



## **Town of Ayer Conservation Commission**

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

Minutes for **11/29/07** – **Approved 12/27/07**

Location: Town Hall

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 (7:10 PM)**

- **Discussion: Implementation of Dock Permit Regulations (Chapter 91)**
  - Commissioners discussed and considered their options relating to implementation of the DEP'S dock licensing regulations (Chapter 91).
  - The DEP license only applies to Great Ponds (Sandy and Long Ponds in Ayer), whereas the Commission's jurisdiction includes all waterways and wetland resource areas.
  - Permanent docks clearly fall under the Notice of Intent (NOI) process, given the inherent impacts to pond/wetland resource areas and the need to consider mitigation.
    - Also, DEP would likely require the applicant to have an Order of Conditions (OOC) from the Commission prior to granting the dock license.
  - The process for handling temporary (i.e. seasonal) docks is not as clear.
    - Request for Determination of Applicability (RDA) applies only to work in the buffer zone; it does not apply to work within the resource area. It also needs to be renewed (reapply) every three years.
    - A Harbormaster appointed by the Board of Selectmen could issue annual permits; however the Harbormaster can only be appointed after a state-approved Resource Management Plan is in place.
      - This option is not likely to be available prior to the permitting deadline.
  - Commissioners agreed that the NOI process seems most applicable and appropriate for dock permitting.
  - BD asked CA to look into MACC guidelines, as well as examples of procedures used by coastal towns.
- **Discussion: Dock Permit on Sandy Pond**
  - Ray Lynds, 25 Wright Road, initiated discussions with DEP and CA to have his family's seasonal dock on Sandy Pond licensed.
    - Mr. Lynds has already obtained the DEP application.
    - The walkway is on pilings, but the dock can be removed.
  - Consistent with the preceding discussion, Commission advised Mr. Lynds to work with CA to submit a NOI application.
- **Discussion: Enforcement Order, 82 Groton School Road**
  - Commission received a NOI application from Brent Routhier, 82 Groton School Road, to address wetland violations and an expired OOC.
  - Commission has worked with Sean Hale of Ross Associates to develop a wetland restoration plan that is included in the application.
  - A public hearing will be scheduled for the 12/13/07 meeting.



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- **Meeting Minutes Approval**
  - Commission unanimously approved, with minor amendments, the meeting minutes from 10/25/07 and 11/08/07.
  
- **Discussion: Orion Park, Westford Road (DEP #100-0292)**
  - Commission received a letter from the proponents of an expansion project at Orion Industrial Park.
  - Letter states that the proponents have reached an agreement with Natural Heritage & Endangered Species Program (NHESP) on a Conservation Restriction (CR) to mitigate impacts to rare species habitat. A copy of the draft CR is attached.
  - Proponents seek OOC from the Commission; however, it is not clear that they have filed an application (NOI) or had a site walk with the Commission.
  - BD will look through his records to see where the process was left.
  - Upon initial inspection, the CR document appears to contain obvious errors.
  
- **Payables**
  - Lowell Sun outstanding balance: \$516.78
  - Administrative mix-up resulted in unpaid dues for June-July 2007.
  - DB moved to approve payment of outstanding balance; GB seconded.
    - Motion approved (Aye 4, Abstain 1).
  
- **Discussion: Fixed Assets**
  - Per memo from Town Accountant, fixed assets under the Conservation Commission include the following:
    - 121.5 acres of Conservation Land, Groton-Harvard Road.
    - 0.4 acre of Conservation Land, Old Sandy Pond Road .
  - BD will follow up on the Pond View (Hicks) CR and turtle habitat mitigation, as well as Sandy Pond 3 (Cook) CR.
  
- **Other Issues**
  - GB: Grove Pond Wells Replacement – Status
    - The first pump test was approved by DEP.
    - Next test is in January.
  - GB: Comprehensive Plan Implementation Committee (CPIC) is undertaking a Town-wide inventory and evaluation of Open Space land for conservation/recreation.
    - The goal is to update the Town's records on Open Space land, and recommend specific strategies to increase the amount of protected Open Space.
  - BD: Fire Department notified the Chair of transformer leak on Westford Road earlier in the week. The transformer contained mineral oil, which is relatively benign.
    - The leak appears to have been handled appropriately.
    - The site is located near the Spectacle Pond aquifer.
  - BD: Fire at Moore Lumber, Main Street



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- DEP emergency response team was onsite during and after the fire at Moore Lumber on Main Street. DEP did not observe any issues of concern regarding impacts to the nearby wetlands.
- DB: Records Audit
  - DB sent an email with attachments for Commissioners to review.
  - While reviewing files in the Commission's office at Town Hall, a citizen asked the Planning Administrator about potential wetlands issues for a project on Shelley Lane.
    - The Planning Administrator did not refer the person to CA.
    - Standard procedure should be to refer wetlands inquiries to the CA.
- DB: Office Key
  - Only the CA has a key at the moment. Can another key be made available to Commissioners?
- CA: 1 Wagon Road, Staples Residence
  - CA visited Staples residence to review the well installation and retaining walls.
  - Everything looks to be in order.
- CA: Nonacoicus Brook
  - Lynne Welsh, DEP coordinator for Devens remediation, responded to a resident's complaint about a sheen on Nonacoicus Brook
    - DEP determined the sheen to be of the natural variety.
    - Also, a cracked manhole cover and sewage stench was reported.
- GB moved to adjourn; seconded by DB.
  - Approved unanimously.

**Adjourn**