



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)
Minutes for **04/10/08** – **Approved 04/24/08**

Location: Town Hall

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

APAC taped: Yes

Start (7:00 PM)

- **Public Meeting: Final Draft Devens Open Space and Recreation Plan**
 - Patrick Hughes requested the Commission's support of the revised plan.
 - One of the goals of the plan is to mitigate the impacts of any future development that may occur in areas that have conservation/recreation value, such as McPherson Road corridor and the former North Post (airfield).
 - GB had previously forwarded a draft letter of approval for Commission review.
 - No comments on the draft letter.
 - DB moved to approve the draft letter in support of the revised plan; GB 2nd.
 - Motion approved unanimously.
 - Mr. Hughes reminded the Commission of MRPC's trail inventory meeting to be held next week.
 - Ayer Greenway Committee provided MRPC with maps of trails in Ayer.
 - Mr. Hughes also asked if release of funds approved at last year's town meeting could be expedited to capitalize on the Boy Scouts' interest in assisting the Greenway Committee.
 - Mr. Hughes will ask Town Accountant if release of funds can occur with approval of the Chairman only, rather than a majority of the Commission.
- **Accounts Payable**
 - GB moved to approve payment of \$100.00 to reimburse DB for MACC Conference registration fee; TT 2nd.
 - Motion approved unanimously.
 - Commissioners signed an invoice for the pond weed control program; payment was approved 02/14/08.
- **Public Hearing: Notice of Intent – 7 Pheasant Circle (DEP # 100-0315)**
 - Cary Nix presented plans for bringing his back yard up to grade with a retaining wall, within the existing silt fence left over from construction of the house by Canney Bros.
 - Minimum distance to the flagged wetlands is ± 93 feet.
 - GB moved to approve Mr. Nix's application and prepare Order of Conditions; TT 2nd.
 - Motion approved unanimously.
 - Commissioners signed the signature page.
 - The original OOC issued for the subdivision covered the roadway construction, not Mr. Nix's lot.
 - DB has contacted Canney Bros. about closing their Order.
 - GB moved to continue hearing to 04/24/08 to allow preparation of OOC; DB 2nd.
 - Motion approved unanimously.



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- **Public Hearing: Notice of Intent – 106 Central Avenue (DEP # 100-0316)**
 - John Shute presented plans to finish the partial cellar of his home on Central Ave.
 - Work will involve using machinery to open up the existing cellar, pour 7 feet of concrete, and finish with layers of stone.
 - Commission's main concern is protecting the pond from soil erosion.
 - BD requested added haybale/silt fence along the western property line, at the top of the slope.
 - Mr. Shute sketched the haybale line on his copy of the plan.
 - CA will verify that the property is not located within NHESP habitat and ACEC boundary.
 - GB moved to continue hearing to 04/24/08; DB 2nd.
 - Motion approved unanimously.

- **Public Meeting: Pleasant Street Subdivision (former Fletcher property)**
 - Commission received a letter from M. Nelson, abutter to the former Fletcher property, requesting the Commission issue a cease and desist order to stop the development.
 - Commission also received a memo from Frank Maxant, Selectman.
 - The controversial project was permitted by the Planning Board as an 'Approval Not Required' (ANR) subdivision.
 - Mike Sheehan, builder, and Mike Turgeon, wetland scientist, were on hand to answer questions about the project from Commissioners and concerned residents in attendance.
 - Mr. Turgeon stated that he flagged the wetlands in September 2007. The wetland line is depicted on the ANR plan.
 - The Planning Board neglected to refer Mr. Sheehan to the Commission for consideration of wetlands issues.
 - Mr. Sheehan has a P&S agreement to purchase Lot 1, which contains the flagged wetlands, but the sale is not yet final.
 - Per Mike Madigan of Ayer DPW, hay bales were installed around the existing catch basin.
 - Neighbors expressed concern about the "wet meadow" area in the center of the site.
 - Mr. Turgeon said he checked the area earlier in the day and found little wetland vegetation and no evidence of hydric soils.
 - Residents also questioned whether the site is appropriately zoned. There is a discrepancy between the old "approved" maps and the new "unapproved" map now in effect.
 - DB presented photos taken at the site, showing areas of potential erosion that do not have any erosion controls in place.
 - BD requested that haybales/silt fence be put in place first thing in the morning, in advance of a site walk.
 - CA scheduled a site walk for 10:00 AM tomorrow; BD encouraged the public to attend.

- **Public Meeting: Crabtree Development Co. – Ridgeview Heights Subdivision (DEP # 100-257)**
 - Steve Mullaney, engineer, presented a request for an Extension Permit on behalf of Crabtree Development Co., as discussed at the 03/27/08 meeting.
 - GB moved to approve the request for extension; DB 2nd.
 - Motion approved unanimously.



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- **Public Meeting: Request for COC – 5 Pheasant Circle**
 - Ken Stiles presented a Request for COC, for the Order originally issued to Canney Bros.
 - Order issued to Canney Bros. is still open; expires 04/28/08.
 - BD suggested asking DEP if the Commission may issue partial COC for Mr. Stiles.
 - Mr. Stiles also wants to extend his back yard lawn beyond the existing haybale/silt fence line.
 - Area consists of poison ivy and other nuisance vegetation, to be removed by the landscapers.
 - Commission recommended staying outside the 100' buffer zone and maintaining proper erosion controls, in which case an RDA would suffice.
 - CA will advertise an RDA hearing for 04/24/08.
 - CA will contact DEP re: partial COC.
 - BD will contact Dave Canney.

- **Discussion: Dock Permits**
 - CA: The letter to residents explaining Town's dock permitting policies/procedures is ready to be mailed out. The best scenario is to mail the letter along with the weed control pamphlet.
 - Commission discussed corrections and revisions to the draft weed control educational pamphlet prepared by ACT.
 - BD will provide the comments to ACT for finalization of the pamphlet.
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- **Discussion: Stormwater Bylaw**
 - DPW is ready to put forth the new Stormwater Bylaw at Annual Town Meeting after holding a second public informational meeting.

- **Public Meeting: Request for COC – 126 Sandy Pond Road**
 - There are three houses with separate Orders, but all are listed under 126 Sandy Pond Road.
 - Orders were issued in 1991 under DEP file numbers 100-101, -102, and -103.
 - COC for 101 and 102 were issued in 1999.
 - COC for 103 was also requested at the time, but record of COC was not found.
 - None of the COC's were recorded with the deeds.
 - DB: A swimming pool has been installed near the pond, within the buffer zone.
 - A site visit is needed to help determine course of action to take.
 - BD will contact the foreclosure attorney to schedule a site walk.

- **Discussion: 88 Central Avenue**
 - Commissioners have noticed significant site grading and soil stockpiling, without erosion controls, near the edge of Flannagan Pond.
 - There is an open Order on this property, for work on the house.
 - Does the Order cover excavation and/or stockpiling of soil?
 - BD recommended sending a Violation Notice.
 - DB to draft the notice for Commission review.



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- **Member Issues**
 - GB: Noticed considerable siltation at The Willows development, following a rain event.
 - Recommended scheduling a site visit as soon as possible.
 - GB: What is the status of MBCR's request for COC?
 - DB will contact MBCR and Town of Littleton for the latest.
 - DB: Routhier Tire Facility continues to operate out of compliance with the DEP Enforcement Order. Unresolved issues include siltation into the adjacent stream and inadequate stormwater management.
 - Need to contact Joe Bellino, DEP, for guidance.

- **Executive Session (10:20 PM)**
 - GB moved, per MGL Ch. 39, Sec. 23(b), No. 6, to enter into Executive Session, DB 2nd.
 - Motion approved unanimously.
 - GB moved to close Executive Session and reopen meeting for adjournment, DB 2nd.
 - Motion approved unanimously.
 - End Executive Session (10:30 PM)

- GB moved to adjourn; DB 2nd.
 - Approved unanimously.

Adjourn (10:30 PM)