

## **Town of Ayer Conservation Commission**

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

Minutes for **11/05/09** – **Approved 11/19/09**

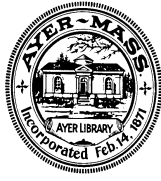
Location: Ayer Town Hall, 2<sup>nd</sup> Floor

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)

APAC taped: Yes

### **7:10 PM – Open**

- **Public Meeting: COC Request – 8 Old Sandy Pond Road (DEP #100-0326)**
  - Kevin Shivo presented a request for Certificate of Compliance (COC) for work to replace an existing deck with a new deck and 3-season porch, at 8 Old Sandy Pond Rd.
  - CA will conduct a final inspection of the site tomorrow.
  - JG moved to issue COC for DEP #100-0326; DB 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Public Hearing (cont'd): NOI – Stratton Hill Subdivision, Wright Road (DEP #100-0333)**
  - CA received email from applicant asking to continue hearing to next meeting.
  - GB moved to continue the public hearing to 11/19/09; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Accounts Payable**
  - Certified Mailing fee: \$6.15 – for Enforcement Order sent to Pond View Estates (Robert M. Hicks, Inc).
    - JG moved to approve payment of Certified Mailing fee; DB 2<sup>nd</sup>.
      - Motion approved unanimously.
  - Year-To-Date Budget Report – from Lisa Gabree, Town Accountant
    - Review of line items under Planning & Development
    - Negative balance for office supplies represents purchases made by other offices within Planning & Development (not Conservation Commission).
    - Remaining balance of Weed Control funds is \$8,640.00
- **Meeting Minutes Approval**
  - 10/22/09: minor corrections
    - JG moved to approve 10/22/09 minutes, as amended; GB 2<sup>nd</sup>.
      - Motion approved unanimously.
  - 10/08/09: correction – DB was not present.
    - JG moved to approve 10/08/09 minutes, as amended; GB 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Public Meeting: Enforcement Order – Pond View Estates (DEP #100-0234)**
  - Commissioners conducted a site walk on 10/31/09 to inspect damage to the emergency access road embankment and culvert pipe.
  - CA will prepare and send a letter to Robert M. Hicks, Inc., requiring the following:

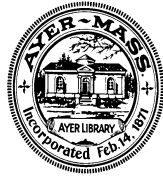


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1. Install a silt curtain to contain material within the work area.
  2. Repair and extend the culvert pipe using like materials.
  3. Notify CA to inspect repaired pipe and silt curtain.
  4. Reset existing large rocks to create a headwall.
  5. Place, and compact, stone/fill material behind headwall to shore up the road bed.
  6. Notify CA for final inspection.
  7. Remove material from within the culvert pipe.
  8. Remove building supplies being stored next to emergency road (in buffer zone).
- **Public Meeting: CPA Land Purchase – Oak Ridge Drive (Map 21, Lot 46)**
    - CA received copy of Mylar survey plan, copy of signed/notarized deed documents, and a check from Town of Ayer for closing fees.
    - BD will close on the land purchase tomorrow.
    - BD suggested holding a springtime event to commemorate the purchase.
    - GB asked about the disposition of the two sheds on the property.
      - BD suggested locking them for now, until they can be removed.
  - **CA Updates**
    - Schedule: CA is considering earlier office hours, with a mid-day break.
    - Volunteer Projects
      - RDA/Ch. 91 – Louise, the office volunteer, is marking the completed dock license applications on a parcel map.
      - JG asked if the Commission has a deadline for RDA/Ch. 91 filings.
        - CA: The state's (DEP) deadline for Ch. 91 license applications is 12/11/09. DEP will not issue the dock license without an appropriate determination from the Commission.
      - JG also asked about dock licensing for a multiple access right-of-way.
        - CA: A single application is recommended for shared access rights (application should list all properties sharing access).
        - Status of Private Way vs. Public Road is unclear (Mountain View, Wachusett Street, etc.)
      - CA asked if Commissioners had other project ideas for Louise to work on.
    - Stormwater
      - Shaun Suhoski, Town Administrator, gave green light for CA to proceed with research on implementation of new stormwater bylaws.
      - JG asked about role of Gabe Vellante, Building Inspector.
        - CA: Roles are still being defined, but Gabe has stated he does not want to have any enforcement responsibilities.
      - CA said she is thinking about focusing on stormwater issues on a separate day during the week, eg. Mondays.
    - Balch Dam – Removal of Boards
      - CA prepared a letter for Shaun S. and Fire Chief Pedrazzi, requesting removal of the two boards at Balch Dam to lower pond water levels for the winter.



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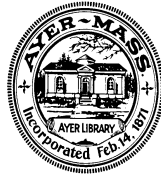
- BD read the letter into the record.

### • **Member Updates**

- TT: No update on status of bill introduced in state legislature that would undermine the Massachusetts Endangered Species Act (MESA).
- JG asked about the impact of state budget cuts on wetland programs.
  - CA: The DEP Wetlands program is being cut, with a likely hit to the Circuit Riders and Environmental Analysts.
  - DEP will have less resources available to enforce violations.
- BD asked for status of RDA/Ch. 91 filing for Town Beach.
  - JG: Jeff Thomas of Parks Department is all set to submit a Simplified Ch. 91 License application to DEP, along with an RDA to the Commission.
    - The RDA for Town Beach will be heard 12/05/09.
- DB: List of issues to discuss with Dan Nason, DPW Superintendent.
  - Fuel spill containment (lack of) at DPW station on Brook Street.
  - Snow clearing protocols, including Pine Meadow trailhead parking area on Groton-Harvard Road.
  - Balch Dam repairs.
    - JG wondered if it could be a candidate for economic stimulus funding.
- DB: Storage of material within 100 feet of the ponds.
  - BD said his inquiries to DEP Circuit Riders have gone unanswered.
  - Commission might need to use Violation Notices and Enforcement Orders to crack down on improper storage of materials.
- DB mentioned the new fence erected in wetland buffer zone along Snake Hill Road near Fox Run Drive.
  - DB believes the parcel belongs to Pepsi Co.
  - GB suggested researching the building permit to see if the fence was part of the approved plan.
    - DB will follow up with Building Inspector.
- BD looked at the new stormwater basin on Snake Hill Road (Ridgeview/Pingry Hill), below Fox Run Drive.
  - The basin was not constructed according to the plans.
  - Need to see the stormwater calculations from the engineers.
- DB: Past dumping of snow into wetlands at J.C. Madigan facility.
  - DB will draft a Violation Notice ahead of the winter.
- DB: Beaver control at Pine Meadow Conservation Land.
  - Beaver dams are causing rising water levels to encroach on the Habitat Trail.
  - Can Town-approved beaver control funds be used on conservation land?
  - BD: Need to research the allowed uses of the funds, as well as the costs.

### • **Executive Session pursuant to MGL Ch. 39, Sec. 23B, Exemption #3**

- 8:45 PM – GB moved to adjourn the meeting for the purpose of entering into Executive Session; JG 2<sup>nd</sup>.



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- Motion approved by unanimous roll call vote.
- 8:50 PM – GB moved to adjourn Executive Session and reopen the meeting expressly to adjourn; JG 2<sup>nd</sup>.
  - Motion approved by unanimous roll call vote.
- **8:50 – Adjourn**
  - GB moved to adjourn; JG 2<sup>nd</sup>.
    - Motion approved unanimously.