



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)
Minutes for **10/09/08** – **Approved 11/06/08**

Location: Town Hall, 1st Floor

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

APAC taped: Yes

Start (7:00 PM)

- **Meeting Minutes Approval**
 - JG moved to approve 9/25/08 meeting minutes, with minor edits; GB 2nd.
 - Motion approved unanimously.

- **Accounts Payable**
 - Lowell Sun: \$45.90 – Legal ad for NOI, 31 Willow Road.
 - Applicant previously submitted a check to CA in above amount.
 - JG moved to approve payment; GB 2nd.
 - Motion approved unanimously.
 - Lowell Sun: Legal ad for NOI, Grove Pond Wells.
 - DPW will handle this payment themselves.

- **Public Meeting: Violation Notice – 88 Central Avenue**
 - Richard Coke, 88 Central Ave., received a Violation Notice earlier this week for storage/handling of soil and other materials in close proximity to Flannagan Pond, without erosion controls.
 - Mr. Coke has an open Order of Conditions (OOC) for work on an addition to the existing house, but the OOC did not cover stockpiling of significant amount of materials onsite.
 - Work on the addition has been on hold.
 - The OOC (DEP #100-0295) expires in April 2009.
 - Mr. Coke will need to extend the OOC.
 - Mr. Coke explained that the storage and handling of soils is part of his father's business, which has been operating for decades.
 - Trailers parked on the property are for temporary storage of the building materials for the house addition.
 - Commission recommended using some of the stockpiled material to build up an erosion control berm, or installing the more traditional hay bale/silt fence.
 - CA will contact Mr. Coke on Friday to arrange a site visit.
 - GB moved to approve an extension of Mr. Coke's OOC, until April 2012; DB 2nd.
 - Motion approved unanimously.

- **Public Meeting: Violation Notice – 8 Calvin Street**
 - Martha Craft, 8 Calvin Street, received a Violation Notice for landscaping work in her backyard, within 100 feet of Flannagan Pond.
 - Work included putting in a lawn to within two feet of the shoreline.



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- No erosion controls were installed prior to work.
- Ms. Craft said she had received a ‘Negative’ Determination of Applicability in 2005.
- Commission expressed the importance of maintaining natural vegetative buffer between the pond and any lawn/landscaping, especially if fertilizers and pesticides are applied.
- BD recommended using milky spore to tackle grubs in the soil.
- Commission reminded Ms. Craft of the informational meeting for pond abutters, to be held 10/23/08.

- **Public Hearing (cont’d): Notice of Intent (NOI) – Ayer DPW, Grove Pond Wells, Phase II**
 - Hearing was continued to allow the engineers from Tata & Howard to respond to outstanding questions from the Commission.
 - Commissioners agreed that Tata & Howard’s email response was satisfactory.
 - GB moved to approve the NOI (DEP #100-0320); TT 2nd.
 - Motion approved: Aye 3, Nay 0, Abstain 2 (DB & JG).

- **Public Hearing (cont’d): Conservation Restriction (CR) – Orion Park**
 - Hearing was continued to allow unpaid consultant P. Hughes to review the CR, and to give attorney Stephen Graham time to acquire the approval/certification forms.
 - CR is for approximately 7.2 acres of land abutting the larger Pondview CR land.
 - Parcel C is designated as unrestricted residential use (i.e. not restricted by the CR).
 - Actual use on Parcel C is limited by other factors such as zoning, wetlands, etc.
 - BD read the Municipal Certification into the record.
 - GB moved to approve and certify the CR for Orion Park; DB 2nd.
 - Motion approved unanimously.
 - CA will forward the certification to BOS.

- **Public Hearing (cont’d): Conservation Restriction (CR) – Pondview Estates**
 - Attorney Paul Alphen, representing Robert M. Hicks Inc.
 - CR is for approximately 47.1 acres of land in the vicinity of Long Pond.
 - Mr. Alphen will email updated Notary page and Municipal Certification form to CA.
 - GB moved to approve Pondview CR and the (to be) updated Certification; DB 2nd.
 - Motion approved unanimously.
 - CA will forward the certification to BOS.

- **Public Meeting: Central Avenue Pumping Station**
 - Bob Marchesseault of Hoyle, Tanner & Associates, provided a handout detailing the oil containment system to be installed under the natural gas powered generator at DPW’s pump station on Central Ave.
 - The containment system is for any potential leak of generator lubricant.
 - The system specifications are based on National Grid’s transformer containment design.
 - Specs differ from those specified in Special Condition #29.
 - DB moved to approve the new oil containment system specs; JG 2nd.
 - Motion approved unanimously.



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- **Public Meeting: Violation Notice – Stratton Hill Subdivision (DEP Nos. 100-0252& 100-0308)**
 - Notice was sent to Dave Moulton for the following violations:
 - 100-0308: Failure to notify Commission to inspect erosion controls prior to start of work. This OOC covers work on Wright Road.
 - 100-0308: Removal of erosion controls along Wright Road during excavation of the roadway for sewer main installation.
 - 100-0252: Working under an expired permit. The OOC for DEP #100-0252 expired June 23, 2008. This is the main OOC that covers work on the subdivision site.
 - JG indicated that residents along Wright Road are concerned about the blasting being done.
 - Mr. Moulton indicated that they need to blast away some bedrock ledge in order to complete the sewer manhole connection. Maine Drilling & Blasting has been hired to do this work.
 - Commission asked Mr. Moulton to cease work on the property.
 - Mr. Moulton said he would re-apply for another permit (NOI application) immediately.
 - Work along the road may continue, as long as erosion controls are properly maintained.
- **Discussion: Violation Notices**
 - CA: Some residents have complained about the tone of the letter, especially the last section that mentions possible fines under the Wetlands Protection Act (WPA). They feel this section sounds too much like a threat.
 - Commission agreed to have CA reformat the letter so the WPA reference appears after the salutation.
 - CA will also add the office hours in the letter.
- **Discussion: Goals & Objectives**
 - BD: Keeping track of permits.
 - Finalize and maintain the Excel spreadsheet with all of the active permits.
 - GB: Policies and procedures.
 - Establish filing standards for applicants, such as number of copies to submit, acceptable scales/sizes for plan drawings, fees, and deadlines.
 - DB: Office files management.
 - Establish internal filing procedures.
 - CA: Public outreach/education.
 - Expand the dock permit/weed control mailing to include all pond abutters and right-of-way access holders.
- **Commission Reorganization**
 - Commission voted unanimously to approve BD as Chair, DB as Vice-Chair, TT as Clerk, and DL as Associate Member, effective until July 2009.
- **Update: Pond Weed Control**
 - Aquatic Control Technology (ACT) will conduct weed control monitoring tomorrow on Sandy, Flannagan, and Pine Meadow Pond.



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- CA and Shaun Suhoski will participate.
- **Discussion: Icehouse Dam NOI**
 - CA will contact the applicant about any looming deadlines for their dam maintenance.
 - CA is working with Shirley Conservation agent to schedule a joint hearing, if possible.
- **Update: Chapter 91 Informational Meeting**
 - JG offered to help CA with the meeting notice mailings, if needed.
- **Update: Stormwater Bylaw**
 - CA received confirmation from Ann Callahan, Town Clerk, that the Attorney General approved the new Stormwater Bylaw.
- **Update: Ridgeview Heights (Pingry Hill)**
 - Steve Mullaney emailed a copy of their request to DEP for extension of the Superseding Order of Conditions (SOOC), which is due to expire.
- **Update: Kindsbury Realty Trust, Groton School Road**
 - CA received copy of their request to DEP for extension of the SOOC, which expires 10/5/08.
- **Update: The Willows Subdivision, Willow Road**
 - CA received request to Commission for extension of the OOC.
- **Other Issues**
 - Commission gave permission to CA to order a soil auger for use in the field.
 - TT will email links to online retailers of field equipment.
 - CA will send out a letter to Fire Chief requesting removal of the boards at Balch Dam to lower the water levels in Flannagan and Sandy Pond, as per the weed control protocol.
 - DB: The Open Space & Recreation Committee, along with consultant Jennifer Goldson, would like to hold a joint meeting with Commission.
 - Will put this on agenda for 11/20/08.
 - CA: Drilling of test wells at Spectacle Pond will begin next week.
 - CA: National Grid will conduct a file review in the office next week re: sub-station on Westford Road.
 - CA: Will try to accommodate the request for interview from Ayer High School students, but the timing is difficult.

Adjourn (10:55 PM)

- GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.