

## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **9/8/11** – Approved 9/22/11

Location: Ayer Town Hall, 1<sup>st</sup> Floor

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

APAC taped: Yes

### **7:21 PM – Open Meeting**

#### **• Confirmation of Agenda**

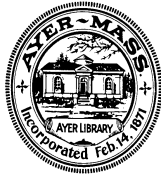
- Selectwoman Pauline Conley made ConCom aware of the newly correct way to list an Executive Session on an agenda.
  - As of 7/10, Executive Sessions now fall under M.G.L. Ch. 30A, Section 21, and posted agendas must list the specific purpose of the discussion.
  - Ms. Conley said she and Town Administrator Robert Pontbriand would be appearing before all Town boards, commissions, and committees to ensure necessary training and proper compliance with state regulations.
- WB made a motion to move the Public Hearing for 138 Snake Hill Road to just prior to CA Updates; GB 2<sup>nd</sup>.
  - Motion approved unanimously.
- GB moved to include voting for the ConCom representative to the Pond and Dam Management Committee, following Member Updates; TT 2<sup>nd</sup>.
  - Motion approved unanimously.

#### **• Discussion: Property for sale**

- Jim and Christine Wood appeared before ConCom to discuss their family's interest in selling a parcel of land to the Town, for conservation purposes, prior to entertaining other offers.
  - The parcel consists of 36 acres near Rosewood Avenue and adjacent to the Rail Trail.
  - A Town sewer easement and a New England Power easement run across the parcel.
  - The land has been in the family since the 1880s, and was originally used for harvesting ice in the winter, and hay to insulate the ice during the summer.
- BD asked about the potential for walking trails.
  - Mr. Wood said approximately half of the acreage is not wet.
- A site walk was scheduled for 9 a.m., Sat., 10/1, meeting by the power lines on the Rail Trail.
- David Bodurtha, in the audience, asked Mr. Wood if he knew who removed the beaver dam near Rosewood on that parcel last year.
  - Mr. Wood said he did not know.

#### **• Discussion: Amandrey Way, shed demolition and re-construction**

- Kathleen O'Connor and John Betz appeared before ConCom to discuss their options in demolishing a dilapidated shed and replacing it with a larger new shed at the same location.
- Ms. O'Connor said the shed is within the outer riparian zone of a nearby stream, and wanted to know, given this, what was allowed or not allowed.
  - She is not looking to move forward on this project, if permitted, until next spring.
- BD asked if there were plans to excavate footings for the new shed.
  - Mr. Betz said the current shed rests on concrete blocks and that they were planning to dig footings for the new shed.
  - BD said if they did a free-floating installation, situating the new shed on a bed of crushed stone, there would be no soil disturbance and therefore no need to submit an RDA.

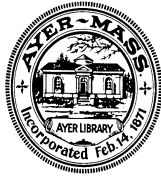


## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)

Minutes for 9/8/11 – Approved 9/22/11

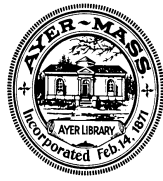
- If, however, they preferred to construct a shed on footings, a RDA would need to be submitted that shows where haybales would be placed, where dirt would be stored, and where dirt would eventually be spread.
- CA performed a site walk on 9/7/11 and observed no problems but asked that the expansion of the shed be directed away from the points closest to the wetland resource area.
- TT asked if an alternatives analysis was required for an RDA in a riverfront area, given the 1995 Mass Rivers Act.
  - CA said this falls under the category of a ‘minor project’, making such an analysis unnecessary, but she would check into this further to confirm.
- **Public Meeting: Request for Certificate of Compliance, 21 Mountain Laurel Road**
  - Michael and Karen Olson were not present but spoke with CA, who did a site inspection.
  - 21 Mountain Laurel is part of Sandy Pond Estates (aka Sandy Pond III).
  - The Olsons have put their house up for sale and want to lift the developer’s OOC off their deed.
  - They are seeking a partial COC for lot #9, and CA recommended a positive vote.
  - Lot 9 is outside the Buffer Zone, and therefore not within ConCom jurisdiction.
    - CA noted ConCom needs to follow up with the developer as there are some issues to be resolved, included the CR.
    - The development itself is not at a point of completion where a full COC could be issued.
  - GB moved to approve a partial COC for 21 Mountain Laurel Road; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont’d): NOI – Phase III, Ridge View Heights/Pingry Hill, Crabtree Development**
  - BD reviewed the email response received 9/2/11 from Elizabeth Mainini, of Tata & Howard, regarding their third-party review of the stormwater calculations for Phase III.
  - Ms. Mainini wrote that the calculations are compliant with stormwater regulations and recommended approval.
    - She will follow-up with an official recommendation of approval letter.
  - Steve Mullaney, of SJ Mullaney Engineering, representing Crabtree Development, arrived partway through the Hearing.
  - ConCom voted on 5/12 to approve the OOC pending this stormwater review.
    - CA will prepare a draft OOC for review on 9/22, and noted that there were no special conditions for this OOC.
  - GB moved to continue the Public Hearing to 9/22; TT 2<sup>nd</sup>.
    - Motion approved 4-0; WB abstained.
  - Mr. Bodurtha, in the audience, asked Mr. Mullaney about soils at the end of Hickory Way, in Pingry Hill, running into street drains.
    - Mr. Bodurtha said he could not tell if filter material was in place in the drains.
    - CA said last time she was there, the filter fabric was in place as intended.
    - BD asked Mr. Mullaney, for clarity’s sake, to check with the developer on this and let CA know by email.
- **Public Hearing (cont’d): NOI – Kohler Place, Sandy Pond Investment Trust/Oxbow Associates**
  - Lauren Glorioso, of the Natural Heritage and Endangered Species Program, sent a response to Ed Cornelier, of Sandy Pond Investment Trust, signing off on the Endangered Species review.
  - It was noted, however, that the NHESP letter references only the Kohler Place filing under the Endangered Species Act, and does not reference either the NOI or the Wetland Protection Act.
  - TT said that Oxbow has now sent NHESP the information it needs to reference the NOI.



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 9/8/11 – Approved 9/22/11

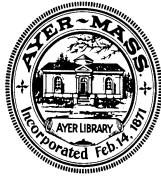
- ConCom will not close the Hearing until it has a formal letter pertaining specifically to the WPA/NOI.
- GB moved to continue the Public Hearing until receipt of this letter; JG 2<sup>nd</sup>.
  - Motion approved 3-0; TT and WB abstained.
- **Public Hearing (cont'd): NOI – Sharon Carter, 138 Snake Hill Road (DEP # 100-0344)**
  - CA prepared and circulated the draft OOC.
    - Jesse Johnson, of David E. Ross Associates, representing Ms. Carter, approved the draft.
    - Mr. Johnson has submitted a revised drawing, as requested on 8/25, showing the relocation of the French drain.
  - GB moved to approve the OOC; TT 2<sup>nd</sup>.
    - Motion approved 4-0; WB abstained.
  - GB moved to close the Public Hearing; TT 2<sup>nd</sup>.
    - Motion approved 4-0; WB abstained.
- **CA Updates**
  - File request fee schedule
    - CA has spoken to TA Pontbriand, who supports ConCom moving forward with this.
    - CA spoke with Town Account Lisa Gabree.
    - Ms. Gabree will contact Mass. Department of Revenue (DOR) to see if it is possible to set up an account for ConCom so that fees for CA time are made available to ConCom.
  - Certificates of Compliance
    - CA will be doing a number of site inspections for COC requests.
      - BD said CA should use a non-regular office day for this purpose, and draw from wetland funds for her hours.
  - Site visits
    - CA drove through The Willows on 9/7/11 and observed some significant problems.
      - CA will follow-up by looking at the actual site plans on file.
    - CA observed a significant amount of dirt/siltation crossing the dirt access road (off of Willow Road) and heading toward Bennett's Brook.
      - It is evident that sedimented water is not being adequately contained onsite.
    - CA will call Kevin Hunt, the current Project Manager; will issue an Enforcement Order; and will attempt to get Joe Bellino, of Mass DEP, involved for a site visit.
      - CA plans to ask Mr. Hunt to attend ConCom's 9/22 meeting.
  - Beaver Control Fund (Article 30, 2006 Annual Town Meeting)
    - In response to questions raised at the previous ConCom meeting, CA confirmed that the Town Warrant article specifies use of the funds for beaver-related damage on Town-owned properties.
      - This fund therefore cannot be used for situations involving private residences.
    - Mr. Bodurtha said he spoke recently with Pat Huckery, of Mass Fish & Wildlife.
      - Mr. Bodurtha said Ms. Huckery was curious whether the Beaver Control funds could be used to train a beaver control officer for Ayer and other area towns.
      - This officer, Mr. Bodurtha said, would be the central contact between the towns and Fish & Wildlife.
      - Mr. Bodurtha indicated he planned to talk to Town Accountant Gabree about this use of the funds.
    - BD said if there was a beaver control officer, that person should be associated with the Board of Health.



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for 9/8/11 – Approved 9/22/11

- Trespassing on Conservation Land
  - CA received an email from Police Chief Murray about the Oak Ridge Drive resident storing personal property on adjacent Town land.
  - The police asked this resident to remove his property by 9/4/11 and said they would follow-up.
    - CA will check with Chief Murray to see if this has been done.
    - Mr. Bodurtha asked CA to send him a copy of Chief Murray's email.
- Stormwater management
  - CA will be meeting with DPW Superintendent Dan Nason and others on 9/14 to revise the draft regulations for the Stormwater Implementation Work Group.
  - The final draft then goes to the Planning Board, where it will go through the Public Hearing process.
  - Per Spring Town Meeting, Mr. Nason replaces Gabe Vallente as the Stormwater Enforcement Officer.
  - Mr. Bodurtha suggested CA prompt Mr. Nason to notify or dissolve the original Stormwater Committee.
  - CA noted that the DPW has purchased 4-500 stainless steel medallions to screw onto catch basin covers. The medallion, which warns against dumping specific materials into storm drains, will stay on permanently and requires no maintenance.
- CA Work Schedule
  - Since more money was allocated at Spring Town Meeting (2011) for stormwater purposes, Mr. Nason asked CA if she was interested in adding 20 hours to her work week under DPW for this.
  - CA said she agreed, but will do her best to maintain the 15-20 hours/week she currently devotes to ConCom business.
    - CA plans to talk to Human Resources about rules or limitations placed on benefitted employees.
- Lycott Environmental
  - CA wrote Rob Wheaton, of Lycott, asking 1) that weed treatment on Flannagan Pond next spring be regarded as a priority; 2) that Lycott formally indicate in writing that they would be abiding by the current contract; and 3) for information about the advisability of performing hydroraking or harvesting on Flannagan Pond this fall in an effort to take down the level of vegetation somewhat before applying chemicals next spring.
    - The hydroraking/harvesting would be a separate matter from the current contract.
    - Mr. Wheaton told CA he was the expert on chemical treatment and referred CA to Lycott's expert on mechanical removal of weeds for answers to this question.
  - In the interim, some residents from Groton contacted CA about issues with Groton ponds, and in the course of conversation, indicated that Groton purchased its own weed harvester.
    - It is possible that Ayer could rent this harvester for work on its own ponds.
    - The Groton residents said they have found the ideal time to use a harvester to be October, when the water temperature has fallen below 60 degrees.
  - TT said an issue to be aware of with hydroraking or harvesting is that there is a pretty good chance that these forms of partial dredging could release trapped contaminants, such as heavy metals, from the sediment.
  - The proper disposal of dredged-up material is another matter for consideration as there are regulations against transferring invasive plants to another water source, and incineration is a costly procedure.



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)

Minutes for **9/8/11** – Approved 9/22/11

- BD said the only way for the Town to know the right way to do this kind of treatment would be to solicit proposals, including the taking of samples from all of the ponds.
  - These proposals would provide information for use by other groups, including the Pond and Dam Management Committee.
  
- **Member Updates & Continued Discussions**
  - JG reported on the 9/6/11 Community Preservation Committee meeting.
    - The CPC held a Public Hearing to consider a proposal submitted by Selectman Gary Luca requesting CPA money to fund Article 38, as passed at Spring Town Meeting, for \$35,000 to be used for future weed treatment on Flannagan Pond.
      - CPC will vote on this proposal on 10/5/11.
    - Mr. Bodurtha, former ConCom representative to CPC, noted that CPC voted several years ago on a set of specific regulations for the use of CPA funds in Ayer that may have narrower criteria than the state's CPA.
      - JG will check into this.
  
- **Accounts Payable**
  - The Sun: \$56.10, for the RDA Public Meeting notice for Christine Malette, of 3 Brilaina Court (payment received).
    - GB moved to authorize payment of \$56.10; TT 2<sup>nd</sup>.
      - Motion approved unanimously.
  
- **Pond and Dam Management Committee**
  - The BOS requested that ConCom appoint its representative to this new committee.
  - WB expressed enthusiastic interest.
  - JG moved that WB be approved as ConCom rep; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
  - CA will inform Mr. Pontbriand.
  
- **10:15 PM – Adjourn Meeting**
  - GB moved to adjourn; TT 2<sup>nd</sup>.
    - BD graciously agreed to allow Mr. Bodurtha to insert a couple of questions.
      - If time allows, CA will notify the Environmental Police about the 2010 destruction of the beaver dam out by Rosewood Avenue.
      - CA will address issues raised by Mr. Bodurtha with regard to the Pinard property on Rte. 2A when she goes there for a site inspection for a COC.
    - Motion to adjourn approved unanimously.