



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)

Minutes for **02/12/09** – **Approved 03/12/09**

Location: Ayer Town Hall, 1st Floor

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

APAC taped: No

7:00 PM

- **Meeting Minutes Approval**

- 01/22/09: no changes.
 - GB moved to approve minutes, as written; JG 2nd.
 - Motion approved unanimously.

- **Announcements**

- Massachusetts Association of Conservation Commissions (MACC) annual conference is 2/28/09.
- Middlesex Conservation District Plant Sale is 4/24-25/09 in Westford.

- **Public Meeting: Pond Weed Control - ACT**

- Dominic Meringolo, of Aquatic Control Technology (ACT), presented a memo summarizing past weed control activities. He also discussed future pond management considerations.
- The most recent weed treatment occurred in 2007 at Sandy, Flannagan, and Pine Meadow Ponds.
- Pine Meadow Pond will require 1-2 years of treatment to bring water lilies under control.
- Flannagan Pond requires another treatment (east basin).
- Sandy Pond may require spot treatment near the Town beach.
- Water lilies can be hand pulled in small quantities. Fanwort and milfoil cannot be hand pulled, due to fragment dispersal.
- Grove Pond is too weedy to treat with herbicides. It also has high levels of contamination (heavy metals) in the sediment layer.
- Other pond management issues to consider include:
 - Water quality sampling in ponds and tributary streams.
 - Reducing fertilizer use near the ponds. Fertilizers promote the growth of algae.
- Resident Laurie Nehring suggested contacting Nashua River Watershed Association (NRWA) Stream Team to assist with water quality sampling.
- Ayer DPW might be able to facilitate the testing of water samples.
- DB recommended going to Town Meeting with an itemized plan, and letting voters decide on funding such activities.
- DB also said CPC funds might be used to pay for water quality monitoring activities.
- Town Warrant article re: weed control
 - BD was not comfortable asking voters for thousands of dollars to treat Flannagan Pond, which does not have public access. On the other hand, Pine Meadow Pond does have public access, but has received less treatment.
 - JG asked about the status of leftover funds from last approved contract.
 - BD will email Town Accountant about any leftover weed control funds.



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- **Accounts Payable**
 - Lowell Sun: \$54.40 for legal notice – 8 Old Sandy Pond Rd.
 - Applicant submitted check to CA.
 - Lowell Sun: \$56.10 for legal notice – 98 Badger Rd.
 - Applicant submitted check to CA.
 - GB moved to approve payment of invoices in the above amounts; JG 2nd.
 - Motion approved unanimously.

- **Stormwater Update**
 - CA met with Shaun Suhoski about beginning the work of implementing the new Stormwater Bylaw.
 - Shaun agreed that CA should start working with new DPW Superintendent, Dan Nason, in March.
 - CA approached Sue Sullivan (Planning Board) about the draft regulations. Sue did not have a copy of the draft regulations.

- **Discussion: Lower Long Pond (DCR Letter)**
 - CA requested a copy of DCR's letter to the Cowleys re: Lower Long Pond.
 - The letter did not pertain to a compliance issue; therefore a copy of the letter might not be readily available from DCR.

- **Public Hearings: NOI – 134 Central Avenue, Lots 2 & 3 (DEP Nos. 100-0324 & 100-0325)**
 - Dave Canney, Canney Bros. Construction LLC, applicant.
 - Greg Roy, Ducharme & Dillis Civil Design Group, engineer.
 - TT clarified a potential conflict of interest involving association with the engineering firm on a current project. The project is in another town and is not related to Mr. Canney's project.
 - Mr. Canney expressed satisfaction with the clarification by TT.
 - Mr. Canney wants to subdivide the property at 134 Central Avenue into three lots (one existing house and two new houses).
 - Mr. Canney received approval from Planning Board and filed Environmental Notification Form (ENF) for review under MEPA.
 - The property abuts Flannagan Pond/bordering vegetated wetland (BVW) and is mostly forested.
 - The project is located within Petapawag ACEC, but is not within mapped habitat for rare species.
 - The plan includes:
 - Expansion of existing house, plus construction of two new houses.
 - The three houses will share a common driveway off Central Ave.
 - No proposed impacts within 25 feet of the BVW.
 - No work within 100-year floodplain.
 - Low-impact stormwater best management practices (BMPs) such as rain gardens, swales, and infiltration systems. The sandy soils will facilitate recharge.



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- DB asked about the roof drains. The drains will be external and will allow homeowners to collect rainwater for landscaping, if desired.
- DB asked if Mr. Canney would consider using a more environmentally friendly erosion control method such as silt sacks, instead of silt fencing (made of petrochemicals) and hay bales (which often contain invasive plant seeds).
 - Mr. Canney said he wants to protect the pond and will investigate alternative erosion control options.
- GB asked about maintenance of the rain gardens.
 - Mr. Roy said maintenance typically involves cleanup/touchup in spring and fall.
 - The homeowners will be responsible for maintenance of rain gardens on individual lots.
 - Rain garden #2 appears to straddle the line between Lots 2 & 3. Might be better off moving it to one side or the other.
 - Rain garden #1 will be maintained under the common driveway agreement.
 - CA: Will probably need to add special condition(s) to the OOC and include reference to the BMPs to ensure long-term maintenance of the rain gardens.
- BD wondered about the best way to prevent encroachment within 25 feet of the BVW.
 - Mr. Canney said the Town of Shirley required a letter to be attached with the deed.
- GB indicated that the Planning Board seemed to be asking for a Conservation Restriction on the 25-foot “no touch” zone, as part of their approval.
 - Mr. Canney was unsure about this requirement and said he would need to consult with his attorney for guidance.
- Neighbors in the audience expressed their desire to protect the plants and wildlife in the area, such as lady slippers, osprey, and turtles.
- BD stated that the Commission needs to walk the site before ruling on the application.
- MEPA review schedule:
 - 3/15/09 – comments due
 - 3/27/09 – decision by EOEEA
- GB moved to continue hearing on Lot 2 (100-0324) to 3/12/09; DB 2nd.
 - Weather permitting, CA will schedule a site walk before the continued date.
 - Motion approved unanimously.
- GB moved to continue hearing on Lot 3 (100-0325) to 3/12/09; JG 2nd.
 - DB asked Mr. Canney to take photographic documentation of the site before and after putting in any erosion controls.
 - Motion approved unanimously.
- **Public Hearing (cont'd): NOI – 8 Old Sandy Pond Road (DEP # 100-0326)**
 - Hearing was continued pending issuance of DEP file number.
 - DEP file number is 100-0326.
 - DB moved to close hearing; GB 2nd.
 - Motion approved unanimously.
- **Member Goals for 2009**
 - JG: Public outreach/education re: responsible landscaping around the ponds.



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- GB: Formulation and documentation of policies/procedures.
 - TT: Certification of potential vernal pools on conservation land.
 - DB: Improvement of erosion control standards; pursuing public (car top) boating access; and continuation of office files organization.
 - CA: Policies/procedures; improving the content of Town webpage; beginning the process of stormwater bylaw enforcement; and updating the OOC Special Conditions template.
- **Updates**
 - Ch. 91 (Dock Permit) Public Meeting
 - To be held Wednesday, 2/18/09.
 - Snow date is 3/18/09.
 - Icehouse Dam
 - Received comment letter from NHESP – no major concerns.
 - Shirley has already closed their hearing and issued OOC.
 - Commission will resume hearing in March.
 - Ridgeview Heights (Pingry Hill) OOC
 - CA is working with engineer, Steve Mullaney, to include a Special Condition re: permanent vegetated buffer.
 - Pondview Estates – File Review
 - There is no map of the Conservation Restriction (CR) for Pondview Estates.
 - The developer, Hicks, refused to provide any information about the CR to the condo association.
 - CA Supervisor
 - Chris Ryan's resignation takes effect next week, leaving CA's timesheet and budget in flux.
 - BD is working with Town Accountant to manage timesheet and budget.
 - The Willows
 - No word from engineer re: management of stormwater runoff and siltation issues.
 - Routhier Tire
 - Commission needs to re-engage with DEP to ensure compliance with Enforcement Order.
 - OOC (Wetland Restoration) – 82 Groton School Road
 - Applicant needs to demonstrate compliance with OOC by springtime.
 - **Next Meeting**
 - Public Meeting: RDA – Division of Fisheries & Wildlife
 - NRWA grant opportunities (maybe)
 - **Adjourn (11:00 PM)**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.