



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)

Minutes for **03/13/08** – **Approved 03/27/08**

Location: Town Hall (Great Hall)

Members present: Bill Daniels (BD, Chair), David Bodurtha (DB, Vice-chair), Takashi Tada (TT, Clerk), George Bacon (GB), Denis Luken (DL, Associate Member), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: Yes

Start (7:00 PM)

- **Discussion: MassDEP / Devens Remediation**

- Craig Dunlap of MassDEP informed the Commission of plans to install 5 piezometers along Nonacoicus Brook to determine groundwater flow paths downstream of Shepley's Hill Landfill.
 - Each piezometer will be installed manually (i.e. no drill rig) with triple screens up to 45 feet deep, depending on field conditions.
 - Flow data from the piezometers will help to determine the best monitoring strategy for arsenic in groundwater emanating from Shepley's Hill Landfill.
 - This effort by MassDEP is meant to fill in data gaps in the Army's study of groundwater contamination resulting from the landfill.
 - Three of the five piezometers will be on Town or Devens property, while the other two will require permission from private landowners.
 - MassDEP would like to complete installation prior to the spring thaw.

- **Discussion: Chris McNamara, Candidate for Commissioner Vacancy**

- Chris McNamara, resident on Nashua Street, expressed his interest in filling the vacancy on the Commission. Mr. McNamara holds a PhD in aquatic ecology and is currently a researcher in applied environmental microbiology at Harvard University. He has no prior experience in wetlands regulations and permitting.

- **Meeting Minutes Approval**

- GB moved to approve the Minutes from 02/28/08, as written; DB 2nd.
 - Motion approved unanimously.

- **Discussion: Pheasant Circle – Retaining Wall**

- Cary Nix, resident on Pheasant Circle, presented plans for a retaining wall behind his home.
 - The wall is to be located upgradient of the existing silt fence and will consist of 83 feet of uni-lock material.
 - The plan drawing shows the adjacent wetland boundary, as delineated for the approved restoration project at 82 Groton School Road.
- The Caney brothers, builders of Pheasant Circle subdivision, have open Orders.
- DB suggested contacting the Caney's to have them request COC's.
 - Otherwise, Mr. Nix can request the COC concurrent with his NOI application for the retaining wall.



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- **Discussion (continued): Autumn Ridge Farm CR / Foreclosure**
 - Steve Smith provided a summary of the foreclosure auction held 03/11/08.
 - Winning bidder: Rick Lamarre & Son, for \$1.7 million.
 - Sale cannot be closed until 45 days after auction date.
 - Commission's Enforcement Order was read aloud prior to bidding.
 - Mr. Smith reminded the Commission of its jurisdiction over the CR components of the project, and asked the Commission to give priority to monitoring and enforcing the provisions of the CR.
 - The new owners of the project must submit a new NOI application.
 - Al Morano and Heaton Nash, residents of Autumn Ridge and members of the Condo Association, provided a list of unresolved issues and concerns pertaining to the common areas of the 55+ housing development.
 - Main concerns relate to inadequate drainage (i.e. excessive sheet flow) and enforcement of compliance on the new owners.
 - DB moved to ratify the Enforcement Order issued for the expired OOC (DEP # 100-0255), GB 2nd.
 - Motion approved unanimously.
- **Public Hearing (continued): FMC Corp. – Bishop Road Remediation**
 - Commission discussed the draft Special Conditions which will be provided to FMC Corp. for use in finalizing their contractor's work plan.
 - Add language to the following effect: "No work shall occur until the Commission approves the contractor's work plan."
 - TT will amend the draft conditions and email them to FMC on 03/14/08.
 - GB moved to continue the public hearing indefinitely; DB 2nd.
 - Motion approved unanimously.
- **Discussion: Patriot Estates**
 - Ed Cornellier, owner of Patriot Estates, received a request from Mike Madigan of Ayer DPW to enclose the detention basins with safety fencing.
 - Commission discussed the possibility of substituting live fencing, such as Rosa rugosa, or other alternatives to a standard chain link fence. Commission has concerns about accessing the basins for routine maintenance and also allowing wildlife movement.
 - CA will contact DPW about fence alternatives.
- **Accounts Payable**
 - ACT Invoice for Pond Weed Control: \$1,650.00
 - ACT treated Sandy Pond beach, separately, in 2007. The work item was a carryover from the 2006 contract. This was not made clear to the Commission at the time.
 - Commission agreed ACT should be paid for work performed, despite the miscommunication.
 - The funds were set aside in 2006 and are still available.
 - GB moved to approve payment of the specified amount; DB 2nd.
 - Motion approved unanimously.



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- Town Counsel fees for legal defense.
 - Commission received a memo stating that fees for legal defense are to be paid out of Town's general funds.
 - GB moved to support payment of Town Counsel as stated in memo; DB 2nd.
 - Motion approved unanimously.
- Legal Advertisement Fees
 - Fees for legal ads go into Town's revolving account, but Commission does not keep any overages if the actual cost of the ad is less than the filing fee.
- **Discussion: Proposed Budget for FY09**
 - Line Items:
 - CA: \$16,453.20 (includes increase for Stormwater Bylaw enforcement).
 - Services: \$1,000
 - Postage: \$250
 - Phone: ??
 - Legal Ads: \$400
 - Memberships & Training: ??
 - BD suggested adding an allowance for mileage, e.g. \$100.
- **Discussion: Chapter 43D Procedures**
 - The matrix from Chris Ryan includes revisions submitted by DB. Commission has no further comments.
 - Ch. 43D Step-By-Step Guidelines
 - The first Joint Boards meeting must occur within 30 days of receipt of a completed application, and the second meeting must be held before the 180-day permitting period closes.
 - GB suggested that the second Joint Boards Meeting be held well in advance of the 180-day deadline, to allow the various boards to hash out any differences.
 - GB will provide written comments to Chris Ryan.
- **Discussion: Ridgeview Heights Subdivision**
 - The project is governed by three separate Orders (2 Superseding Orders from DEP and 1 Order from Town).
 - Realignment of Snake Hill Road is covered under the Town's Order.
 - Site walk was held 03/07/08, attended by CA and TT.
 - Issue: Outflow from perimeter drains of existing house near top of hill is causing visible scouring of the existing Town road and erosion of soil into the wetlands.
 - Need to discuss with DPW the possibility of tying the perimeter drains into the stormwater drainage system.
- GB moved to adjourn; DB 2nd.
 - Approved unanimously.

Adjourn (10:30 PM)