

Town of Ayer Conservation Commission

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

Minutes for **10/08/09** – **Approved 11/05/09**

Location: Ayer Town Hall, 1st Floor

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

APAC taped: Yes

7:20 PM – Open

- **Meeting Minutes Approval**

- 9/24/09: minor correction, page 3
 - JG moved to approve 9/24/09 meeting minutes, with correction; GB 2nd.

- **Accounts Payable**

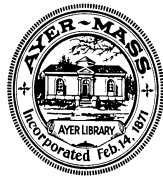
- Lowell Sun: invoice in the amount of \$309.40, for the following legal notices:
 - \$129.20 – Bresnahan Children Trust (RDA x 2); check rec'd.
 - \$57.80 – MBCR Culvert Replacement (NOI); check rec'd.
 - \$61.20 – Ayer DPW (RDA – Snake Hill Road stabilization); incorrectly charged to Conservation Commission.
 - \$61.20 – Ayer DPW (RDA – Sandy Pond Road resurfacing); incorrectly charged to Conservation Commission.
- GB moved to approve payment in the amount of \$187.00, for the Bresnahan and MBCR legal notices (checks rec'd); JG 2nd.
 - Motion approved unanimously.
- Remaining balance of the invoice (\$122.40) will be reconciled with DPW.

- **Announcement**

- Received NOI filing fee check for Stratton Hill NOI: \$1,537.50

- **Public Meeting: CPA Land Purchase – Tooker Property, Oak Ridge Drive**

- BD summarized the rationale for acquiring the Tooker property for the purpose of conservation and passive recreation, and recounted the process being followed to purchase the land with funds that have already been approved and set aside by Town voters under the Community Preservation Act (CPA) for such purpose.
 - The property is approximately 5 acres, is mostly forested, and abuts the existing Pine Meadow Conservation Land (approximately 120 acres). It would extend the Conservation Land to Oak Ridge Drive, thereby enhancing public access to the beautiful area and providing an opportunity for expansion of the existing trail network.
 - Conservation Commission initially approached the Community Preservation Committee (CPC) in June 2009 about the possibility of purchasing the property with CPA funds.
 - CPC was unanimous in support of the idea, and agreed to facilitate bringing the purchase before voters at Fall Town Meeting.

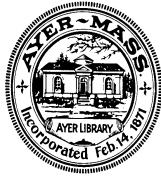


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- Conservation Commission, through its Chair, has reached agreement with the sellers, Albert and Leah Tooker, on purchasing the property, pending satisfactory completion of due diligence and approval by voters at Fall Town Meeting.
 - Property survey, Phase 1 Environmental Assessment, title search, and appraisal are all in the process of being completed.
 - DB asked about the acreage of the property.
 - David Ross Associates will complete the survey in the near future.
 - Alison asked if the Phase 1 Assessment looked at the two sheds on the property.
 - BD said both the 3-sided shed and the pole barn were inspected. The structures have been used to store building materials.
 - GB suggested having a second public meeting on 10/22/09, to be listed in the Community Calendar section of the *Public Spirit*, and to include information not currently available such as the appraisal and survey results.
 - The date of Fall Town Meeting is 10/26/09.
- **Update: Enforcement Order – The Willows**
 - The temporary basins/check dams have been completed.
 - Alison expressed concern that there is a gap in the hay bales surrounding the basins that could enable stormwater to reach the subdivision road and flow down to Willow Road.
 - Paving has not been completed.
 - DB said things are definitely improved, despite the deficiencies noted above.
 - **Discussion: Pond View Estates**
 - Commissioners visited the site and met with the Condominium Association on 9/26/09.
 - BD apologized to the Condo Assoc for not completing the Enforcement Order (EO).
 - BD will finish the EO this weekend and issue to the developer (R.M. Hicks, Inc.)
 - Tom Roy of the Condo Assoc asked what will happen after issuing the EO.
 - BD explained that Hicks' representatives will appear before the Commission to discuss solutions, or be referred to DEP for enforcement action. DEP has the authority to levy substantial fines.
 - DB spoke to Fire Chief Pedrazzi about the emergency access road/walking path.
 - The access road is not essential, but should be maintained. The entrance can be gated to discourage unauthorized use by motorized vehicles.
 - Chief Pedrazzi recommended the Commission submit a formal request to assess the condition of the road for emergency use.
 - The lock on the break-away gate at the end of Hibiscus Lane is not an issue.
 - DB mentioned the stormwater basin inspection conducted by DPW and Planning Board.
 - Dan Nason, DPW Superintendent, visited the basin near Sunflower Court. However, he did not inspect the basin at end of Rose Lane.
 - Mr. Roy indicated that the Town will assume ownership of the pump stations.
 - The Commission's understanding of the Conservation Restriction is that the "conservation land" is for use of the Pond View residents only; technically the land is not open to the general public.
 - The next discussion on this topic will be during the 10/22/09 meeting.



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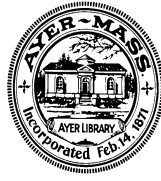
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- **Update: Enforcement Order – Routhier Tire Recycling Facility**
 - Commissioners visited the site 10/3/09.
 - Significant progress has been made at the site to improve drainage and stormwater management, and to reduce erosion/siltation to the nearby wetlands and brook.
 - However, a high volume of material was still evident in the basins and swales.
 - BD explained that the current solution is mechanical and requires constant maintenance.
 - BD believes the next step is to develop a permanent solution that can be sustained over the long term.
 - DB suggested asking Routhier to have someone sweep the site daily to minimize the amount of tire fragments entering the drainage system.

- **Alison's Updates**
 - Alison will be in the office Tuesday and Wednesday next week.
 - Alison's last day in the office is yet to be determined.
 - Commissioners thanked Alison for her excellent work, and wished her well.
 - Becky DaSilva-Conde (Conservation Administrator) will return from maternity leave on 10/21/09.

- **Member Updates**
 - JG: The dock at Town Beach needs to be permitted ASAP – application deadline is December 11, 2009.
 - Parks Department might need to apply for the full license from DEP, rather than the simplified license, if the structures exceed the square footage threshold.
 - An RDA will suffice for the Commission.
 - JG: It is almost that time of year to ask Fire Department to remove boards at Balch Dam, in order to lower water levels in the ponds.
 - TT: A bill has been introduced by legislators from Springfield that would completely undermine the Massachusetts Endangered Species Act (MESA).
 - The Commission should write a letter to Rep. Hargraves and Sen. Eldgridge, asking them to oppose any attempt to weaken the existing law and regulations.
 - TT will draft a letter for review.
 - GB: The topic of MACC Fall Conference is enforcement. Commissions can email questions re: enforcement to MACC for a panel discussion at the conference.

- **Executive Session pursuant to MGL Ch. 39, Sec. 23B, Exemption #6**
 - 9:00 PM (est.) – GB moved to adjourn the meeting for the purpose of entering into Executive Session; JG 2nd.
 - Motion approved by unanimous roll call vote.
 - 10:00 PM (est.) – GB moved to adjourn Executive Session and reopen the meeting expressly to adjourn; JG 2nd.
 - Motion approved by unanimous roll call vote.



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- **10:01 (est.) – Adjourn**
 - GB moved to adjourn; JG 2nd. Motion approved unanimously.