



Town of Ayer Conservation Commission

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

Minutes for **03/26/09** – **Approved 04/09/09**

Location: Ayer Town Hall, 1st Floor

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

APAC taped: Yes

7:10 PM

- **Announcements**

- PanAm fuel spill
 - Received copy of a press release from Attorney General Coakley's office announcing convictions of PanAm and subsidiaries in superior court, in a case involving a substantial fuel spill in Ayer and the rail company's attempt to cover up the incident.
 - Sentencing is to be held 3/30/09.

- **Public Hearing (cont'd): NOI – Eagles Nest Estates, Central Avenue**

- DEP File Nos. 100-0324 & 100-0325
- Dave Canney of Canney Bros. Construction LLC, and Stan Dillis of Ducharme & Dillis Civil Design Group.
- Mr. Dillis provided cross-sections for each proposed house, copies of plans showing the Conservation Easement, and a full size color plan.
- Mr. Canney provided a copy of the draft Conservation Restriction (CR) Easement document.
 - The CR easement will be permanent.
 - The CR easement will be demarcated in the field with concrete bounds.
- Commission noted inconsistencies in the document.
 - Is a "Conservation Restriction" the same as a "Conservation Easement"?
- BD will ask Shaun Suhoski about what it would cost to have Town Counsel review the document.
- Mr. Canney said he would have his attorney correct the inconsistencies.
- TT moved to continue hearing to 04/09/09; DB 2nd.
 - CA will begin drafting OOC and Special Conditions.
 - GB suggested revising the document to allow, with Commission approval, tree removal for reasonable purposes such as safety, infestation, etc.
 - DB suggested a Special Condition requiring the boundary of the CR Easement to be clearly delineated during construction.
 - DB also asked the applicants to seek a more ecologically sensitive alternative to the typical hay bale/silt fence erosion controls.
 - Applicants agreed to pursue alternatives such as erosion control socks.
 - Motion approved unanimously.
 - CA reminded applicants they need to provide the street numbers of the proposed lots.
 - Mr. Canney will follow up with the Fire Dept.
 - Motion approved unanimously.



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- **Public Meeting: COC Request – 34A Bligh Street (DEP # 100-0211)**
 - Mike Alfieri, applicant, brought two copies of the NOI.
 - CA: There is no record of this project in the files.
 - CA: Need a letter from the project engineer, Cal Goldsmith of GPR, verifying completion of the compensatory flood storage work as shown on the plans.
 - Mr. Alfieri will contact GPR to get a certification letter.
 - DB moved to issue a conditional COC, pending verification of project completion by the engineering firm (GPR); GB 2nd.
 - Motion approved unanimously.
 - Signature page was signed.

- **Public Meeting: Expired OOC – Stratton Hill Subdivision, Wright Road**
 - Dave Moulton, applicant and developer.
 - JG recounted her run-in with men removing stone from the site.
 - Mr. Moulton explained he gave permission to the men to remove stone for an offsite stone wall project.
 - Mr. Moulton has no plans to work on the site until late summer.
 - Commission reminded him to begin the NOI application process soon, in order to get a new OOC by late summer.
 - Mr. Moulton agreed and said he would submit his application soon.
 - JG also asked about erosion control maintenance along Wright Road.
 - Mr. Moulton said he would check the hay bales and replace any, if needed.

- **Discussion: Budget**
 - FinCom produced a memo supporting BD's recommendation to keep CA's salary intact for FY10, including level-funding of stormwater enforcement activities (3.5 hours per week).
 - Lisa Gabree, Town Accountant, also agreed.

- **Discussion: CA Timesheet Approval (alternate signature)**
 - GB moved to authorize JG to sign CA's timesheet if the Chair is not available; DB 2nd.
 - Motion approved unanimously.

- **Updates**
 - Letter of recommendation for journalist Richard Breyer:
 - BD to forward a draft letter for Commission review.
 - Algal bloom – Snake Hill Road:
 - CA notified BOH and they will investigate.
 - Chapter 91 – question about dock license for shared right-of-way:
 - Andrea Langhauser, DEP, responded to JG's questions in an email.
 - Shared right-of-way: only one dock permit application is needed.
 - Individuals looking to reserve their right to build a dock should apply separately.



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- CR guidelines & stewardship considerations
 - Autumn Ridge – more than one CR?
 - Pine Meadow Pond – CR or outright ownership?
 - Long Pond – owned by Town
- Lower Long Pond
 - BD will send a letter to Cowley residence to request copy of letter from DEP and to schedule a site visit.
- **Member Issues/Updates**
 - GB: Reminder of MACC social gathering in Lowell, 4/21/09, at 6:00 PM.
 - DB: Ridgeview (Pingry Hill) siltation issues remain unresolved.
 - The situation could warrant a Violation Notice or Enforcement Order.
 - TT: Is planning to do a vernal pool lesson with some Ayer students in Barbara Dyer's class.
 - No date yet.
 - GB: The rear detention pond at The Willows appears to be heavily silted.
 - For future Special Conditions, suggested requiring all erosion controls to maintain at least 6 inches of freeboard.
 - BD: The purple loosestrife biocontrol group sewed over 140 plant sleeves and is gearing up for the second year of activity.
 - BD: Elizabeth Estates
 - CA notified Bob Prescott of a hydraulic fluid leak.
 - The leak was cleaned up, but erosion controls at the site are a mess.
 - There appears to be substantial siltation in the wetland, which Mr. Prescott will need to clean up by hand (no machinery allowed in the wetland).
 - BD suggested creating a Special Condition requiring a spill response plan, for all projects where machinery is employed.
- **Adjourn (9:40 PM)**
 - JG moved to adjourn; GB 2nd.
 - Motion approved unanimously.