



## **Town of Ayer Conservation Commission**

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

Minutes for **10/21/08** – **Not Approved**

Location: Shirley Town Offices – 7 Keady Way, Shirley

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, Denis Luken

APAC taped: No

### **7:15 PM – Joint Public Hearing with Shirley Conservation Commission**

- **Public Hearing: Abbreviated Notice of Intent (ANOI) – Icehouse Dam**
  - Shirley Conservation Commission: Anne Gagnon (Administrator), Denise Brauckmiller (Chair), Bob Burkhardt (Vice Chair), Jessica Rinner, Sheri Bean
  - Icehouse Partners: Liisa Grady Dowd (applicant), John K. Grady (owner)
  - The ANOI application is for lowering of the Nashua River at Icehouse Dam, up to 24 inches in depth, to conduct routine inspection in 2009 as required by Federal Energy Regulatory Commission (FERC).
    - Work may also include installation of an eel passage, if requested by U.S. Fish & Wildlife Service (USFWS).
    - Maintenance will be performed if the inspection uncovers any needed repairs.
    - Likelihood of repairs is low – the dam was fully refurbished within last 10 years.
    - Lowering and raising of water levels will be done gradually.
    - Inspection will be done in late summer/early fall to minimize impact on wildlife.
    - At drawdown levels, the river still flows at approximately 1 million gallons per day.
  - The dam is permitted via an ‘exemption’ by FERC. Also permitted by USFWS and Massachusetts Division of Fisheries & Wildlife (DFW).
  - Icehouse Partners are still working out some issues with National Grid. Until these are resolved, the dam remains off the power grid.
  - Liisa said she is still waiting for comments from the Massachusetts Natural Heritage & Endangered Species Program (NHESP) and the Areas of Critical Environmental Concern (ACEC) Program.
    - Liisa will follow up on this.
  - Tim Prior, representing USFWS, expressed his support for the proposed work.
    - The dam helps to stabilize water levels in the river and bordering vegetated wetlands, thereby benefiting waterfowl and other wildlife that depend on these habitats.
    - During dam refurbishing, impacts on water levels and wildlife were negligible.
  - BD suggested conditioning the duration of drawdown in the permit, such as a two week window.
    - This period could then be extended upon request, if needed.
  - GB moved to continue hearing to 11/6/08; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
  - CA will prepare a draft OOC and Special Conditions for review.

### **Adjourn (8:30 PM)**

- GB moved to adjourn; JG 2<sup>nd</sup>.
  - Motion approved unanimously.