



## Town of Ayer Conservation Commission

Town Hall \* One Main Street \* Ayer, MA01432 \* 978-772-8218 \* 978-772-3017(fax)  
Minutes for **10/11/07** – **Approved 10/25/07**

Location: Town Hall

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

Not present:

APAC taped: Yes

**Start (7:00 pm)**

- **Chris Ryan, Town Planning & Development Director**
  - Mr. Ryan presented information about Chapter 43D, the Commonwealth's expedited permitting program for priority development sites.
    - Nashoba Valley Medical Center (NVMC) has been identified as the ideal candidate site for a "test run" of 43D in Ayer.
  - The issue will be on the Fall Town Meeting Warrant; voters will be asked to consider whether Ayer should apply for participation in the 43D program.
    - Must be approved by Town Meeting.
  - If approved to participate in 43D, Ayer becomes eligible to receive up to \$150,000 dollars in grant funds that can be used to improve the town's planning and permitting capabilities.
  - Details on 43D can be accessed via the town's Planning web page.
  - Patrick Hughes expressed the support of the Comprehensive Plan Implementation Committee (CPIC).
  - Separate bylaws are not required, but a Joint Board can be established to facilitate the expedited review (180 days upon receipt of a complete permit application).
  - Montachusett Regional Planning Commission (MRPC) would provide technical advice, if needed.
    - Currently 6 towns in MRPC's region have opted in to the program.
  - Mr. Ryan would like the Commission to consider supporting this initiative.
- **1 Wagon Road**
  - Ted and Margaret Staples of 1 Wagon Road, along with Mike Sullivan, driller, presented their plan to install a new gravel well. The existing well is no longer serviceable.
  - The new well is to be located 125 feet from the house, near the existing shed. The terrain is fairly steep.
    - The proposed location is within 100 feet of the pond, i.e. within buffer zone.
  - Mr. Sullivan said he will need to dig two overflow pits to contain the water resulting from the drilling.
    - Mr. Sullivan provided a sketch of the proposed overflow pit locations.
    - Pits will be surrounded by staked hay bales to prevent erosion.
    - Mr. Sullivan or Ms. Staples will notify Commission when hay bales are emplaced.
  - BDS will contact Joe Bellino at DEP to review the roadway retaining wall specifications presented last meeting, and then get back to applicants following DEP's input.



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- **Ayer Greenway Committee**
  - Patrick Hughes, Chairman, presented plans for the Greenway Committee's next trail building activity.
    - The new trail will highlight interesting geologic features on the town's conservation land east of Pine Meadow Pond.
    - The trail is located in an upland forest, i.e. no wetland or buffer zone impacts.
  - GB moved to approve the new trail as planned; seconded by ST.
    - Motion approved unanimously.
  
- **Patriot Estates Development, 99 Sandy Pond Road**
  - Ed Cornellier, Sandy Pond Road, presented a proposal to utilize excess fill material (gravel) from Patriot Estates (south side of Sandy Pond Rd.) on Cornellier family's property across the road (north side).
    - Proposed work would involve bringing the depressed area between the road and the historic railroad spur up to grade, by filling with the gravel.
  - Wetlands in the vicinity have been flagged by Ross Associates.
  - BD: Mr. Cornellier needs to stake out the proposed area to be filled, with nearest distance to wetland clearly indicated.
    - If area to be filled is outside of the 100' wetland buffer zone, then the Commission would not have any major objection to the work.
  - The area in question is located within mapped habitat for rare species and also within the Petapawag Area of Critical Environmental Concern (ACEC).
    - The proposed work in the ACEC could potentially meet one or more mandatory review threshold(s) under the Massachusetts Environmental Policy Act (MEPA).
    - Mr. Cornellier will contact MEPA for clarification on this issue.
  
- **Chapter 91, Public Waterfront Act (Dock Licenses)**
  - Mr. Cornellier asked for information and guidance from the Commission about bringing existing private docks on Sandy Pond into compliance with the Chapter 91 regulations.
  - BD recommended submitting a Request for Determination of Applicability (RDA) to the Commission (no fee) and a dock license application to DEP (\$65 fee) before the filing deadline of December 12, 2007.
  - TT mentioned that DEP has made formal request to Secretary Bowles to extend the filing deadline by two years.
    - DEP will conduct a public information meeting, 10/23/07 at Groton-Dunstable Regional Middle School (34 W. Main St., Groton), to discuss the request for extension.
    - Secretary Bowles will conduct a Public Hearing on the request, 11/08/07, also at the above location.
  
- **Certificate of Compliance (COC) – San-Vel Property, Westford Road**
  - Commission received a Request for Certificate of Compliance, for the San-Vel property.
  - BDS will look into the specifics of this request and report back to the Commission.



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- **Continued Public Hearing – Nashoba Valley Medical Center (NVMC)**
  - NVMC representative not present.
  - GB moved to continue hearing to 10/25/07; ST seconded.
    - Motion approved unanimously.
  
- **Meeting Minutes Approval**
  - Commission reviewed draft meeting minutes from 09/27/07.
  - ST moved to approve meeting minutes as drafted; DB seconded.
    - Motion approved (Aye – 4; Abstain – 1).
  
- **Other Issues**
  - DL: none
  - ST: none
  - GB: Need to request copies of federal and state permit approvals issued to FMC Corp. for Bishop Road remediation work.
  - TT: none
  - DB: none
  - BDS: Conservation Administrator is located on 3<sup>rd</sup> Floor, Town Hall
    - Office hours: Monday & Wednesday, 9 am – 12 pm.
    - Phone: 978-772-8249
    - Email: [concom@ayer.ma.us](mailto:concom@ayer.ma.us)
  
- ST moved to adjourn; DB seconded.
  - Motion approved unanimously

**Adjourn (9:10 pm)**