



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)
Minutes for **01/10/08** – **Approved 01/24/08**

Location: Town Hall

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

Not present: Susan Tordella-Williams (ST), Denis Luken (DL, Associate Member)

APAC taped: No

Start (7:00 PM)

- **Payables**

- Lowell Sun invoice for legal ads (various): \$205.70
- GB moved to approve payment of invoice; TT seconded.
 - Motion approved unanimously.
- Lowell Sun invoice for legal ad (Nashoba Medical Center): \$30.60
- DB moved to approve payment of invoice; GB seconded.
 - Motion approved unanimously.

- **Mail**

- Received copy of the final Conservation Restriction for Pondview Estates (Hicks).
 - Commissioners will review before endorsing.

- **Public Hearing: Notice of Intent (NOI) for 82 Groton School Road**

- Sean Hale of Ross Associates, representing homeowner Brent Routhier.
- Mr. Hale and BD provided a brief history of the project for abutters in attendance.
 - Wetlands violations and an expired Order of Conditions (OOC) prompted Commission to issue an Enforcement Order to Mr. Routhier.
- The NOI is for completion of landscaping and driveway around Mr. Routhier's home, plus wetlands restoration and replication to mitigate illegal filling of wetlands.
 - The filled wetlands will be restored to their pre-existing grade and planted with appropriate native wetland vegetation.
 - An additional wetland replication area will be added, to compensate for the retaining wall that is impractical to remove. Ratio of replication to impact is 1:1.
- Abutters expressed concerns about potential flooding and effects of this project on their ability to obtain a Certificate of Compliance (COC) for unrelated work on their own properties.
 - Flood storage capacity along the brook will be enhanced by the wetland restoration and replication area.
 - Project will not affect their ability to obtain a COC.
- BD suggested specifying a schedule for completion of the work.
 - Seeding of wetland areas is best done in the fall season, therefore the deadline should allow for fall planting, with follow-up spring monitoring of wetland vegetation.
 - Suggested schedule:
 - Hay bales in place by 05/01/08
 - Commence work by 06/01/08



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- Complete work, including wetland seeding, by 11/01/08.
- Wetland vegetation inspection by 05/01/09.
- GB moved to approve the NOI application; DB seconded.
 - Motion approved unanimously.
- CA will prepare the draft OOC for review.
- GB moved to continue hearing to 01/24/08; DB seconded.
 - Motion approved unanimously.
- **Public Hearing: NOI for Central Ave. Pumping Station, Ayer DPW**
 - Mike Madigan of Ayer DPW and Paula Boyle of Hoyle, Tanner & Associates.
 - NOI application is for upgrades to the pumping station, parking area, and driveway.
 - Includes removal of old underground fuel storage tank, stabilization of embankment to Flannagan Pond, and installation of security fencing.
 - Ms. Boyle will correct minor errors on the plan and application form and provide to CA.
 - CA will prepare draft OOC for review.
 - GB moved to continue hearing to 01/24/08; TT seconded.
 - Motion approved unanimously.
- **Discussion: Policies/Procedures for 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 (i.e. pile anchored) 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. Letter from Town Counsel supports this opinion.
 - 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. bottom anchored) docks is not as clear-cut. The two options appear to be:
 1. The applicant files a Request for Determination of Applicability (RDA) with, and receives a Negative Determination from, the Commission. If located on Sandy Pond or Long Pond, the applicant then applies for a license from DEP.OR,
 2. The BOS appoints a Town Harbormaster and the pond residents complete a Resource Management Plan, which then allows applicants to request annual dock permits from the Harbormaster.
 - Option 1 can be implemented now; Option 2 is not possible at this time and is not likely to be available in the foreseeable future.
 - Commissioners agreed that permanent docks shall be handled under the NOI process, while temporary docks can get by with an RDA unless mitigation is required (mitigation→NOI).
- **Discussion: Stormwater Policy**



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- DB and Selectman Frank Maxant provided an update on how the DEP's revised Stormwater Policies affect the town.
- The Town needs to do three things to comply with the new regulations:
 1. Adopt a Phase II Stormwater Bylaw, for projects that meet DEP thresholds for volume of fill and/or square footage.
 2. Adopt an Illicit Discharge Bylaw, to address violations. DPW is in the process of mapping all of the town's stormdrain outflows.
 3. Adopt regulations to implement and enforce the Bylaws.
- DPW will put the Bylaws before Town Meeting, using Townsend's Bylaws as a model.
- DPW prefers that the responsibility of enforcing the Bylaws rest with Planning Board, with the Town's Building Inspector and Conservation Administrator acting as agents.
 - This would require approval of additional hours for the CA.
- DPW is planning a public informational meeting prior to ATM warrant deadline.

- **Discussion: Pond Weed Control**
 - Review of year-end invoice and report from Aquatic Control Technology Inc. (ACT).
 - Work items not completed include buoy placement and beach treatment at Sandy Pond (completed separately), and preparation of educational flyer for property owners abutting the ponds in town.
 - Amount paid to date: \$49,689.50.
 - Amount due: need to verify this amount.

- **Other Issues**
 - GB: DEP stormwater requirements are now included under the Wetlands Protection Act.
 - GB: Drafting of OOC for 82 Groton School Rd. and Central Ave. Pumping Station.
 - CA will prepare draft OOC's for review.
 - TT: Will forward draft Special Conditions for FMC Corp. remediation project, 8 Bishop Rd.
 - For Commission review and comments.
 - Will also forward copies of DEP and Corps of Engineers permits for reference.
 - DB: COC for individual lots, in the case of a subdivision where the permit is for all lots or a subset of lots.
 - Issuing COC individually seems to make sense, if the homeowner has an interest in selling their house.

- GB moved to adjourn; seconded by TT.
 - Approved unanimously.

Adjourn (9:40 PM)