



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA01432 \* 978-772-8218 \* 978-772-3017(fax)

Minutes for **02/28/08** – **Approved 03/13/08**

Location: Town Hall (Great 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)

APAC taped: Yes

### **Start (7:00 PM)**

- **Meeting Minutes Approval**

- GB moved to approve the Minutes from 01/24/08, as written; DB 2<sup>nd</sup>.
  - Motion approved unanimously.
- DB moved to approve the Minutes from 02/14/08, with minor amendments; GB 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Announcements**

- Ayer DPW will be holding a public hearing to discuss the proposed Stormwater Bylaws update.
  - Thursday, March 20 at 7:00 PM.
- Commission received a copy of the 2007 Annual Report of Central Massachusetts Mosquito Control program.

- **Discussion: Autumn Ridge Conservation Restriction**

- Sovereign Bank is foreclosing on Autumn Ridge, the 55+ housing development located on Groton Harvard Road, across from Nashoba Valley Medical Center.
  - The property is slated for auction on March 11, 2008.
- The project includes Conservation Restrictions on portions of the land, including the Smith Conservation Land held by the Commission.
- Steve Smith indicated by letter that the Smith family wants to ensure the CR's remain in place in perpetuity.
- Mr. Smith also acknowledged certain compliance issues vis-à-vis the Order of Conditions issued by Commission. The project is not in compliance with the following:
  - Creation and maintenance of turtle nesting habitat near the stormwater basin (required by NHESP) has not been implemented.
  - Wetland replication area has not been completed.
  - Dirt piles and other materials are being improperly stored onsite.
  - The DEP file number is not prominently posted onsite.
- Commission discussed how to ensure compliance with the OOC despite change in ownership. An Enforcement Order appears to be the best course of action.
- BD will draft an Enforcement Order for Mr. Smith and/or Sovereign Bank, to be issued prior to the 03/11/08 auction.

- **Discussion: Policies/Procedures for Dock Permits (Chapter 91)**

- CA drafted and sent an information letter for Commission review/comment.



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- The letter will be sent to Ayer residents, explaining their responsibilities under Ch. 91 and clarifying the Commission's policies/procedures for implementation and enforcement.
  - Commission to submit comments to CA by 03/11/08.
  - CA hopes to mail out the letters on 03/14/08.
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- **Discussion: Pond Weed Control**
    - BD is awaiting reply from Aquatic Control Technology Inc. (ACT) regarding year-end invoice, report, and educational flyer.
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- **Discussion: Pondview Estates Conservation Restriction (CR)**
    - Paul Alphen, attorney for Robert M. Hicks, Inc., submitted a letter in response to Commission's comments re: the CR document. A copy of the recorded deed was attached.
    - The letter fails to address the following issues:
      - Turtle nesting habitat – no information provided.
      - Homeowners Association – no organization details provided.
      - Map of the CR, as recorded – not provided.
    - The deed assigns ownership of the OOC and responsibilities under the CR to Robert M. Hicks, Inc., Trustee.
    - DB suggested inviting Mr. Alphen to a meeting to address the outstanding issues in person.
    - BD will draft a letter to Mr. Alphen and request further written response to the issues.
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- **Discussion: Ayer Stormwater Policy Update**
    - Ayer DPW will be holding a public hearing to discuss the proposed Stormwater Bylaws update.
      - Thursday, March 20 at 7:00 PM. DPW is planning a Public Meeting prior to Annual Town Meeting.
      - Item should be added to calendar on Town webpage.
    - Planning Board has approved of the new policies.
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- **Other Issues**
    - TT: Draft Special Conditions for FMC Corp. remediation project, 8 Bishop Rd.
      - Commissioners to send comments on draft conditions to TT by 03/11/08.
    - DB: NOI for Pond Weed Control
      - When does the permit expire?
      - CA will look up the expiration date.
    - DB: Office files organization
      - DB and CA consolidated and moved all old files to the new office.
      - Next step is to organize files by street address and DEP File #, then enter into an Excel spreadsheet.
      - J. Berube in Chris Ryan's office may be able to assist in some capacity.
      - File cabinets are not lockable.
    - DB: Commission should begin prioritizing springtime site inspections.



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- P. Hughes: Asked about house on Pheasant Lane, which was sold with an open OOC that included wetland replication.
  - CA will go by for a look, weather and time permitting.
- P. Hughes: Sandy Pond 3 housing development has begun selling homes, but the Conservation Restriction has not been finalized.
- P. Hughes: Discussed transfer of the DPW's ±30-acre parcel near Long Pond to the Commission for permanent conservation.
  - A CR would require a third party holder, i.e. Town can't hold CR on its own land.
  - A title transfer, from DPW to Commission, with permanent Deed Restriction is the simpler and less costly option.
  - DPW has indicated support for the move.
- P. Hughes: Discussed land acquisition by tax-taking, via Land Court.
  - There are three parcels near Bennett's Brook that are candidates for tax-taking.
  - The Land Court process is very slow, could take years to complete.
- Potential Land Acquisition
  - DB moved to endorse the concept of acquiring ±30 acres of conservation land near Long Pond via transfer from DPW to Commission. Further investigation into the details of such a transaction is recommended.
- **Executive Session (9:00 PM)**
  - GB moved, per MGL Ch. 39, Sec. 23(b), No. 6, to enter into Executive Session, DB 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to close Executive Session, DB 2<sup>nd</sup>.
    - Motion approved unanimously.
    - End Executive Session (10:00 PM)
- GB moved to adjourn; DB 2<sup>nd</sup>.
  - Approved unanimously.

**Adjourn (10:00 PM)**