

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **8/27/2015** – Approved 9/24/2015

Location: Ayer Town Hall, 1st Floor

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

Not present: Vacancy: CA, Conservation Administrator; Member

APAC taped: Yes (delayed start to taping missed the first ten minutes of meeting)

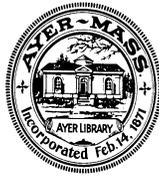
7:05 PM – Open Meeting

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

- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 8/13/2015 as written; TT 2nd.
 - Motion approved unanimously.
 - GB moved to accept the minutes for 8/20/2015 as written; TT 2nd.
 - Motion approved unanimously.

- **Accounts Payable**
 - Geosyntec: \$20,850.50, for continuation of work to date on comprehensive pond study.
 - This invoice brings the total charged to the Town of \$66,477.73, 80% of the total expected cost of \$83,000.
 - GB moved to approve payment of \$20,850.50; TT 2nd.
 - Motion approved unanimously.
 - Sun Newspaper: \$59.07, legal ad for Gun Club NOI (#100-0385)
 - A check for reimbursement of the cost of the ad has been received.
 - GB moved to approve payment of \$59.07; TT 2nd.
 - Motion approved unanimously.

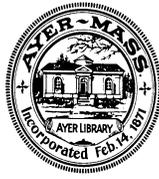
- **Public Meeting: RDA – 53 Shirley Street, Sheila Slarskey**
 - Ms. Slarskey appeared before ConCom with an RDA for a proposed new connection from her house to the National Grid gas line on the street.
 - A check for reimbursement of the cost of the legal ad has been received.
 - Because Ms. Slarskey's house abuts Nonacoicus Brook, National Grid advised her that she needed permission from the Commission.
 - A plot plan showing the proposed pathway for the pipe was signed by Kathy Barrett, of National Grid.
 - The pipe will run from the side of the house furthest from the brook, out to the street.
 - BD said the primary consideration was preventing temporarily loose soils from washing into the brook.
 - BD said ConCom would issue a Negative Determination of Applicability with 2 conditions:
 - National Grid must use a line of haybales or wattles, running from the corner of the house to the end-point of disturbance on the street, and placed on the downhill (brook) side of the trench.



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- National Grid must store any temporarily displaced soils on the uphill side of the trench, away from the brook.
 - BD advised Ms. Slarskey that she should ask National Grid for confirmation of their Dig Safe number prior to their starting work.
 - GB moved to issue a Negative Determination with two Special Conditions; TT 2nd.
 - Motion approved unanimously and the DOA signed.
 - Ms. Slarskey will pick up the final DOA in person at the office on the following morning (8/28).
- **Discussion: Jeff Thomas, Supervisor, Parks & Recreation**
 - Mr. Thomas stopped by for an unscheduled discussion.
 - Per an earlier email (8/24), Mr. Thomas asked ConCom if an alteration to a previously-approved Eagle Scout project was acceptable.
 - The fence being constructed along the shore of Grove Pond, in Pirone Park, by Eagle Scout Jeff Blood was originally intended to be 2 ft. high.
 - On behalf of Jeff Blood, Mr. Thomas asked if a height of 3 ft. 6 in. was instead acceptable.
 - BD said ConCom did not have any problem with this alteration.
 - In addition, ConCom members took the opportunity to schedule a site walk with Mr. Thomas at Pirone Park on 9/19, at 9 a.m., to discuss future plans for the park.
- **Public Hearing (cont'd.): NOI – 255 Snake Hill Road, Ayer Gun & Sportsmen's Club (MassDEP # 100-0385)**
 - Proposed 322 sq. ft. building expansion and relocation of existing deck.
 - The OOC has been signed and issued to the Gun Club.
 - BD read into the record the email response received by Town Assessor Tom Hogan from John J. Goldrosen, Esq., of Kopelman and Paige, Town Counsel, earlier in August.
 - Mr. Goldrosen's response is attached to these minutes.
 - Mr. Hogan solicited an opinion from Town Counsel regarding proper abutter notification requirements after resident John Cadigan approached him on 7/24 asking why Autumn Ridge was not included on the certified list of abutters issued to the Gun Club.
 - Mr. Cadigan raised the same question at ConCom's Public Hearing on 7/23.
 - Autumn Ridge abuts one of the several parcels owned by the Gun Club.
 - Autumn Ridge does not abut the parcel where the building, and its proposed expansion, are located, a significant distance away.
 - BD paid particular attention to Mr. Goldrosen's citing of M.G.L. 310 CMR 10.05 (4) (a) which says that an applicant with a lot (an area of land in one ownership) greater than 50 acres "is required to provide notification only to Abutters whose Lot is within one hundred feet from the Project Site."
 - BD said therefore that based on this opinion, and ConCom's assessment that the Gun Club owns property greater than 50 acres, there was no legal requirement for Autumn Ridge to have received abutter notification.
 - BD asked that Town Counsel's response be appended to these minutes and that a copy be included in the Gun Club's NOI file.
 - GB moved to close the Public Hearing for 100-0385; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Violation Notice – 6 Wright Road**



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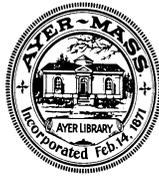
- Re: Unpermitted earthwork within buffer zone to wetlands.
- BD signed the Violation Notice on 8/20 and JG mailed it out certified, return receipt requested, on 8/21.
 - To date, the green card indicating receipt of the Violation Notice has not been received.
- The Violation Notice requested the homeowner's presence at either this meeting or 9/10.

- **Interview: Conservation Commissioner Vacancy**
 - Bonnie Tillotson was interviewed and expressed her strong interest in joining ConCom's ranks.
 - Even after the interview, Ms. Tillotson continued to express this interest!
 - ConCom will put Ms. Tillotson's name before the Board of Selectmen for appointment at their next meeting on Tuesday, 9/1.

- **Discussion: Conservation Administrator Vacancy**
 - ConCom interviewed Brian Colleran on 8/13/15, and David Pickart on 8/20/15.
 - Earlier in the week, BD confirmed via phone call some of Mr. Colleran's references.
 - GB moved to offer the position of CA to Brian Colleran.
 - If Mr. Colleran declines the offer, ConCom members authorized BD to offer Mr. Pickart the position provided his references check out.
 - TT 2nd the motion.
 - Motion approved unanimously.
 - BD was able to reach Mr. Colleran by phone and Mr. Colleran accepted the job offer.
 - JG will ask to have Mr. Colleran's position approved and appointed by the Board of Selectmen on 9/1/15.

- **Requests for Comments**
 - Zoning Board of Appeals
 - The ZBA has been asked to approve a variance for a front yard of less than 35 ft., in Pingry Hill, on Apple Blossom at Holly Ridge.
 - BD signed the form indicating that ConCom has no issues with this request.
 - Planning Board
 - PB has requested comments for an application from Calco (22 West Main) regarding an expansion of storage project at 215 West Main.
 - The attached plan by Goldsmith, Prest & Ringwall (GPR) appeared to be 10 years old.
 - A note indicated wetlands were flagged in 2013 but BD noted that neither the existing conditions plan nor the wetland flagging were stamped.
 - The information provided did not indicate what would be done with additional stormwater coming off the parking lot.
 - It was also noted that the Limit of Work was marked right up to the edge of floodplain.
 - BD checked the box indicating ConCom disapproved and that the Commission would be looking for an RDA to review the applicant's information.

- **Office Updates**
 - Catania Spagna
 - An email from DPW Superintendent Mark Wetzel indicated he had visited the site and observed the discarded tank in the field that ConCom had inquired about.



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- Both the top and the bottom of the tank were previously removed and there is therefore no fluid storage in the tank.
- Nashua River Watershed Association
 - Al Futterman, of NRWA, will be on ConCom's 9/24 agenda to discuss a project involving the Nashua River watershed, some locations of which are in Ayer.
- DPW proposed canoe launch on Nashua River
 - JG circulated a copy of a plan for a canoe launch that was given to members of the Open Space & Recreation Plan Update Committee.
 - The riverfront area in question for the proposed work, especially with the plan suggesting grading work, would need to be reviewed by ConCom.
 - BD will email Mr. Wetzel about this.
- House at corner of Wright Road and Calvin Street
 - BD will also contact Mr. Wetzel to say that ConCom should have been notified prior to work to tie this house in to Town sewer took place.
- Kohler Place
 - Tree-clearing is in process.
- **Member Updates**
 - GB asked that ConCom consider formalizing its relationship with former Commissioner Lee Curtis, who had asked to be recognized as an Associate Member.
 - GB moved to offer Ms. Curtis an Associate Membership for a term of 1 year; TT 2nd.
 - Motion approved unanimously.
- **9:30 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.