



Town of Ayer Conservation Commission

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

Minutes for **11/08/07** – **Approved 11/29/07**

Location: Town Hall (2nd Floor)

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

APAC taped: Yes

Start (7:00 PM)

- **Payables**

- Len-Art invoice for name plates (DL and CA): \$83.43.
 - GB moved to approve payment of invoice; ST seconded.
 - Motion approved unanimously.
- Lowell Sun invoice for legal ad, 80 Sandy Pond Road: \$42.50.
 - GB moved to approve payment of invoice; ST seconded.
 - Motion approved unanimously.
- Extra hours worked by CA: 5.5 hours as of last time sheet.
 - GB moved to approve payment of CA's extra hours; ST seconded.
 - Motion approved unanimously.
- Commission discussed whether CA can work a flex schedule around the holidays.
 - Issue will be discussed further.

- **Public Meeting: Request for Determination of Applicability (RDA) – Ayer Fire Department**

- Chief Robert Pedrazzi and Captain Timothy Johnston.
- Plans for the proposed flood control berm were presented 09/27/07 and submitted to DEP for review.
- Hay bales are in place and were inspected by CA and DB.
- DB moved to issue a Negative determination; ST seconded.
 - Motion approved unanimously.

- **Continued Public Hearing: Abbreviated Notice of Resource Area Delineation (ANRAD) – Nashoba Valley Medical Center (NVMC)**

- Cal Goldsmith of GPR, representing NVMC.
- Mr. Goldsmith presented the plan of wetland areas delineated by GPR wetland scientist, Matt Long.
- CA and GB walked the site with Mr. Long to verify wetland flagging and confirm presence of two intermittent streams.
- The site is being maintained (mowed) as bird habitat by a neighboring farmer, possibly in violation of the resource areas and without explicit approval of NVMC.
- GB moved to approve the ANRAD, as amended; DB seconded.
 - Motion approved unanimously.
- CA will prepare the Order of Resource Area Delineation (ORAD).
- GPR addressed abutters' concerns about flooding due to runoff from NVMC parking lot by adding a bypass pipe. The pipe discharges directly to the isolated wetland.



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- Future plans will attempt to preserve as much bird habitat (wetland and open field) as possible and will include drainage improvements, as feasible.
- Mr. Goldsmith will provide copies of amended wetland plan on Friday.

- **Pubic Hearing: RDA – Nashua Street/Taft Street**
 - Sean Hale of Ross Associates, representing Cowfield Realty Trust c/o Calvin Moore.
 - RDA includes photographs and maps of the vacant corner lot.
 - CA inspected the site and found no evidence of jurisdictional wetlands.
 - Mr. Hale stated that the soils were clearly not hydric.
 - GB moved to issue a Negative Determination; DB seconded.
 - Motion approved unanimously.

- **Discussion: Enforcement Order – 82 Groton School Road**
 - Mr. Hale stated that the filing of a Notice of Intent (NOI), with wetland restoration plan, is on hold due to billing issues with the client, Brent Routhier.
 - Mr. Hale cannot finalize the NOI until the billing issue is resolved.
 - BD suggested the Commission consult with DEP for recommended actions post-Enforcement Order.
 - BD urged Mr. Hale to tell the client that the next meeting, 11/29/07, is his last opportunity to file the NOI in good faith.

- **Discussion: Willow Road Pumping Station**
 - The amended Order of Conditions (OOC) for the proposed pumping station is ready to go forward.
 - TT forwarded lists of recommended native plantings to CA.
 - CA will ask Willows contractor to send a revised letter stating which plantings will be used to restore affected areas of the wetland and buffer zone. Such letter could pre-empt the need for amending the OOC.

- **Discussion: Routhier Tire Facility, Willow Road**
 - DEP initiated enforcement action on Town's behalf to address serious wetland violations.
 - Commission needs to monitor this site more diligently, with CA assistance.

- **Discussion: Elizabeth Estates Development, Highland Street**
 - Laurie Nehring, resident on Highland Avenue, expressed concerns last meeting about impact to wetlands resulting from site development activities.
 - CA has yet to inspect the site and follow up with DEP (Joe Bellino) if necessary.

- **General Business**
 - Procedure for authorizing invoice payments:
 - Commission will continue to discuss invoices during regular meetings.
 - DB reminded Commission that a standard form and a log book were created to help track payments received.



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- **General Business (cont'd)**
 - Procedure for placing legal ads:
 - Ads can be placed through Planning and Economic Development Office (contact: Sue Provencher)
 - Policy for hiring outside consultants:
 - GB provided copies of MACC's model consultant hiring policy.
 - Procedure for distributing copies of filings to Commissioners:
 - Can be mailed or hand-delivered by CA.
 - Procedure for Notarization
 - Town seal is not required, if document is notarized.

- **Update: Pond Weed Control, Aquatic Control Technology (ACT)**
 - ACT is under contract to provide the following:
 - A report of the weed control activities carried out this year.
 - A public information flyer that the Commission will distribute to pond abutters.

- **Discussion: Dock Licensing (Chapter 91)**
 - So far, CA has received one inquiry from a pond abutter.
 - All potential applicants should at least approach the Commission for informal discussions to determine whether an RDA or NOI is appropriate.

- **Discussion: Superseding OOC – Crabtree Estates, Snake Hill Road (DEP File No. 100-212)**
 - Commission received a fax from DEP re: Crabtree Estates on Snake Hill Rd.
 - It is unclear from the fax if the Superseding OOC has been renewed, or just registered for the first time.

- **Discussion: Lawsuit – Kohler Place Proposed Subdivision, Wright Road**
 - Lawsuit filed by Cowley Realty Trust against Ayer Planning Board et al., for approval of Kohler Place subdivision.
 - Town has asked the affected boards, including Commission, to consider the retention of Kopelman and Paige for legal representation.
 - GB moved to accept (i.e. not reject) retention of Kopelman and Paige; DB seconded.
 - Motion approved unanimously.
 - CA compiled Commission records and forwarded to Town Administrator.
 - Records show proof of properly noticed public hearing for the Kohler Place ANRAD.

- **Update: Patriot Estates – Proposed Filling Along Sandy Pond Road**
 - Ed Cornellier presented a proposal at 10/11/07 meeting to use excess fill from Patriot Estates to regrade his family's property across the road (offsite).
 - Under MEPA regulations, this would require a filing of Notice of Project Change.
 - Mr. Cornellier has decided not to continue.



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- **Other Issues**
 - DB: Office space for CA
 - The flat filing cabinets are slated to be moved tomorrow.
 - GB: Will review MACC guidance on agricultural open space exemptions.
 - GB: Commission should schedule a Public Hearing in December to discuss policy on hiring consultants.
 - GB will forward MACC model policy to Town Administrator and Director of Planning and Development.

- GB moved to adjourn, DB seconded.
 - Approved unanimously

Adjourn (10:20 PM)