



## **Town of Ayer Conservation Commission**

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

Minutes for **07/23/09** – **Approved 8/13/09**

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

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

APAC taped: No

### **7:10 PM – Open Meeting**

- **Public Hearing (cont'd): NOI – 1 Orchid Lane (DEP #100-0329)**
  - Peter Edwards, 1 Orchid Lane, stated that he will proceed with the dock permit application (Ch. 91), but plans for the access ramp are on hold.
  - The dock permit and access ramp were filed on a single Notice of Intent (NOI) application.
  - Commissioners discussed if the NOI could be amended to include only the dock permit, or if they could issue an Order of Conditions (OOC) with approval of the access ramp contingent upon satisfactory review by the Natural Heritage program (for potential impacts to rare and endangered species).
  - GB moved to approve the NOI and issue OOC with a Special Condition that the access ramp proposal be approved by Natural Heritage; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
  - JG reminded Mr. Edwards that he will need to record his dock permit at the Registry of Deeds within 60 days.
  - GB moved to close the hearing; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
  
- **Public Hearing: NOI – Ridge View Heights (Pingry Hill), Phase II Infrastructure**
  - Rick Roper, Crabtree Development LLC; Steve Mullaney, S.J. Mullaney Engineering Inc.
  - DEP has not issued a file number for this NOI.
  - Phase I is nearing completion – roadway and curbing were finished this week.
  - Phase II infrastructure (roads, stormwater, etc.) will require alteration of 17,785 square feet of outer riparian zone (100-200 feet from Bennetts Brook), and 108,425 square feet of wetland buffer zone.
  - The proposed stormwater recharge volume is approximately three times greater than the new DEP requirements.
  - Some of the roofs and driveways qualify for LID credits.
  - The Town is responsible for maintaining the roadway infrastructure, while the homeowners association is responsible for stormwater maintenance.
  - BD indicated the Commission would likely invoke the Consultant Bylaw to review the details of this NOI.
    - BD will seek guidance from Shaun Suhoski on the Bylaw.
    - The Town's engineering consultants, Tata & Howard, already have some knowledge of this project. It seems sensible to go with them.
  - BD scheduled a site walk to review the locations of proposed roads and basins.



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- Site walk – Saturday, 8/01/09, starting at 9:00 AM.
- TT asked about the potential vernal pool mapped by Natural Heritage.
  - The pool is flagged as Isolated Land Subject to Flooding (ILSF) and is not jurisdictional.
  - BD will seek further input from Natural Heritage and DEP Circuit Rider.
- GB moved to continue the hearing to 8/13/09; JG 2<sup>nd</sup>.
  - Motion approved unanimously.
- **Discussion: Oak Ridge Drive – Property Purchase using CPA Funds**
  - Kathy Casey, agent for Albert & Leah Tooker (landowners).
  - The Offer To Purchase Real Estate form, Item 8, will be amended to include “...satisfactory to Town of Ayer. Buyer will pay closing costs not to exceed \$1,400.00”
  - Closing costs include recording of deed and legal fees.
  - GB moved to amend the Offer To Purchase as described above; DB 2<sup>nd</sup>.
    - Motion approved unanimously.
  - JG moved to authorize BD to act as signatory for the Commission; GB 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Temporary Conservation Administrator – Alison McKay**
  - Ms. McKay has a biology degree from Clark University in Worcester.
  - She has been a Conservation Administrator in Chelmsford and North Andover.
  - She will try to maintain the current office hours at first, although the hours can be adjusted.
- **Discussion: Conservation Restriction (CR) – Pleasant Street School**
  - GB presented the Municipal Certification form for approval, on behalf of Historical Commission.
  - Conservation Commission approved the CR, to be held by Town of Ayer, on 8/28/08.
  - GB moved to approve the Municipal Certification; DB 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Weed Control RFP Responses**
  - BD sent emails to Lycott Environmental and Aquatic Control Technology (ACT), with follow-up questions.
    - Lycott replied that it is best to treat before the end of July.
    - ACT indicated that treatment of Pine Meadow Pond this year will have no real benefit for control of milfoil.
  - Commissioners agreed to postpone treatment of pond weeds until next year, with a goal of beginning the bidding process earlier and refining the scope of the RFP.
  - BD will notify Lycott and ACT, by letter, of plans to postpone until next year.
  - GB moved to formally reject all bids; DB 2<sup>nd</sup>.
    - Motion approved unanimously.



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- **CA Updates**
  - Gail Januskiewicz dropped off a check for the RDA legal notice, 0 Sandy Pond Rd.
  - Office computer is out of commission for 2-3 weeks. It is being upgraded to Windows XP.
    - No office email during this time.
  - Site Visits:
    - Eagles Nest – Hay bales are in place, site prep work has begun.
    - Grove Pond Wells – Ready to begin pumping water.
    - Central Ave. Pump Station – The UST has been removed and the area has been reseeded. Project nearing completion.
    - Twin Valley Estates – CA will finalize the OOC by next week.
      - Mike Sheehan wants to clear vegetation before installing the hay bales.
  - Pond View Estates – Outstanding Issues:
    - 7B Sunflower Court – Residents have indicated their desire to cut down a tree within the CR. The trunk is bifurcated and some branches lean toward the home.
      - Commissioners would agree to allow some branches to be pruned, but not to cut down the whole tree.
      - BD will email Natural Heritage for advice.
    - Dock on Long Pond – Hicks (developer) stated they will not apply for a dock license.
    - Culvert – The culvert over the intermittent stream has been damaged by equipment, presumably during illicit removal of beaver debris.
    - Beavers – Beaver activity remains a concern.
    - Trucks on CR walking trail – Residents have observed trucks and other vehicles driving over the designated walking trail within the CR.
      - A gate, or boulders, should be placed at the trailhead.
    - OOC Extension – There is no record of an OOC Extension in the file.
      - The Registry of Deeds might have a copy.
    - Homeowners Association – The residents have several concerns about the current state of affairs, and the looming dissolution of Hicks Trust.
      - BD suggested inviting the residents to a meeting to discuss.
- **Announcements**
  - Recreational Trails grant round is now open.
  - National Grid's Right-of-Way Operational Plan is available for view.
- **Commission Officers – FY10**
  - Clerk: BD nominated TT; DB 2<sup>nd</sup>.
  - Vice-Chair: BD nominated DB; JG 2<sup>nd</sup>.
  - Chair: DB nominated BD; JG 2<sup>nd</sup>.
  - CPC Rep: BD nominated DB; GB 2<sup>nd</sup>.
  - Stormwater Committee Rep: BD nominated DB; GB 2<sup>nd</sup>.
  - All nominations approved by unanimous vote.



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- **10:40 PM – Adjourn Meeting**
  - GB moved to adjourn, JG 2<sup>nd</sup>.
    - Motion approved unanimously.