



Town of Ayer Conservation Commission

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

Minutes for **10/23/08** – **Approved 11/20/08**

Location: Great Hall (2nd Floor), Ayer Town Hall

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

Not present: Denis Luken

APAC taped: Yes

7:00 PM

- **Public Meeting: Chapter 91 (Dock Permits)**

- In attendance:
 - Alice Smith and Jennifer Gensel, Circuit Rider Program, Massachusetts Department of Environmental Protection (DEP).
 - Beth Suedmeyer, Areas of Critical Environmental Concern (ACEC) Program, Department of Conservation and Recreation (DCR).
 - Several residents.
- BD opened meeting by reading the letter from CA that was mailed out to residents abutting the Great Ponds in Ayer – Sandy Pond and Long Pond.
- BD provided some background information on the Public Waterfront Act (Ch. 91) and the Petapawag ACEC.
 - Ch. 91 was enacted in 1866 to protect public access to Great Pond resource areas.
 - Great Ponds are water bodies greater than 10 acres in size, in their natural condition.
 - The waters of Great Ponds are considered to be publicly owned.
 - The Petapawag ACEC was designated in 2002 by the Secretary of Environmental Affairs.
 - ACEC program identifies and protects outstanding natural/cultural resources in the Commonwealth.
 - As part of the Petapawag ACEC designation, all structures (docks, floats, etc.) on Great Ponds within the ACEC were required to be permitted by 12/11/07, unless a Resource Management Plan (RMP) was approved by the Secretary of Environmental Affairs prior to the deadline.
 - This requirement was not made known to the towns and pond abutters, therefore the Secretary extended the deadline for two years, to 12/11/09.
 - To ensure their right to have a dock after 12/11/09, residents are advised to apply for the Ch. 91 permit in advance of this date.
- The process of applying for the Ch. 91 dock permit is outlined in the “instructions” page, which was prepared by the Commission and mailed to abutters of the ponds.
 - For temporary docks (i.e. structures that are put in/taken out every year without permanent moorings) applicants should first file a Request for Determination of Applicability (RDA) under the Wetlands Protection Act, with the Conservation Commission.
 - There is no filing fee for RDA, although it does require posting a legal notification for the public hearing in the local paper (usually around \$45.00).



Town of Ayer Conservation Commission

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

Minutes for **10/23/08** – **Approved 11/20/08**

- Requires a simplified site plan of the project, to approximate scale, showing all proposed structures. An engineering plan is not required.
- For permanent docks, applicants should file a Notice of Intent (NOI) under the Wetlands Protection Act, with the Conservation Commission.
 - There is a filing fee for NOI (usually \$110.00, but could vary depending on type of structure), plus fee for legal notification of public hearing in local newspaper (usually around \$45.00).
 - An engineering plan is generally required with the NOI application.
- After receiving a ‘negative’ determination for temporary docks, or an Order of Conditions for permanent docks, the applicant would then forward a copy of this to DEP along with the Ch. 91 simplified dock permit application.
 - The Ch. 91 permit is good for 15 years and can be renewed.
 - The Ch. 91 permit is to be recorded with the deed (i.e. is transferable).
- For new docks, CCA lumber (pressure treated) will be prohibited.
 - Existing docks with CCA treated lumber are acceptable, but must be replaced in due course with non-CCA materials.
- Residents with multiple docks on the same property can have them included on a single permit, as long as the multiple docks are shown on the application site plan.
- The site plan must show all of the structures (existing and future) that the applicant wishes to permit.
 - If it is not shown on the permit application, it cannot be built or maintained under that permit, and would be considered to be in violation. This includes retaining walls and other pertinent structures/landscaping on the shore.
- Commission recommends that residents form a ‘pond association’ to coordinate the execution of an RMP prior to 12/11/09, to preserve the rights of all pond abutters to have a dock.
- Due to its limited resources, the Commission is not likely to be able to pursue a RMP in the foreseeable future.
- After receiving the Ch. 91 permit, it must be recorded with the deed within 60 days, or else it is voided.
- For the Town Beach on Sandy Pond, a full Ch. 91 permit application must be filed. The simplified permit is only for residential use.
 - If the Town has plans for future expansion, this should be included in the application.
- There are some structural standards written into Ch. 91. Applicants should refer to these prior to applying.
- Town of Ayer does not have a boating bylaw.
- State boating standards are provided with the state boating license.
- The Circuit Riders in attendance suggested having an evening ‘workshop’ so that applicants could fill out the forms together, and share the cost of a single legal notice.
 - CA will coordinate with Circuit Riders to schedule such a meeting.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)
Minutes for **10/23/08** – **Approved 11/20/08**

Adjourn (9:00 PM)

- DB moved to adjourn; JG 2nd.
 - Motion approved unanimously.