

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **10/25/12** – Approved 11/8/12

Location: Ayer Town Hall, 1st Floor

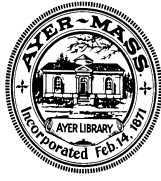
Members present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Jessica Gugino (JG, Clerk), Takashi Tada (TT), Lee Curtis (LC), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: Yes

Not present:

7:05 PM – Open Meeting

- **Confirmation of Agenda**
 - GB moved to confirm agenda as posted; JG 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - GB moved to approve the minutes for 10/13/12 as written; JG 2nd.
 - Motion approved 3-0 (LC, TT abstained)
 - TT moved to approve the minutes for 9/13/12 as written; JG 2nd.
 - Motion approved 3-0 (LC, GB abstained)
- **Public Meeting: Certificate of Compliance (COC) – 20 Oakridge Drive (DEP #100-0351)**
 - Resident Ed Kelley was present.
 - CA performed a site visit on 10/22 and found no problems.
 - Permission was given to spread the erosion-control hay over tree roots.
 - GB moved to issue a COC; TT 2nd.
 - Motion approved 4-0 (LC abstained).
- **Public Meeting: COC – 25 Groton-Harvard Road (DEP #100-0172)**
 - Brian Badger was present.
 - The original OOC was issued in 1997; a COC was not sought until now.
 - CA performed a site visit on 10/22 and found no current issues.
 - GB moved to issue a COC; TT 2nd.
 - Motion approved unanimously.
- **Public Meeting: Enforcement Order (EO) – Shaker Hill Country Club**
 - Present were: Fred Curtis, owner of the Shaker Hill Country Club; Steve Ballard, of Whitman & Bingham Associates; and Mathew Marro, wetland scientist.
 - Driving by the area on 10/12, CA and DPW Superintendent Mark Wetzel observed ongoing excavation on the property, which abuts the Mill Pond area.
 - The excavation did not seem based on the plans for upgrades approved by the Planning Board.
 - CA issued an EO and asked that Mr. Curtis consult a wetland specialist and appear before ConCom.
 - Mr. Curtis said the excavation that week was in the catchbasin area and was intended to redirect stormwater by extending an existing pipe.
 - Stormwater will still be stored in the same depression, just further down.
 - On 10/12, the plans that CA and Mr. Wetzel had were only part of the full plan, thus making the excavation look new and unauthorized.



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- Mr. Curtis said he had not had all of the information for the full plans either at that time.
 - Mr. Marro said the only wetland in the immediate area was the pond itself.
 - He examined the pond to make sure it did not also have riverine characteristics, which it did not.
 - Only the 100-ft. buffer zone therefore applies.
 - The closest riverfront area (Bennetts Brook) is well over 200-ft. away.
 - CA said she was glad to see the excavation work was part of the original plan and recommended that ConCom *not* ratify the EO.
 - GB moved to not ratify the EO; TT 2nd.
 - Motion approved unanimously.
- **CA Updates**
 - Shaker Hill Road culvert/beaver dam/Bennetts Brook
 - CP apprised ConCom of the following:
 - Prior to maternity leave in the spring, CA and ConCom had had discussions with DPW over how to handle the periodic road flooding caused by a beaver dam in the deteriorating Shaker Hill Road culvert.
 - [See ConCom discussions on 5/10 (with Mr. Wetzel) as well as related discussions on 4/26 and 5/24.]
 - DPW had installed a makeshift cage-like structure to mimic a beaver deceiver, and regularly brought in a backhoe to clear the culvert.
 - CA had made clear at that time that, short of an emergency, by state law beaver dams cannot be disturbed without a permit from Mass Fish & Wildlife, although manmade culverts with beaver buildup can be cleared.
 - CA had expressed concern that the resource area could be damaged by frequent cleanings of the deteriorating culvert.
 - The need to replace the culvert – work requiring an NOI – was discussed, but it was assumed this work wouldn't be contemplated until fall when water levels were lower.
 - BD noted that ConCom had also raised the possibility of contributing money from its beaver control fund to install a beaver deceiver after the culvert was repaired.
 - CA was therefore dismayed to find that, during her absence, the DPW dug a trench and removed the culvert without ConCom notification/approval or an Emergency Certification.
 - CA had previously warned Mr. Wetzel to watch out for highway department 'enthusiasm' in this area, and explained further that once a manmade culvert was removed, by state law a beaver dam could no longer be touched.
 - In lieu of issuing an EO, BD asked CA to request Mr. Wetzel's presence at ConCom's 11/8 meeting in order to address the following questions:
 - 1) what steps DPW will take, in terms of its internal processes and employee training, to prevent this kind of unauthorized activity from taking place again;
 - 2) documentation as to who owns the land on which the culvert was removed – the Town or a National Grid easement;
 - 3) what the DPW plans in terms of restoring or redressing the area – grass and seed? riprap?
 - BD said that a trench hole was not sufficient.



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- 4) what does this mean for the easement as far as National Grid access to its lines is concerned?
 - BD said the DPW has effectively now prevented easy access to the other side of the easement.
- Grove Pond Sewer Main
 - DPW needs to assess the integrity of the sewer main, which abuts Pirone Park, for leaks.
 - Mr. Wetzel spoke to CA about the need to cut down some trees in order to access the main with equipment.
 - CA said she told Mr. Wetzel that limited cutting and pruning was okay, but that any clearcutting was strictly forbidden without first consulting ConCom.
- ConCom Budget FY 2014
 - FinCom will be meeting with individual departments to review operating budgets starting in November.
 - Looking at available slots, BD asked CA to see if FinCom could meet with ConCom at 8:30 on 11/8, following ConCom's regular meeting.
- Town of Ayer senior tax workoff program
 - The Town has adopted a new program that will allow some seniors to lessen their tax burden.
 - Unlike the previous 'Shave' program, this new program will be based on the Town's needs and seek to pair specific projects with available skills from applying seniors.
 - The Town will evaluate projects based on a project summary; skills needed; and projected completion time.
 - JG suggested one ConCom project could be help with an educational mailing from ConCom to Ayer residents living in proximity to wetlands.
 - GB suggested another project could be to secure help with ConCom's permit database.
 - After discussion, it was decided to focus on the database.
 - CA will draft a proposal for discussion on 11/8.
- Alex Woodell, Groton pond association
 - CA said she had received thanks from Mr. Woodell for TT's attendance at a meeting between his pond association and Groton's ConCom.
 - TT provided feedback on Ayer's use of chemicals like Sonar in pond weed treatment.
- **Member Updates**
 - JG asked if any progress had been made in setting up a joint meeting between ConCom, the BOS, and the Pond & Dam Committee.
 - JG said if there was comment about a recent rise in the water level of Sandy Pond/Flannagan Pond, it was because the DPW recently cleared considerable beaver dam buildup under the (manmade!) Long Pond Dam.
 - GB asked if there was any news on mandatory training for Town employees/representatives.
 - TT said that on 10/13, he, Steve Smith, and Andrew Crowley, as trail stewards, had done maintenance to place and consolidate the riprap provided by DPW to prevent further erosion at the trailhead off Groton-Harvard Road.
 - The Pond & Dam Committee will be commencing its fall meeting schedule (2nd and 4th Mondays) starting the following week.
- **8:48 PM – Adjourn Meeting**
 - GB moved to adjourn; LC 2nd.
 - Motion approved unanimously.