

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **09/22/11** – Approved 10/13/2011

Location: Ayer Town Hall, 1st Floor

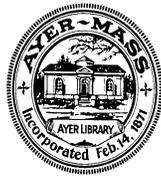
Members present: Bill Daniels (BD, Chair), George Bacon (GB), Takashi Tada (TT), Jessica Gugino (JG, Clerk), Becky DaSilva-Conde (CA, Conservation Administrator)

Not present: Warren Ball (WB)

APAC taped: Yes

7:17 PM – Open Meeting

- **Confirmation of the Agenda**
 - CA removed two Certificate of Compliance items from the agenda.
 - GB moved to approve the agenda as amended; TT 2nd.
 - Motion approved unanimously.
- **Public Meeting: RDA – Ayer DPW, Groton School Road repaving**
 - DPW Superintendent Dan Nason appeared to discuss the proposed work that involves grinding down 2 inches of existing pavement and repaving with a hot mix asphalt.
 - The area of work on Groton School Road runs from Tiny's Restaurant to the Groton town line, amounting to 5060 linear feet.
 - No soil will be disturbed by this work.
 - Mr. Nason said silt wattles or socks will be placed around catchbasins.
 - BD asked that erosion controls also be used to protect a sluiceway near James Brook and another area near the Zodiac housing.
 - DPW is waiting for Mass DOT to approve funding and hopes to do this work this fall; if not, the repaving will take place next spring.
 - GB moved to issue a Negative Determination with conditions as specified above; TT 2nd.
 - Motion approved unanimously.
 - On another matter, BD asked Mr. Nason about his availability in accompanying ConCom on the upcoming Pondview site walk for a COC.
 - The site walk, originally scheduled for 9/24, was rescheduled for either 10/8 or 10/15, due to forecast heavy rains and CA's inability to attend.
 - Mr. Nason said DPW is already aware of problems with two detention basins, one that is functional but not built to design, the other having accessibility issues.
 - BD said the purpose was to have everything clearly understood and agreed upon before Fall Town Meeting when the homeowners/condo associations will be applying for street acceptance.
- **Public Hearing (cont'd): NOI – Phase III, Ridge View Heights, Crabtree Development**
 - CA reported project engineer Steve Mullaney had no issues with the draft OOC.
 - GB moved to issue the OOC; TT 2nd.
 - Motion approved unanimously.
 - GB moved to close the Public Hearing; TT 2nd.
 - Motion approved unanimously
- **Public Meeting: Certificates of Compliance (COC), Pheasant Run (DEP # 100-0259)**
 - Developer Dave Canney, of Canney Brothers, submitted Form 8A requests for COCs on behalf of two homeowners.
 - CA performed site visits and said both lots were seeded and cleaned up.

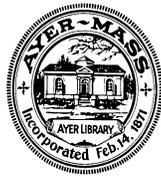


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- Five wild turkeys were observed during the site visit.
- 9 Pheasant Circle (Developer's lot 4; Assessors map lot 50):
 - TT moved to issue a partial COC; GB 2nd.
 - Motion approved unanimously.
- 11 Pheasant Circle (Developer's lot 5; Assessors map lot 51):
 - GB moved to issue a partial COC, excluding a detention basin in the back; TT 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - Minutes for 8/25/11:
 - GB changed the phrase describing BD's role in the Public Meeting on 3 Brilaina Court as "speaking as co-owner with Ms. Malette"; BD had recused himself from ConCom for this purpose.
 - GB moved to approve the minutes for 8/25/11 as amended; TT 2nd.
 - Motion approved unanimously.
 - Minutes for 9/8/11:
 - GB moved to approve the minutes for 9/8/11 as written; TT 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Len-Art Press: \$24.45, for one nameplate for new Commissioner Warren Ball.
 - GB moved to authorize payment of \$24.45; TT 2nd.
 - Motion approved unanimously
 - Tata & Howard: \$1413.32, for Phase III stormwater review for Ridge View Heights/Pingry Hill.
 - The invoice referenced a previous invoice of \$1942.10 and a total-to-date of \$3355.42.
 - It was unclear what other work was being referenced.
 - Authorization of payment was put on hold until a clearer invoice was issued.
- **Discussion: East Main Street spillway board removal.**
 - CA received an email from Fire Chief Pedrazzi on 9/9 informing ConCom that one of the Balch dam boards had been removed after a request from neighbors to lower the Flannagan Pond level to facilitate dock removal.
 - CA contacted Chief Pedrazzi that boards were not to be removed without ConCom authorization.
 - The Town holds an OOC from the state that prohibits board removal for such purpose until after November 1st.
 - BD said he intended to speak with Chief Pedrazzi in person to make clear that this is a state rule, not a ConCom rule.
- **Public Hearing (cont'd): NOI – Kohler Place, Sandy Pond Investment Trust/Oxbow Associates**
 - The final MEPA letter referencing the NOI/WPA has not yet been received.
 - CA also received a phone call from Nick Zavolas of MEPA (Massachusetts Environmental Policy Act).
 - Mr. Zavolas was trying to resolve some questions that arose after Ed Cornelier, of Sandy Pond Investment Trust, contacted him asking whether a new MEPA review was needed for two ANR lots.
 - CA said it is unclear whether Mr. Cornelier may be thinking about developing the two ANR lots along Sandy Pond Road.

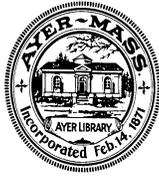


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- On another matter, Mr. Cornelier recently told CA he was ready to produce and install CR signs and asked for information as to where he could get them printed.
 - CA will attempt to ascertain who printed CR signs years ago, but if this cannot be found, Mr. Cornelier will have to find a supplier himself.
- GB moved to continue the Public Hearing to 10/13/11; TT 2nd.
 - Motion approved unanimously.
- **CA Updates**
 - ConCom October Meeting Schedule
 - ConCom's meeting schedule was revised from 10/6 and 10/20 to 10/13 and 10/20.
 - CA will revise the list of dates posted in Town Hall.
 - Stormwater seminar
 - CA attended a seminar sponsored by NRWA that focused on implementing stormwater management and illicit discharge detection.
 - Stormwater issues overlap with wetland issues, making this a very useful seminar.
 - Municipal email accounts
 - CA reminded the Commission that IT has set up municipal email accounts for each commissioner, as well as a new group email address (conservation@ayer.ma.us).
 - BD asked about the storage capacity of ConCom's municipal email account, given this constitutes legal public documentation and some developers send very large design files.
 - CA will check with Town Administrator Robert Pontbriand.
 - Meeting Minutes
 - CA noted that minutes have yet to be received/approved from January 2011.
 - BD asked former commissioner David Bodurtha, in the audience, if he had taken the minutes for those meetings.
 - Mr. Bodurtha said it was possible and that he would check.
 - Stormwater basins for Patriot Estates
 - CA received an email from Jesse Johnson, of David E. Ross Associates, about stormwater basins in Patriot Estates.
 - DPW Superintendent Nason suggested ConCom be contacted as the basins must be inspected before the development applies for roadway acceptance.
 - BD told CA to tell Mr. Johnson a review of the basins is best accomplished by turning in a stamped letter from the engineer along with a request for a COC.
 - The Willows
 - CA drove through The Willows again and continues to see signs of heavily silted sheetflow over the cart path that likely is reaching Bennett's Brook.
 - CA will attempt to meet with Project Manager Kevin Hunt on 9/23 to walk the site, and will also contact Mass DEP for their opinion on an Enforcement Order as well as soliciting DEP involvement with its enforcement.
 - CA also said she has been unable to locate the culvert pipe that has been mentioned in previous discussions, but that the pipe is on the plans.
 - Ridge View Heights/Pingry Hill
 - Mr. Bodurtha brought up that he has similar concerns of silted sheetflow heading toward Bennett's Brook where Hickory Way meets Route 2A.
 - BD said he noticed only a small patch of sand in the road, the consequence of recent heavy downpours, and that it looked like the developer had cleaned it up.
 - Mr. Bodurtha said there were also sections of haybales that were flattened.



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- In addition, sedimentation has built up across the road, at the base of the culvert that opens into the brook.
 - In the past, land ownership has been an issue in terms of authorizing clean-up, but this land is now owned by the Town.
 - CA will contact Rick Roper, of Crabtree Development, about having this cleaned out.

- **Member Updates**
 - JG suggested a possible use for the beaver control funds would be to install a beaver deceiver at Long Pond Dam, alleviating the need for DPW to repeatedly clean this out.
 - JG will contact Mr. Nason to see if the DPW would be interested in this.
 - GB asked if CA has heard back from Lycott regarding the feasibility of hydroraking.
 - CA said no, adding that she had also asked Lycott for written confirmation that next spring they would hold to the treatment price for Flannagan Pond as previously agreed for summer 2011.
 - Treatment for 2011 was cancelled due to excessive flooding from collapsed beaver dams.

- **Public Input**
 - Mr. Bodurtha asked if the Environmental Police has been contacted about the beaver dam destroyed last year near Rosewood.
 - CA said she had contacted them and is awaiting their reply.
 - Mr. Bodurtha asked if ConCom has inspected the trespassing on conservation land by an Oak Ridge Drive resident.
 - CA said she has received confirmation form Police Chief Murray that the resident's personal property has been removed.
 - BD also said it was better if ConCom members did not perform this inspection themselves at this time.
 - Mr. Bodurtha said, according to measurements taken via Google maps, that 41% of the property underneath Flannagan Pond appears to be privately held.

- **9:24 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.