



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **04/23/09** – **Approved 5/14/09**

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: Yes

7:00 PM

- **Meeting Minutes Approval**
 - 04/09/09: no changes.
 - GB moved to approve 04/09/09 meeting minutes, as written; JG 2nd.
 - Motion approved unanimously.

- **Announcements**
 - Received a 401 Water Quality Certification report prepared by Tighe & Bond, for National Grid utility pole replacement work off Brook Street, Ayer (near DPW facility).
 - Received memo from Shaun Suhoski, Town Administrator, re: FY10 revenue projections.
 - No changes to CA salary (including stormwater duties).

- **Public Hearing (cont'd): NOI – Icehouse Dam (DEP #100-0321)**
 - Liisa Grady Dowd said she had no issues with the draft OOC and Special Conditions prepared by CA for required inspection and routine maintenance of Icehouse Dam.
 - The conditions are essentially identical to those approved by Town of Shirley.
 - GB moved to approve the NOI application and issue permit for Icehouse Dam; JG 2nd.
 - Motion approved unanimously.
 - Ms. Dowd said she would notify by email prior to the inspections in late summer/early fall.
 - GB moved to close the hearing; JG 2nd.
 - Motion approved unanimously.

- **Public Hearings (cont'd): NOI – Eagles Nest Subdivision, 134 Central Ave. (Lots 2 & 3)**
 - DEP Nos. 100-0324 (Lot 2) and 100-0325 (Lot 3).
 - Dave Canney of Canney Bros. Construction LLC, and Rob Anctil, attorney.
 - Mr. Canney provided an example of the affidavit used in Shirley to ensure homeowner compliance with a Conservation Easement.
 - Mr. Anctil explained the rationale behind the Conservation Easements on each lot.
 - The Conservation Easement creates a permanently protected buffer zone around the pond on each lot, measuring at least 25 feet from the bordering vegetated wetland.
 - The Conservation Easement language is based on the standard Conservation Restriction template used by the state. The Easement offers the same protection of land as a Restriction, but it is not granted to a 3rd party.
 - The Conservation Easement will be attached to the deed (i.e. recorded) prior to the start of work.
 - Commission urged Mr. Canney to use non-petroleum based erosion controls, such as burlap silt socks.



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- DB requested photographic documentation of the snow fence delineating the Conservation Easement boundary prior to construction.
- The approved plan requires some granite markers along the Easement boundary.
- CA asked about maintenance responsibility for rain garden #1, serving the shared driveway.
 - Will be the responsibility of Lot 3 owner.
- GB asked about having Town Counsel review the Conservation Easement.
 - Mr. Anctil said the Commission would need to make a formal request to BOS, with clear instructions about the scope of the review (Conservation Easement only).
 - Mr. Canney expressed his displeasure at the delays that would be caused by additional legal review.
- After thorough discussion, Commission agreed that additional legal review would not be necessary.
 - Commission does not assume any liability under the Conservation Easement; however, the Commission retains the standard enforcement rights.
- GB moved to approve NOI and issue OOC for Lot 2 (100-0324); JG 2nd.
 - Motion approved unanimously.
- GB moved to close the hearing for Lot 2 (100-0324); JG 2nd.
 - Motion approved unanimously.
- GB moved to approve NOI and issue OOC for Lot 3 (100-0325); DB 2nd.
 - Motion approved unanimously.
- GB moved to close the hearing for Lot 3 (100-0325); DB 2nd.
 - Motion approved unanimously.
- **Public Hearings (cont'd): NOI – Twin Valley Homes, 52 Nashua Street (Lots 1 & 2)**
 - DEP File Nos. 100-0328 (Lot 1) and 100-0327 (Lot 2).
 - Jack Visniewski, Cornerstone Land Consultants, presented the revised plans for the two proposed lots on Nashua Street, north of the former Fletcher home.
 - Based on feedback from Commission during the site walk, Mr. Visniewski shifted the proposed common driveway further from the wetland.
 - Also added a shallow basin and swale/berm features along the driveway (between driveway and wetland) to manage stormwater runoff. The design of the swale/berm is similar to a water quality swale.
 - Will specify native wetland grass seed mix for the basin, and basin maintenance will be included in the common driveway easement.
 - A simplified stormwater manual for the basin and swale/berm will also be included.
 - Roof runoff will be intercepted with a drip trench around the houses.
 - Granite bounds will be put in place to mark the limit of disturbance. Plans will be revised to show locations of the bounds.
 - If any dewatering is needed during construction, it will occur on Lot 2. Dewatering detail to be added to plans.
 - Current plan calls for staked hay bales only (no silt fence).
 - Construction should occur only after the erosion controls are in place and the swale/berm is created.
 - GB moved to continue hearing for Lot 1 (100-0328) to 05/14/09; JG 2nd.



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- Motion approved unanimously.
- CA will prepare and distribute draft OOC with Special Conditions for review.
- Mr. Visniewski will submit a revised plan to CA.
- GB moved to continue hearing for Lot 2 (100-0327) to 05/14/09; JG 2nd.
 - Motion approved unanimously.
- CA will prepare and distribute draft OOC with Special Conditions for review.

- **Public Hearing (cont'd): NOI – Ridgeview Heights Lot T-1 (100-0322)**
 - Commission discussed the Special Conditions for a permanent vegetated buffer.
 - Will reference the lists of appropriate native shrubs and groundcover.
 - Will also require submittal of a planting plan.
 - GB moved to approve NOI and issue OOC for Lot T-1 (100-0322); JG 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd): NOI – Ridgeview Heights Lot U-1 (100-0323)**
 - See discussion above for Lot T-1 (100-0322).
 - GB moved to approve NOI and issue OOC for Lot U-1 (100-0323); JG 2nd.
 - Motion approved unanimously.

- **Discussion: List of Issues for DPW**
 - DB: Snow plowing plan (piling snow in designated areas – not in wetlands).
 - BD: Spill management plan for construction sites.
 - BD: Stormwater enforcement responsibilities.
 - GB: Storage of diesel fuel at DPW facility on Brook Street.

- **Update: Site Visits**
 - Lower Long Pond: Commissioners walked the Cowley's property and viewed the box culvert that was referenced as a dam by DEP.
 - The Commission does not consider the culvert to be a dam.
 - The Cowley's maintain the culvert (i.e. remove debris to maintain flow).
 - Ridgeview Heights: Rick Roper is not available this weekend.
 - Site walk rescheduled on Saturday, May 2.
 - 82 Groton School Road: Brent Routhier is also not available this weekend.
 - Site walk rescheduled on Saturday, May 2.
 - Stratton Hill: Dave Moulton is still recovering from his leg injury.
 - Site walk rescheduled on Saturday, May 16.

- **Public Meeting: Enforcement Orders – Ridgeview Heights**
 - Lots 111 (DEP #100-0266) and 113 (100-0265)
 - DB spoke to engineer Steve Mullaney about the erosion control and siltation issues.
 - Mr. Mullaney said they have temporarily stabilized the problem areas.
 - GB moved to ratify the Enforcement Order for 100-0266; TT 2nd.
 - Motion approved unanimously.



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- JG moved to ratify the Enforcement Order for 100-0265; GB 2nd.
 - Motion approved unanimously.
- DB also presented photographs of erosion issues on the backside of the detention basin at Fox Run Drive.

- **Member Updates**
 - JG: Dave Moulton is repairing the erosion controls along Wright Road.
 - JG: Upcoming filings include RDA for Ch. 91, and NOI for construction of retaining wall within buffer zone.
 - JG: Will be meeting with new owners of the Badger House over the weekend.
 - TT: Provided brief update on vernal pool investigation on Pine Meadow Conservation Land.
 - DB: Board of Health is investigating the report of chickens being kept at 71 Sandy Pond Rd.
 - DB: Land for sale on Oak Ridge Drive – could be a candidate for acquisition by CPA funds or other means (grants?).
 - Abuts Pine Meadow Conservation Land and is across the street from Flannagan Pond.
 - Could provide a parking area for access to Flannagan Pond.
 - GB: Town Meeting Warrant
 - There is a Warrant Article seeking to rezone a parcel adjacent in the vicinity of Ridgeview Heights. It is not clear which parcel is being considered.
 - There is another Article about a gift of land from Ridgeview to the Town. It seems to be the same parcel that was rejected by voters at previous Town Meeting.

- **Adjourn (10:15 PM)**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.