



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)
Minutes for **04/24/08** – **Approved 05/08/08**

Location: Town Hall

Members present: Bill Daniels (BD, Chair), David Bodurtha (DB, Vice-chair), Takashi Tada (TT, Clerk), George Bacon (GB), Jessica Gugino (JG), Becky DaSilva-Conde (CA, Conservation Administrator)
APAC taped: Yes

Start (7:00 PM)

- **Meeting Minutes Approval**
 - JG moved to approve the minutes from 03/27/08, with minor amendments; GB 2nd.
 - Motion approved unanimously.
 - DB moved to approve the minutes from 04/10/08, with minor amendments; JG 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd): Notice of Intent – Orion Park**
 - Scott Hayes of Foresite Engineering presented the commercial subdivision plan on behalf of Orion Business Park.
 - The plan includes 7.2 acres to be placed under permanent Conservation Restriction to protect wetlands and endangered species habitat. This area is contiguous with other Town conservation parcels.
 - The Restricted area will be fenced off to prevent encroachment and protect wildlife.
 - Mr. Hayes will look into possibility of adding gates and/or wildlife openings.
 - The only work proposed within 100' of wetlands is the stormwater basin outflow.
 - DB moved to approved the NOI application, with the option of conditioning any changes to the fence design; GB 2nd.
 - Motion approved unanimously.
 - OOC will be prepared for signature on 05/08/08.
 - GB moved to continue hearing to 05/08/08; JG 2nd.
 - Motion approved unanimously.

- **Public Hearing: NOI – Autumn Ridge Farm**
 - Eric R. of GPR presented the plans for completion of Autumn Ridge Farm Active Adult Community on behalf of the new project owners, Rick Lamarre and Son.
 - The new NOI application is to complete the work that remains under the original plan and to resolve compliance issues addressed in the Enforcement Order issued prior to sale of the project.
 - Remaining work includes three buildings, some site grading and driveway paving, and creation of turtle nesting habitat.
 - Compliance issues include wetland replication, removal of soil stockpiles, control of sheet flow and other stormwater concerns.
 - Hay bales/silt fence were repaired near the wetlands below the development.
 - Sheet flow will be controlled by a swale and energy dissipater.
 - A site walk is scheduled for Saturday, 04/26/08, at 9:00 am.
 - DB moved to continue hearing to 05/08/08; GB 2nd.
 - Motion approved unanimously.



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- **Public Meeting: Request for COC – 126 Sandy Pond Road (DEP # 100-0101/0102/0103)**
 - Installation of the swimming pool and fence in back of house on “Lot 3” was done in violation of an open OOC.
 - Pool is on a pronounced slope within 50’ of the wetland, while the fence is on the very edge of the wetland.
 - The main concern now is proper dewatering of the pool.
 - DB: The soon-to-be updated Stormwater Bylaws have a provision allowing for proper drainage of pools to the street.
 - Pools must sit for at least 5 days to dissipate the chlorine in the water, then can be drained to the nearest street for collection in stormwater catch basin.
 - There are also open OOC’s for Lots 1 & 2. They remain open because the COC’s issued for these lots in 1991 were never recorded at Registry of Deeds.
 - DB moved to re-issue COC’s for Lots 1 & 2; JG 2nd.
 - Motion approved unanimously.
 - DB moved to issue new COC for Lot 3; JG 2nd.
 - Motion approved unanimously.
 - Commissioners signed the signature pages of the COC’s.

- **Public Meeting: Request for Extension of OOC – Pheasant Run**
 - Dave Canney, Canney Bros. Construction LLC, presented a request for extension of the OOC issued for construction of Pheasant Circle roadway.
 - The Town has accepted the road and an easement to the stormwater detention basin.
 - Maintenance of the basin is currently handled by the homeowners association.
 - DB mentioned that Ayer DPW is generally reluctant to take on basin maintenance due to lack of resources.
 - BD added that DPW, Planning Board & Conservation Commission need to come together and agree on a basin maintenance structure.
 - GB moved to approve request for extension of OOC; DB 2nd.
 - Motion approved unanimously.

- **Public Meeting: Request for Partial COC – Pheasant Run**
 - Dave Canney, Canney Bros. Construction LLC, presented a request for partial COC for Lots 1-B, 2 & 3.
 - Lot 1-A is under separate OOC; Lots 4 & 5 are not completed.
 - A site visit is needed before approving the request.

- **Public Hearing: RDA – 5 Pheasant Circle**
 - Ken Stiles, 5 Pheasant Circle, presented a Request for Determination of Applicability.
 - Work involves clearing nuisance vegetation behind his house, up to the 100’ wetland buffer zone.
 - JG moved to approve a negative determination; GB 2nd.
 - Motion approved unanimously.



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- **Public Meeting: Enforcement Order – 4 New England Way (DEP # 100-0306)**
 - Tanks of chemical de-icer are being improperly stored on the property owned by Roger Kanniard (not present).
 - Site is located within Zone 2 drinking water aquifer, near Spectacle Pond wells.
 - Site is also located near wetlands.
 - Tanks are placed directly in the soil, with no containment of potential spills.
 - OOC issued to Mr. Kanniard was for construction of a building to house several garage/office rental units for small contractors.
 - OOC does not allow the tanks to be there.
 - Ayer Board of Health issued an order in March to remove the tanks immediately.
 - DB sent Enforcement Order to Mr. Kanniard last week.
 - GB moved to ratify Enforcement Order issued to Roger Kanniard; JG 2nd.
 - Motion approved unanimously.

- **Public Meeting: Violation Notice – Easy Street (DEP # 100-0300)**
 - DB pointed out concerns about sedimentation to Sandy Pond Road from the Easy Street development site.
 - Commission recommends sending a letter to Roger Kanniard, owner, requesting installation of suitable sedimentation controls.

- **Public Hearing (cont'd): NOI – 7 Pheasant Circle**
 - NOI application from Cary Nix, 7 Pheasant Circle, was discussed and approved 04/10/08.
 - Hearing was continued to allow preparation of COC.
 - DB moved to close hearing; GB 2nd.
 - Motion approved unanimously.

- **Public Hearing (cont'd): NOI – 106 Central Avenue**
 - NOI application from John Shute, 106 Central Avenue, was discussed and preliminarily approved 04/10/08, pending verification of NHESP and ACEC status.
 - The site is not located within NHESP habitat polygon.
 - The site is located within the Petapawag ACEC, but the NOI is only for work on an existing single-family lot.
 - GB moved to approve the application; DB 2nd.
 - Motion approved unanimously.
 - GB moved to close hearing; DB 2nd.
 - Motion approved unanimously.

- **Public Meeting: Enforcement Order – The Willows Development**
 - Site walk was held 04/23/08; DB, TT & JG attended.
 - The settling basin in question was murky, but there was no evidence of siltation or breaches in the erosion controls.
 - DB was still concerned about DEP 401 Water Quality Certification.
 - CA requested a 401 WQC fact sheet from DEP.



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- DB: Based on site visit, recommend not ratifying the Enforcement Order issued to The Willows.
- BD suggested sending a Violation Notice regarding slope stabilization above the wetlands, and siltation prevention along the paved entrance road.
- DB moved to not ratify the Enforcement Order; GB 2nd.
 - Motion approved unanimously.
 - DB to notify DEP and the project proponents.
- **Discussion: Dock Permits**
 - Commission received revised weed control pamphlet from ACT.
 - CA will need to make 2-sided color copies of the pamphlet to include in the mailing to residents on/near the ponds.
 - Wetlands Funds may be used to cover cost of copies and postage.
- **Member Updates**
 - GB: Asked about status of weed control monitoring contract.
 - No progress on soliciting a contract.
 - GB: NRWA will hold a workshop re: Rivers Protection Act.
 - May 21 in Groton.
 - GB: NHESP funding is in danger of being cut from State budget.
 - GB will draft a letter in support of NHESP to Rep. Hargraves and Sen. Resor.
 - GB: Asked about status of Fire Station flood control berm.
 - BD will follow up with Chief Pedrazzi.
 - TT: FMC Corp. provided a draft work plan for the Bishop Road remediation project.
 - CA provided copies of the work plan.
 - Commissioners to review and submit comments through TT.
 - DB: Sandy Pond 3 – erosion control issues and outstanding CR parcel.
 - Commission scheduled a site walk for Saturday at 9:30 (after Autumn Ridge).
 - DB: Asked about delays in receiving reimbursement for MACC conference registration fee (DB and DL) and in paying membership fee for DL.
 - CA: Budget for Planning and Development Director, Chris Ryan, has been frozen by Town Accountant due to **the Planning Board's fiscal irresponsibility**.
 - The Planning Board has been regularly paying Sue Sullivan for more hours per week (38) than she is allowed (30) under the approved budget.
 - This is causing other budgets within P&D to be short of funds, including Conservation Commission.
 - CA: New DEP Circuit Rider, Jennifer Gensel, will attend 05/08/08 meeting and present information re: new DEP stormwater regulations.
 - CA: A possible wetlands violation was brought to her attention.
 - 69 Sandy Pond Road – clearing and grading within buffer zone.
 - Commissioners will drive by the site on Saturday to take a look.
 - CA: Will not out of the office May 2 & 16.
 - CA: Letter for Ed Cornellier re: vegetative fencing?
 - TT to draft letter.



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- CA: Report of possible wetlands violation on Wagon Road.
 - Hydroseeding truck from Tim's Hydroseeding may be dumping illegally into wetlands off Wagon Road, near Town's Spectacle Pond well.
 - DB will draft and issue Enforcement Order.
- BD: Commissioners should take on duties such as drafting OOC's to reduce constraints on CA's time.
- JG moved to adjourn; GB 2nd.
 - Motion approved unanimously.

Adjourn (11:00 PM)