

Town of Ayer Conservation Commission

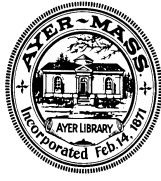
Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **10/20/11** – **Not Approved**

Location: Ayer Town Hall, 1st 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: No

7:10 PM – Open Meeting

- **Confirmation of the Agenda**
 - GB moved to add a discussion of Flannagan Pond Weed treatment; WB 2nd.
 - Motion approved unanimously.
- **Public Meeting: RDA – 5 Groton-Shirley Road, Robert McKean**
 - Mr. McKean submitted an RDA for the 4-ft. extension of a deck with new sono-tube footings, at 5 Groton-Shirley Road, within the 100-ft buffer zone to James Brook.
 - The wetlands were recently reflagged by David E. Ross Associates, which performed the original demarcation in 2004.
 - CA has made a site visit.
 - BD suggested the Building Inspector may not approve Mr. McKean's plans as it did not appear to have enough weight-bearing support for current code.
 - In that case, Mr. McKean may need to add a center beam, requiring more sono-tube holes to be dug; placement of haybales may need to be adjusted accordingly.
 - Mr. McKean said he could probably remove dug soils to a neighbor's yard across the street (note: later in the meeting, Mr. McKean returned to confirm that his neighbor had agreed to this).
 - BD said the two conditions for Mr. McKean would be 1) the placement of haybales around the work area, subject to inspection by CA; and 2) proper disposition of dug-up soils.
 - BD said silt fencing was not necessary since it appeared soils would be hauled off-site.
 - GB moved to issue a Negative Determination with Conditions; JG 2nd.
 - Motion approved unanimously.
 - Mr. McKean gave a check for \$57.80 to CA for cost of the legal ad.
- **Accounts Payable**
 - Tata & Howard: \$1413.32, for the Phase III stormwater review, Ridge View Heights/Pingry Hill.
 - This is to be paid for by the applicant (Crabtree Development) under the conditions of the Town of Ayer's Consultant Bylaw, by way of approval by the Board of Selectmen.
 - GB moved to approve payment of \$1413.32; TT 2nd.
 - Motion approved unanimously.
 - Tata & Howard: \$111.66, for supplementary stormwater review of Phase III, as above.
 - GB moved to approve payment of \$116.66; TT 2nd.
 - Motion approved unanimously.
- **Announcements**
 - BD noted that the site walk for consideration of the NOI for Emily's Way subdivision, as submitted by MEMS Realty, was scheduled for 9 a.m. on 10/22/11.
- **Public Meeting: Request for Certificate of Compliance (COC), Pond View Estates**
 - Present were Linnea Flint, Chairman of the Pond View Estates Condominium Trust and Pat McCormick, Vice President of the Pond View Estates Homeowners Trust.
 - ConCom performed a site inspection on 10/15/11.

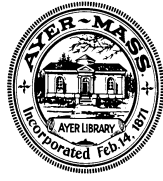


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- Mr. McCormick asked for a checklist of what yet needs to be done in order to receive a COC.
- BD said the only two issues that remain for ConCom approval are:
 - Cutting back growth inside of the stormwater basins (trees, shrubs, especially trees growing on the banks) and riprap added to the Sunflower Court basin.
 - Trees should only be cut to ground level, the roots left intact, and no herbicides are to be used.
 - The Sunflower Court basin was cleaned as of a couple days after the site inspection.
 - Removal of silt fencing.
 - The Pond View representatives pointed out the parts of the silt fencing are either buried, underwater or inaccessible due to steepness of slopes.
 - Mr. McCormick said the homeowners had been left holding the bag once the developer cleared the scene.
- BD said ConCom would check with Mass DEP to see if it was acceptable for really inaccessible parts of the silt fencing to be left in place.
 - Meanwhile, BD asked the Pond View representatives to continue with having the basins cleaned and repaired, and to meanwhile pull what silt fencing they can.
- **Discussion: Flannagan Pond Weed Treatment**
 - An email received 10/18/11 by ConCom from Rob Wheaton, of Lycott Environmental, was read by Chuck Miller, of Friends of Flannagan Pond (FOFP).
 - The email was in response to CA's request for a cost estimate of the additional removal of vegetative matter like water lilies from Flannagan Pond.
 - Mr. Wheaton wrote that an additional \$18,800 (added onto the current contract of \$28,200) would be needed in order to treat for control of Watershield and Yellow and White Lilies.
 - The current contract specified the treatment of Milfoil and Fanwort.
 - Treatment of these two invasive weeds usually temporarily kills off lily pads for the year, but is not enough to kill their roots.
 - Members of ConCom and Mr. Miller expressed general dismay at the high cost of additional treatment.
 - The initial RFP for Flannagan Pond treatment last spring did not mention water lilies or Watershield, both native species, because previous RFPs had never mentioned these.
 - BD said water lily/Watershield growth on Flannagan Pond seems to be at new record levels, and that Flannagan Pond had never had these two species treated before.
 - In addition, water lilies have only ever received spot treatment on Sandy Pond, and this because of the public safety swimming issues near the Town Beach.
 - WB said he received a response from Lycott to his request for information and would be setting up a meeting soon, with the intent of taking that information to the Pond & Dam Management Committee as well.
 - BD asked that Mr. Lycott be invited to address ConCom directly as well so as to have information on the public record.
 - CA said she still does not have a commitment in writing from Lycott that they would perform the currently contracted 2011 work in 2012 for the same price as had been accepted in 2011 (but cancelled because of flooding from Pine Meadow Pond due to the unexpected collapse of nearby beaver dams).
 - BD asked CA to give Lycott one more chance to respond in writing.
 - Mr. Miller said he would check with Town Treasurer Lisa Gabree and Town Administrator Robert Pontbriand as to whether there was flexibility in using the UDAG funds granted by the



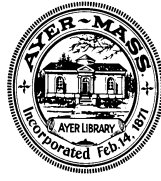
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BOS in April and/or the Article 38 money (if successfully funded by Community Preservation Act funds at Fall Town Meeting on 10/24) for the additional treatment of lilies and Watershield.

- Resident Michelle Riggs asked if there was an objection to treating native species like lilies and Watershield.
 - TT said he would want to see consideration of such treatment done in association with a broader ecological assessment/study.
- WB recommended that the treatment plan for 2012, to treat Fanwort and Milfoil, be upheld as is.
 - Treatment for these would also yield a temporary treatment of lilies and Watershield.
 - Meanwhile, he anticipated that the Pond and Dam Management Committee, when it takes over, would be looking at longterm plans that might include more than chemical treatment.
- Mr. Miller referred to hydroraking as one possibility, clarifying that the FOFP had intended for Town money to pay only for deployment of the hydrorake, leaving it to individual homeowners to pay for use of the hydrorake and its operator in the vicinity of their own homes.
- **Discussion: Request for Certificate of Compliance, 66 Littleton Road, Matt Pinard**
 - CA said there are too many loose ends at this site.
 - BD asked CA to set up a site inspection on the morning of 11/7 so that he could accompany CA.
- **Discussion: Violations Policy**
 - CA referred to the many phone calls she receives from residents asking about tree-cutting, and that ConCom did not have a clearly-defined policy for her to use in response.
 - BD distinguished between cutting trees inside a buffer zone (BZ) and cutting trees inside bordering vegetated wetlands (BVW).
 - Homes built near wetlands and ponds prior to the enactment of the Wetland Protection Act are clearly grandfathered for the existing of lawns and landscaping; homes built since then, under an OOC, may have different requirements, but it is not a cut-and-dried issue.
 - Where it was deemed acceptable to cut trees in BZ, it was also noted that it was not okay to excavate to pull stumps or to grind stumps.
 - BD polled Commissioners on their opinions as to tree-cutting in BZ and tree-cutting in BVW.
 - The general consensus was that no tree-cutting was to be allowed in BVW, except in the case of public safety issues; and that tree-cutting in BZ was to be handled in a case-by-case manner.
 - Generally, tree-cutting in BZ would not be a problem unless it was done using heavy equipment.
 - TT cited concerns about BZs located in ACEC (Area of Critical Environmental Concern).
 - CA noted concern with BZ tree-cutting where residents are trying to extend their yards.
- **CA Updates**
 - The recent concern about digging with heavy equipment near a stream in Elizabeth Estates turned out to be a false alarm.
 - The digging was for a sewer line.
 - Epic Enterprises sent an update on their building extension.
 - Because of heavy rainfall, they have been unable to complete work on one of their stormwater basins but they went ahead with construction of the building nevertheless.
 - ConCom agreed Epic Enterprises needs to fix the basin asap.
 - Ridge View Heights/Pingry Hill, by Hickory Way and Route 2A
 - CA has been out there again and reported that things are not good.



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- Stormwater sediment runoff is still going into nearby Bennett's Brook.
- CA will contact developer Rick Roper to put together an erosion control plan asap or he will be subject to an EO and Mass DEP involvement.
 - BD added that CA should tell Mr. Roper that the development will not be allowed to cut into the road until they have an adequate plan.
- Environmental Police – beaver dams off Rail Trail
 - CA has still not heard back from the Environmental Police.
- Weed treatment update from ACT (Aquatic Control Technologies)
 - Dominic Meringolo, of ACT, will be preparing a year-end report on 2011 treatments at Sandy Pond and Pine Meadow Pond. His initial report is that treatment went as planned.
- Autumn Ridge
 - A number of stormwater issues are going on at this subdivision, in addition to which the developer has not been providing progress updates as required in the OOC.
 - The OOC has probably expired by now anyway.
 - BD asked CA to tell the developer that ConCom will perform a site inspection on 11/5/11.
- Grove Pond Water Treatment Facility and Wells Expansion
 - CA said Planning Board has sent ConCom materials for review and comment, if anyone is interested, although the area is question is outside the BZ.
- Beaver Deceivers
 - DPW Superintendent Dan Nason has expressed interest in installing beaver deceivers in four locations: Long Pond Dam, Oakridge Drive, Shaker Road, and Pulpit Rock.
- Meeting with the Board of Selectmen
 - The only selectman to respond to CA's request for availability is Carolyn McCreary.
 - Ms. McCreary indicated she could not attend ConCom's 11/3 meeting but could on 11/17.
 - Discussion of whether ConCom was being blown off by the BOS ensued.
- The Willows
 - CA has been getting updates and is visiting the site regularly.
 - CA expressed envy of Environmental Consultant Mary Trudeau's turbidity meter; BD concurred.
- **9:40 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.