

## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA 01432 \* 978-772-8249 \* 978-772-8208 (fax)  
Minutes for **11/8/12** –Approved 12/6/12

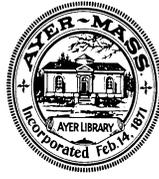
Location: Ayer Town Hall, 1st Floor

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

APAC taped: No

### **7:10 PM – Open Meeting**

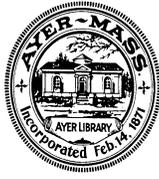
- **Confirmation of Agenda**
  - It was noted that ConCom would need to adjourn around 8:30 in order to meet with FinCom to discuss the FY 2014 budget.
  - GB moved to confirm the agenda; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Meeting Minutes Approval**
  - GB moved to approve the minutes for 10/25/12 as corrected; TT 2<sup>nd</sup>.
    - Motion approved unanimously.
- **CA Updates**
  - Removal of boards at Balch Dam
    - CA confirmed that the boards were removed from the dam by the Fire Dept. after Nov. 1 as requested.
  - Joint meeting with BOS and Pond & Dam Committee
    - Town Administrator Pontbriand suggested the dates of 1/10/13 or 1/24/13 as possibilities.
    - ConCom will respond yes to 1/10 and plan items for discussion at its 12/20/12 meeting.
  - 72 Snake Hill Road chicken coop
    - ConCom issued a Negative Determination of Applicability on 10/11 to the RDA submitted by Peter Hartkopf and Huyen Nguyen.
    - This Determination was issued based on the requirement for the construction of an earthen berm between the chicken coop and the downslope wrought iron fence.
      - Mr. Hartkopf was asked to contact CA for inspection of the berm when completed.
    - Since then Mr. Hartkopf contacted the Board of Health asking whether he really needed to construct the berm.
      - In answer to their query, CA instructed the BOH that without the requirement of the berm, ConCom would not have approved the chicken coop.
- **Member Updates**
  - TT
    - The first fall Pond & Dam Committee meeting was cancelled due to Hurricane Sandy.
  - JG
    - CPC will be meeting to elect a new Chair, to vote on reducing the size of CPC, and to meet with Ed Cornelier (Sandy Pond Investment Trust) about the possibility of an Open Space acquisition of the now-cancelled 'Kohler Place' development.
  - LC
    - Noted earthmoving equipment at the corner of Willow Road and Rte. 2A/110 but was unsure whether there was a permit.
    - CA said she thought that area was under the jurisdiction of the Town of Littleton.



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- **Public Meeting: RDA – Massachusetts Broadband Institute (MBI)**
  - Present were Cornell Robinson, Project Manager; Mike Turgeon, wetland scientist from Jacobs Engineering; Tess Paganelli; and Mike Nolan.
  - MBI, as part of the Mass Broadband 123 project, is laying fiber optic cable across the state in order to establish the basic infrastructure to extend broadband/high-speed Internet access to communities in western and north central Massachusetts.
    - Ayer is the last of the 1200 interconnection points that will link western Massachusetts to Boston.
    - The point of connectivity in Ayer is to be located on the second floor of the Ayer DPW.
    - MBI is scheduled to complete this installation by 6/30/2013; the work for the current proposal wouldn't begin until April 2013.
  - While most of the cable installation will use existing utility poles, MBI needs to install a new conduit along West Main Street – a 60 ft. trench for an underground section – and install 4 new utility poles along a right-of-way leading overland to Brook Street and the DPW.
    - This will involve crossing a small wetland patch that contains previously disturbed riverfront as well as Buffer Zone (BZ) to a Bordering Vegetated Wetland (BVW).
    - MBI states that all work will be done within the right-of-way with no impact to the resource area.
    - MBI knows it will also have to clear this proposed work with NHESP.
  - DPW Superintendent Mark Wetzel, in the audience, reminded MBI that they will also need a permit from the BOS per the Town's pole-set requirement.
  - GB asked if MBI would be planning vegetative management for this area in the future.
    - Mr. Robinson said that the new poles would be the property of MBI and that their repair, as well as any needed vegetative management, would be done by their network operator, Axia.
    - BD said that ConCom would write a condition requiring ConCom notification prior to any vegetative management activity.
  - Given the sensitive area being passed through, LC asked if MBI had explored alternative locations.
    - Mr. Robinson said the system requires 'necessary redundancy' and therefore needs two separate paths into the DPW.
      - This was the area of least impact.
    - Mr. Turgeon said the right-of-way area in question is essentially a mowed cart path.
  - BD said the next question was whether an RDA was suitable for this level of work as opposed to an NOI.
    - ConCom has to apply the same standards to MBI as it does to residents.
      - The NOI process will require a Public Hearing, a site visit, and a continued Hearing to close out the meeting and issue an OOC.
    - Mr. Robinson clarified that the pole-setting alone could be done through an RDA, but that the addition of the trench made it more likely an NOI would be required.
      - BD confirmed this.
    - Mr. Nolan asked if relocating the trench across the street would make a difference.
      - BD said the status of manhole 8A, as within or outside the BZ, needed to be accurately measured to make this determination.
    - MBI could either withdraw its RDA submission or allow ConCom to issue a Positive Determination, which keeps options open.
      - Mr. Robinson elected for the latter course.



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- GB moved to issue a Positive Determination of Applicability; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
    - MBI will seek to have an NOI ready for ConCom's 12/20 meeting.
- **Discussion: Mark Wetzel, DPW Superintendent, Shaker Road culvert**
  - Mr. Wetzel appeared in order to address issues raised by ConCom at its 10/25 meeting.
  - Mr. Wetzel stated that the culvert was not actually removed by DPW over the summer.
    - Instead, DPW dug a channel along the culvert in order to relieve water buildup from beaver activity and prevent flooding of a nearby resident's basement and well.
      - The culvert is still there but underwater and not readily visible.
    - Mr. Wetzel acknowledged that DPW should have notified ConCom of its activity and done an Emergency Filing.
      - However, with CA away on maternity leave, Mr. Wetzel said communication with ConCom had seemed difficult.
    - BD said that if notification was in ConCom's mailbox, then it was ConCom's problem, but such notification needed to be there rather than DPW waiting 2 months to tell ConCom.
    - Mr. Wetzel suggested that a 1-2 hour instructional meeting on wetland issues between CA and DPW would be useful.
  - Regarding the Shaker Road area, Mr. Wetzel said DPW would be submitting a plan for replacing the culvert next summer.
    - BD asked that Mr. Wetzel verify the stabilization of the slopes to the culvert meanwhile.
    - After culvert replacement, Mr. Wetzel recommended the use of a beaver deceiver.
    - BD said ConCom has funds for beaver control that could be used to this end.
      - Mr. Wetzel added that another area that could benefit from a beaver deceiver was in the Rosewood Avenue area.
  - Mr. Wetzel asked about trapping beaver.
    - BD said it was better to spend money on controlling beaver activity (i.e. through a deceiver) rather than trying to control the beaver population.
  - Mr. Wetzel asked about filing for a 3-year general permit from ConCom for regular DPW maintenance activity (such as brush-clearing, paving, catchbasin repair, and culvert maintenance).
    - A general permit would allow DPW to avoid having to file an NOI for every project.
    - BD said such a permit would need to be limited to specific areas and specific projects.
      - Such a permit would also need to clearly define the Best Management Practices (BMP) to be used and include notification of CA/ConCom when work is done – even if such notification sits in ConCom's mailbox for several days, BD added.
      - To avoid future problems, JG asked that notification emails from DPW be addressed to ConCom as a whole (via [conservation@ayer.ma.us](mailto:conservation@ayer.ma.us)), not just CA.
      - BD agreed that this should be included as part of the BMP of a general permit.
    - BD said that while a general permit could be issued for 3-year periods, ConCom would also require, after each yearly budget, a list of projects planned each year by DPW.
      - This would allow ConCom to review and comment on the list, ask for more information, or in the case of a project determined to be more major, require the filing of an NOI for that project.
  - **8:38 PM – Adjourn Meeting**
    - GB moved to adjourn; TT 2<sup>nd</sup>.
      - Motion approved unanimously.