

Town of Ayer Conservation Commission

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

Minutes for **10/22/09** – **Approved 11/05/09**

Location: Ayer Town Hall, 1st Floor

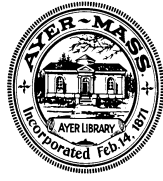
Members present: Bill Daniels (BD, Chair), George Bacon (GB), Takashi Tada (TT, Clerk), Jessica Gugino (JG), Becky DaSilva-Conde (CA, Conservation Administrator)

Not present: Dave Bodurtha (DB, Vice-Chair)

APAC taped: No

7:10 PM – Open

- **Public Hearing: NOI – Stratton Hill Subdivision, Wright Road (DEP #100-0333)**
 - Dave Moulton, Fox Meadow Realty Corp. (developer) and Drew Garvin, R. Wilson Associates (engineer) presented their Notice of Intent application for Stratton Hill.
 - The project was originally approved in 2005 and the Order of Conditions (OOC) expired in 2008. No changes to the original plan are proposed.
 - Some of the stormwater basins are located within the 100-foot wetland buffer zone, and there will be one wetland crossing (intermittent stream) for the driveway on Lot 8A.
 - The crossing will require the filling of 1,089± square feet of wetland.
 - A wetland replication area of 1,128± square feet is proposed.
 - BD asked if the original plan complies with the new DEP stormwater regulations.
 - Mr. Garvin said the stormwater infrastructure would meet the new DEP regulations, but he was not sure about the Ayer Stormwater Bylaw.
 - A site walk was scheduled on Saturday, 10/31/09, at 9:00 AM.
 - JG asked about status of the Conservation Restriction (CR).
 - Mr. Garvin said the CR had not been filed yet.
 - Mr. Garvin will forward the latest draft of the CR.
 - The CR proposal was approved by the Natural Heritage & Endangered Species Program (NHESP).
 - NHESP's permit was issued for 7 years (expires 5/18/12) and included conditions to create and maintain a turtle nesting area on Parcel C2.
 - JG asked when they plan to resume work on the site.
 - Mr. Moulton said they would likely start again in the spring.
 - Mr. Garvin mentioned that the proposed road has been roughed in, and the two stormwater basins nearest Wright Road have been constructed (B-B and B-A).
 - TT asked when the wetlands were flagged.
 - Mr. Garvin did not know the date of wetland flagging.
 - BD reminded the applicants that wetland flagging should be reviewed every two years, generally speaking.
 - BD said it would be helpful if the applicants could re-flag the original wetland boundary prior to the site walk.
 - Mr. Garvin indicated that the sewer work along Wright Road (approved under a separate OOC) had been completed and they would request a Certificate of Compliance (COC) to close out that project.
 - GB moved to continue the public hearing to 11/05/09; JG 2nd.
 - Motion approved unanimously.

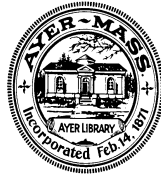


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- **Public Meeting: Enforcement Order – Pond View Estates (DEP #100-0234)**
 - David Hicks, of Robert M. Hicks Inc., discussed the Enforcement Order (EO) issued for damage to the culvert and road bed along the emergency access road/walking path.
 - Damage was caused during unauthorized clearing of beaver debris at the culvert.
 - The damaged pipe presents a safety hazard due the hard, sharp, raised edges,
 - BD read the EO into the record.
 - Mr. Hicks showed photos of the culvert and explained that the two large rocks in front of the culvert pipe obstruct flow and make it difficult to access the site for repairs.
 - Mr. Hicks proposed to cut back the end of the pipe to remove the hazardous edges, and pour gravel/loam to fill in the undercut road bed.
 - BD indicated that the culvert was not included in the original NOI plan.
 - BD stated the Commission's main worry is the condition of the emergency road.
 - Commission scheduled a site walk to view the damage and discuss a solution.
 - Site walk: Saturday, 10/31/09, at 8:30 AM.
 - The OOC for this project was issued in 2005 and expired in 2008.
 - BD asked Mr. Hicks if he was prepared to request a COC.
 - Mr. Hicks thought his attorney, Paul Alphen, had already made the request.
 - BD asked Mr. Hicks to remove the lumber being stored in the buffer zone, along the emergency road.
 - Commission discussed Mr. Hicks' options for blocking the entrance to the emergency road, to discourage use of the road by unauthorized vehicles.
 - JG asked about removal of the silt fence.
 - BD suggested compliance issues during a separate site walk, to be scheduled.
 - Tom Roy, member of Condo Association, said they have aerial photos showing conditions of the culvert site before and after the damage occurred.
 - The culvert pipe is partially crushed, and approximately three-fourths full of material.
- **Public Meeting: CPA Land Purchase – Oak Ridge Drive (Map 21, Lot 46)**
 - BD presented a PowerPoint slideshow on the proposed purchase, by the Town, of property on Oak Ridge Drive, for the purposes of conservation and recreation.
 - The property was put up for sale by the owners, Albert & Leah Tooker.
 - The property consists of 5.53± acres (survey by David Ross & Associates) and abuts the existing Pine Meadow Conservation Land (121.5± acres).
 - A title search was conducted – no issues with the title.
 - A Phase 1 Environmental Assessment uncovered no issues of concern.
 - An appraisal placed the market value of the property at \$120,000.
 - The Commission negotiated with Tookers' agent, Cathy Casey, for sale of the property for \$120,000 plus closing costs of \$1,400 (total of \$121,400).
 - With support of BOS, Commission proposed the land purchase to the Community Preservation Committee (CPC).
 - CPC agreed to endorse the project and present a Warrant Article at Fall Town Meeting, with a request to fund the purchase using Community Preservation Act



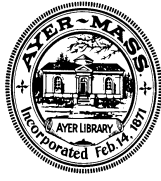
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(CPA) funds set aside by previous Town Meetings for the specific purpose of preserving open space.

- The published Warrant Article asks for approval of \$133,400.
 - This will be amended down to the real figure, \$121,400.
 - The Article also suggests a Conservation Restriction (CR) be placed on the land. The Commission has no plans to pursue a CR, but Town Counsel insisted on including this possibility in the Article.
- John & Linda Wesley, residents who own an abutting parcel, asked to see maps of the property.
 - The Wesleys stated that some people cross their property in order to access the trails and pond in the conservation area.
 - The Wesleys also provided excellent information about the historical context of Pine Meadow Pond and the surrounding landscape.
- TT will prepare an aerial photo map of the property for BD to include in the slideshow.
- BD will present the slideshow and discuss the Warrant Article at Fall Town Meeting.
 - Fall Town Meeting will be held 10/26/09.
- **Discussion: Balch Dam – Lowering of Pond Water Levels**
 - BD said the Commission will request removal of the boards at Balch Dam during the first week of November.
 - CA will prepare the request letter and send to Fire Chief Pedrazzi, with copy to DPW Superintendent Dan Nason.
 - DPW has pledged to clear beaver debris from the culvert.
- **Discussion: Letter for Natural Heritage & Endangered Species Program (NHESP)**
 - TT will draft a letter stating Commission's support for NHESP.
 - A bill filed recently the state legislature proposes to strip NHESP of its authority to enforce the provisions of the Massachusetts Endangered Species Act (MESA).
 - The bill was proposed by legislators from the Springfield area.
- **Discussion: Ch. 91 Dock License for Town Beach**
 - JG had discussions with Jeff Thomas of the Parks Dept., and it appears the temporary docks at Town Beach do not exceed the surface area threshold (600 square feet) of a Simplified License from DEP under Ch. 91.
 - Commission agreed that the Parks Dept. could seek the Simplified License from DEP.
 - The Parks Dept. should file a Request for Determination of Applicability (RDA) with the Commission as soon as possible, and submit the Ch. 91 Simplified License application to DEP before 12/11/09.
- **Accounts Payable**
 - Commission reviewed invoices resulting from due diligence for the proposed land purchase before Fall Town Meeting (to be paid out of Community Preservation funds):
 - \$715.00 – Title search by law firm of DLPN (originally approved for \$900.00).
 - \$2,200.00 – Phase 1 Environmental Site Assessment by EBI.



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- \$850.00 – Appraisal by First Choice Appraisal Services.
- \$4,194.35 – Survey by David E. Ross & Associates.
- GB moved to confirm the invoices and refer payment to the CPC; JG 2nd.
 - Motion approved unanimously.

- **Announcements**
 - Water Resources Conference – 11/10/09 at College of the Holy Cross, Worcester
 - Board of Health – copy of letter re: 71 Sandy Pond Road
 - BOH sent letter to Mark Velarde, 71 Sandy Pond Road, notifying of violation of health code re: keeping of fowl.
 - Mr. Velarde has been keeping chickens in his yard without a permit.
 - He has until 11/30/09 to rectify the situation with BOH.

- **9:55 – Adjourn**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.