

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **2/26/2015** – Approved 3/12/2015

Location: Ayer Town Hall, 1st Floor

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

Not present: Vacancy: CA, Conservation Administrator

APAC taped: Yes

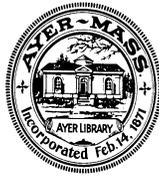
7:08 PM – Open Meeting

- **Confirmation of Agenda**
 - GB moved to confirm the agenda as amended; TT 2nd.
 - Motion approved unanimously.

- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 2/12/15 as written; TT 2nd.
 - Motion approved unanimously.

- **Public Hearing (new): Notice of Intent (NOI), 141 Snake Hill Road, Christopher Valentine, MassDEP # 100-0381**
 - Chris and Megan Valentine, as well as Matt Waterman, Senior Project Engineer at LandTech Consultants, of Westford, were present.
 - Mr. Waterman said the his company erred in not sending out the abutter notification and requested that ConCom open and then continue the Public Hearing to 3/12/15.
 - JG will run another legal notice in *The Public Spirit* on 3/6.
 - TT told Mr. Waterman to make sure that abutters are in receipt of notification 7 calendar days prior to 3/12.
 - LC asked for detail as to what distance the planned work will from the wetlands.
 - Mr. Waterman said approximately 25 ft.
 - LC said the limited project was therefore not exempt under MassDEP's recent revisions.
 - Related to LC's question, BD asked that Building Inspector Gabe Vellante be informed of the MassDEP revisions that recently went into effect (12/14 or 1/15) so that he can appropriately advise applicants for building permits whether they need to appear before ConCom.
 - BD suggested as a rule that consultants who were 100% sure their client did not need to file could probably be scheduled for a simple discussion on ConCom's agenda.
 - If consultants or direct applicants were not sure, then the best course would be for them to file a Request for Determination of Applicability (RDA).
 - GB moved to continue the Public Hearing to 3/12/15; TT 2nd.
 - Motion approved unanimously.
 - BD explained the NOI review process to Mr. Valentine, underscoring that Ayer ConCom performs a site visit for every NOI application.
 - Because of the amount of snow, ConCom would not be able to sufficiently observe ground conditions and wetland flagging until after the bulk of the snow has melted.
 - After the Public Hearing on 3/12, ConCom will continue the Public Hearing on a meeting-by-meeting basis until such time as conditions allow for a site visit.

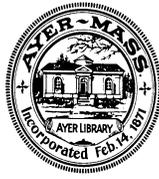
- **Discussion: Pingry Hill development, follow-up on outstanding violations to OOCs**
 - There was nothing new to report on the receipt of new signed affidavits.



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- On the matter of several Requests for Certificates of Compliance (COC), from developer Rick Roper, of Crabtree Development, that were turned down in the fall, BD asked that 4 of them be put on ConCom's spring agendas.
 - On 4/23/15, ConCom will review and assess the COC requests for 32 Deer Run, Lot 88 (DEP # 100-0263) and 37 Hemlock Drive, Lot 62 (DEP # 100-0355).
 - On 5/14/15, ConCom will review and assess the COC requests for 45 Partridge Run, Lot 35 (DEP # 100-0268) and 272 Old Farm Way, Lot 50A (DEP # 100-0349).
- **Discussion (cont'd.): MassDEP Wetland Regulations revisions**
 - LC continued her presentation, focusing on the use of wildlife habitat evaluations by ConComs.
 - In the past, habitat evaluations were not often used by ConComs because of the lack of clear criteria.
 - MassDEP revisions now incorporate detailed thresholds for triggering a Commission's ability to request a wildlife habitat evaluation from a project applicant.
 - An example of a threshold would be if 10% or 50 ft. of a bank, whichever is less, was being altered.
 - Under the new revisions, Commissions can now also require replication, either onsite or offsite.
 - LC said this revision gives Commissions more leeway, although she added that many evaluations would conclude 'no adverse effect'.
 - BD and LC concurred that cost to a private homeowner of hiring a wetland consultant to perform such an evaluation would likely be in the \$600-800 range.
 - LC added that an average project proposed by an individual homeowner would likely not trigger such an evaluation.
- **Discussion: Conservation Administrator Job Posting**
 - ConCom members reviewed and edited a detailed job description for the CA vacancy.
 - BD added a phrase identifying the position as a union position without benefits.
 - TT asked that the description include that the CA will be responsible for supporting the Commission's management of conservation land (e.g. collaborating with the Greenway Committee on occasion).
 - Since the CA position requires someone physically capable of inspecting project sites, including walking in rough conditions through as-yet undeveloped terrain, ConCom members decided the proper wording for this would be best left to the judgment of Town Administrator Robert Pontbriand.
 - A shorter version of the posting was also reviewed and edited.
 - BD asked JG to give both versions to Mr. Pontbriand, and ask that the longer version be used for the internal posting as well as to sites such as the MMA (Massachusetts Municipal Association).
 - Once approved, the shorter version can be used for the MACC (Mass. Association of Conservation Commissions) website, possibly with a link to the longer version on the Town's webpage, once the internal posting period has concluded.
- **Office Updates**
 - Willows Appeal
 - Copies of the appeal to the Amended NOI for The Willows (DEP # 100-0288), filed by Duncan Brown and Sheila Schwabe, were circulated.
 - Zoning Board of Appeals review for 3/18 Public Hearing



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- A ZBA appeal for a variance by Chris Hill, 7 Mountain View Avenue, for a tear-down and rebuild, was reviewed.
 - The property is outside of the buffer zone but uphill from Sandy Pond.
- Other than asking that erosion controls be placed on the western/downhill side of the project, ConCom had no comments.
- Nashua Street Extension Appeal/Adjudicatory Hearing
 - Copies of MassDEP's Pre-Hearing Statement were circulated for review.
- Geosyntec/Comprehensive Pond Survey
 - JG spoke with Bob Hartzel, of Geosyntec, on 2/25, following up on a 2/13 email to Mr. Hartzel, about ConCom's request for more detailed information before signing off on a recent invoice.
 - Mr. Hartzel said he hoped to have an interim report on watershed reconnaissance and improvement recommendations ready for tonight's meeting.
 - As of earlier in the afternoon, JG said nothing had yet been received.
- Wendys
 - JG spoke to Tony Donato, of Bohler Engineering, on 2/25.
 - Mr. Donato hopes to have an NOI application ready for ConCom's 3/26 meeting.
 - JG indicated to Mr. Bohler that ConCom would likely invoke the Town's outside consultant bylaw because of the parcel's being partly in an ACEC, having a steep grade to wetlands, and pre-existing point-source discharge pipes.
 - JG also asked for copies of the Stormwater Management Report and Operations & Maintenance plan for ConCom and DPW review.
- **Committee Updates**
 - Community Preservation Committee
 - JG said CPC will hold a Public Hearing on 3/4/15 to review an application for funding the restoration of old photos by the Fire Department.
 - Stormwater Committee
 - LC said the Board of Selectmen voted on 2/24 to not approve stormwater utility fees at this point.
 - A revision to the permit will be coming out and LC said the committee would revisit the issue again after that.
 - Greenway Committee
 - GB received an email from Al Futterman, of Nashua River Watershed Association, asking for input on designating two trails in Ayer suitable for their "Heart Healthy Trails" program (1.5 miles or less).
 - GB responded that after the snow melts, some Greenway Committee members will walk the trails and come up with some suggestions that met NRWA's criteria.
 - Open Space & Recreation Plan Committee
 - JG said a second Public Meeting will be held on 3/5, led by students from the Conway School of Landscape Design.
 - BD noted that Beth Suedmeyer, Chair of the OSRP Committee, has requested time on ConCom's 3/12 agenda.
- **8:50 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.