



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)
Minutes for **10/25/07** – **Approved 11/29/07**

Location: Town Hall

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

Not present: Susan Tordella-Williams (ST)

APAC taped: Yes

Start (7:00 PM)

- **Payables**
 - Lowell Sun advertisements (unspecified) in amount of \$849.60.
 - CA will call to get specifics of the invoice.
 - GB moved to defer discussion until further information is provided; TT seconded.
 - Motion approved unanimously.
- **Public Meeting: Request for Determination of Applicability (RDA) – 147 Oak Ridge Drive**
 - Marc Stiles of Sandcastle Group, representative for applicant Lois Anne Proctor, presented plans to add two sunrooms to the existing single-family home.
 - Work will require installation of 15 sonotube foundations, 9 of which will be located within 100' of the resource area (Flannagan Pond).
 - Sonotubes will be dug by hand; staked hay bales/silt fence have been installed.
 - GB moved to issue a Negative determination; DB seconded.
 - Motion approved unanimously.
- **Discussion: Office Relocation & Budget Issues**
 - This year's projected Commission budget surplus is \$2,641.70.
 - Per Lisa Gabree, Town Accountant, surplus can be applied to the purchase of new desk for CA, via a transfer from 'salary' line item to 'office supplies' line item.
 - DB moved to authorize BD to draft a memo to Ms. Gabree requesting transfer of +/- \$630.00 (exact desk cost TBD) to the applicable budget line item; GB seconded.
 - Motion approved unanimously.
 - BD to draft a memo for Commission review prior to sending to Ms. Gabree.
- **Public Meeting: RDA – 80 Sandy Pond Road**
 - RDA filing from Ms. Betty Harrison, for abandonment of old septic tank behind her (former) home, in order to close the sale with new homeowner.
 - Work has been completed.
 - Septic was located within 100' of resource area (Sandy Pond), within mapped Priority Habitat for endangered species, and in the Petapawag Area of Critical Environmental Concern (ACEC).
 - BD confirmed with Priority Habitat and ACEC Coordinators that a Notice of Intent (NOI) filing was not required.
 - GB moved to issue a Negative determination; DB seconded.
 - Motion approved unanimously.



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- **Discussion: RDA – Ayer Fire Station**
 - The RDA was not advertised in advance of tonight's meeting; therefore Commission cannot act (vote) on the request.
 - CA will review the filing and make arrangements to advertise for 11/08/07 meeting.

- **Citizen Issue: Elizabeth Estates Development**
 - Laurie Nehring, resident on Highland Avenue, expressed concerns about impact to wetlands resulting from site development activities.
 - It appears the construction access road is blocking a wetland drainage channel; no culvert is visible.
 - Department of Environmental Protection (DEP) is the jurisdictional authority for this project.
 - DEP's Superseding Order of Conditions from specifies an open bottom culvert to facilitate the movement of water and wildlife.
 - Significant re-grading of the site is permitted under the Superseding Order.
 - CA will inspect the site and follow up with DEP (Joe Bellino) if necessary.

- **Discussion: Mass. Assoc. of Conservation Commissions (MACC) Memberships**
 - Commission received MACC Annual Dues Notice, dated 07/01/07, in amount of \$174.00.
 - Need to update roster: replace Patrick Hughes with DL as Associate Member (same amount); add CA as Staff (additional \$40.00).
 - New total due: \$214.00.
 - GB moved to approve payment of MACC annual dues; DB seconded.
 - Motion approved unanimously.

- **Update: NOI – FMC Corp. Remediation Project, Bishop Road**
 - TT will request copies of state/federal permits prior to preparing Draft OOC for review.

- **Update: Amended OOC – Willow Road Pumping Station**
 - The designated work area has been enclosed with staked hay bales.
 - TT will forward information to CA re: native tree/shrub species for wetland restoration.
 - BD will forward contact information of project manager.

- **Update: Ayer DPW – Grove Pond Replacement Wells**
 - GB will contact Mike Madigan, DPW Superintendent, for status report.

- **Update: 82 Groton School Road**
 - BD will contact Sean Hale at Ross Associates for update on forthcoming NOI.

- **Update: Superseding OOC – Snake Hill Road**
 - Hay bales are in place and site work is underway.
 - Developer filed separate plans for each house (23 in all).



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- **Memo from MassDevelopment re: Construction of Evergreen Solar Facility**
 - Commission received copy of Notice of Remedial Action Memorandum (RAM) Implementation Plan, to remediate contaminated soil.
 - Contamination is from an old underground storage tank encountered during construction.

- **General Public Notice from National Grid re: Swamp Timber Mats**
 - US Army Corps of Engineers issued a memo stating its approval of National Grid's request to use swamp timber mats at various project sites throughout the country.
 - CA will ask National Grid if any sites are in Ayer.

- **Memo from Montachusett Regional Planning Commission re: Public Meeting**
 - MRPC is holding a public meeting to discuss possible brownfield sites.

- **Memo from Division of Conservation and Recreation re: Updated Flood Hazard Mapping**
 - DCR is holding a meeting to discuss preliminary Flood Insurance Rate Map (FIRM) updates.

- **Comprehensive Plan Implementation Committee Announcement**
 - CPIC is planning a workshop to gather public input on open space/conservation planning.
 - Saturday, November 17 at the Public Library.

- **Litigation re: Kohler Place Proposed Subdivision**
 - Cowley Trust v. Ayer Planning Board et al., for improperly approving plans for the Kohler Place public road across a private easement held by Cowley Trust.
 - Commission is named as a co-defendant in the suit, for alleged failure to properly notify the Cowleys of the Public Hearing for Kohler Place (Ed Cornellier) Order of Resource Area Delineation, held in 2005.
 - DB will check the old minutes for any record of discussion/action re: Kohler Place.
 - CA to pull together the file, including copies of Certified Mailing receipts and legal ads.

- **Letter from Town Counsel re: Chapter 91 Permitting (Dock Licenses)**
 - Town Counsel provided its legal interpretation of the Public Waterfront Act (Ch. 91) regulations for licensing of docks on Great Ponds.
 - “Bottom-anchored” structures are temporary and therefore only require an annual, renewable permit from the (yet to be appointed) Town Harbormaster.
 - Requires completion of a DEP-approved Resource Management Plan for the Great Ponds in Ayer (Sandy and Long Ponds).
 - “Pile-anchored” structures are permanent and thus require a license from DEP.

- **Meeting Minutes Approval**
 - GB moved to approve, with minor amendments, meeting minutes from 10/11/07; DB seconded.
 - Motion approved unanimously.



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- **CA Field Equipment**
 - CA should have ready access to the following field equipment: 100' tape measure, digital camera, soil auger, Munsell soil reference, notebooks.
 - There is a Munsell soil reference in the office.
 - CA will look into prices of the above items.

- **CA Hours & Duties**
 - BD: Near-term priorities are the Conservation Toolkit, a spreadsheet to track permits, and follow-up letters to permittees with expiring/expired permits.
 - Development of recommended guidelines such as “no touch areas” is also important.
 - CA has worked extra hours to keep the office in order; hours are being tracked weekly under supervision of Chris Ryan, Director of Planning and Development.
 - GB moved to authorize CA to work up to 20 extra hours on the Conservation Toolkit; TT seconded.
 - Motion approved unanimously.

- **Other Issues**
 - DB: Standard procedure for processing filing fee checks – DB developed a form in conjunction with Town Treasurer (D. Callahan) to go along with each check.
 - DB will provide a copy of the form to CA.
 - DB: MBCR Culvert Replacement Project – Request for Certificate of Compliance (COC)
 - DB asked CA to contact Littleton ConCom for copy of their COC.
 - DB: Request for COC from San-Vel
 - CA contacted San-Vel attorney for more background information.
 - GB: Status of Pond Lowering
 - BD will contact Fire Chief and DEP to get this done in time to be effective.
 - GB: Consultant Bylaw – MACC has developed a model bylaw that would allow Commissions to require applicants to pay for consultants. Currently the Commission must get approval from Board of Selectmen to ask the applicant to pay.
 - CA: Conducted site walk at Nashoba Valley Medical Center with the wetland scientist from GPR (Matt Long).
 - One of the intermittent streams shown on original plan does not exist.
 - Revised plan will show two streams, not three.
 - Will schedule another site walk for Commissioners.

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

Adjourn (10:00 PM)