. Magno indicated to him that the private dock also has issues and may need to be repaired.
    - Long Pond is considered a ‘Great Pond’, meaning that docks and dock-work require a permit under Chapter 91 of state law.
    - The Pond View dock was not permitted through the ConCom/Mass DEP process.
    - BD recollected the attorney for Pond View’s developer, Paul Alphen, saying they already had a dock license.
    - Regardless, it was agreed that if the Association plans to repair the dock, they will need to appear before ConCom and present a valid permit at that time.
- The Willows
  - CA received an updated NPDES report (National Pollutant Discharge Elimination System).
  - BD has driven by the site and observed that turbidity now appears a lot less than previously and that it looks like the site is finally turning around.
- **Member Updates**
  - JG mentioned emails from two residents on Long Pond indicating that steps are being constructed from the back of one of Pond View’s condominiums down to the water without a permit.
    - JG drove by but could not see anything from the land.
    - BD will try to observe the area by canoe over the weekend.
  - TT said the Pond and Dam Committee met on 6/18.
    - They are preparing a progress summary to present to the BOS.
    - The Committee also plans to suspend further meetings during the summer.
- **8:36 PM – Adjourn Meeting**
  - GB moved to adjourn; TT 2<sup>nd</sup>.
    - Motion approved unanimously.