



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8249 * 978-772-8208(fax)

Minutes for **04/09/09** – **Approved 04/23/09**

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

7:30 PM

- **Public Meeting (cont'd): COC – 34A Bligh Street**
 - DEP File No. 100-0211
 - Commission gave conditional approval of the COC, pending verification of work by the project engineer, GPR.
 - CA: Received letter from GPR verifying completion of the flood storage compensation work as shown on the plans. GPR also provided full set of plans and copy of original NOI application.

- **Public Hearing: NOI – Twin Valley Homes, 52 Nashua Street (Lot 1)**
 - DEP File No. 100-00328
 - Jack Visniewski, Cornerstone Land Consultants, presented this NOI application as part of a two lot subdivision of the remaining land of the property formerly owned by Mr. Fletcher.
 - There is a wetland in the northeast corner of Lot 1. Wetland was flagged by Mike Turgeon, Turgeon Environmental Services, in 2007.
 - CA met with Mr. Turgeon in the field and revised two of the wetland flags.
 - The proposed house is approximately 40 feet from the wetland.
 - The proposed driveway is less than 10 feet from the wetland, and the proposed water line is less than 5 feet from the wetland.
 - DB expressed strong concerns about proximity to the wetlands, and the potential for direct disturbance of the wetland during and after construction.
 - BD indicated the project would likely be denied in its current design. A site visit is needed.
 - GB asked about the exemption from stormwater regulations, as claimed in the application.
 - The exemption is for subdivisions of fewer than four homes, but the overall subdivision of the Fletcher property consists of more than four homes.
 - Is the exemption valid?
 - Mr. Visniewski said the design does not include any specific stormwater features.
 - BD asked Mr. Visniewski to consider using a shared driveway to increase the distance from wetland.
 - CA reiterated the concerns about proximity to wetland and lack of stormwater features.
 - Warren Carlson, abutter, expressed concerns about disturbance to the wetland, disposal of soil, and effects on drainage/flooding.
 - The site has a high water table and most of the neighbors rely on sump pumps to keep their homes dry.
 - Joe & Heather Ward, abutters, had concerns about the high water table and asked about the intermittent stream nearby.
 - CA explained that the intermittent stream runs through an abutting parcel to the north of Lot 1.



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- Mr. Visniewski said the proposed homes would need to be raised above grade to avoid the water table.
- A site visit will be held on Saturday, 04/18/09 at 10:30 AM.
 - BD invited the public to attend the site visit.
- GB moved to continue the hearing to 04/23/09; DB 2nd.
 - Motion approved unanimously.
- **Public Hearing: NOI – Twin Valley Homes, 50 Nashua Street (Lot 2)**
 - DEP File No. 100-00327
 - This application is for Lot 2 of the subdivision discussed above.
 - The proposed house and driveway are entirely within 100 feet of the wetland, and partially within 50 feet.
 - A site visit will be held on Saturday, 04/18/09 at 10:30 AM.
 - BD invited the public to attend the site visit.
 - GB moved to continue the hearing to 04/23/09; JG 2nd.
 - Motion approved unanimously.
- **Public Meeting: OOC Extensions – Easy Street**
 - Steve Mullaney, engineer, presented a request for extension of the OOCs issued to Roger Kinniard for the Easy Street development off Sandy Pond Road.
 - Mr. Kinniard filed four (4) NOI applications, and was issued 4 OOCs, in June 2006.
 - DEP Nos. 100-0297, 100-0298, 100-0299, and 100-0300.
 - Includes three house lots plus roadway/infrastructure.
 - DB noted the improvements made to the site near Sandy Pond Road, which have significantly reduced the problem of dirt from the site ending up on the road.
 - GB moved to extend the OOC for 100-0297, to 06/15/12; JG 2nd.
 - Motion approved unanimously.
 - GB moved to extend the OOC for 100-0298, to 06/15/12; JG 2nd.
 - Motion approved unanimously.
 - GB moved to extend the OOC for 100-0299, to 06/15/12; DB 2nd.
 - Motion approved unanimously.
 - TT moved to extend the OOC for 100-0300, to 06/15/12; GB 2nd.
 - Motion approved unanimously.
 -
- **Update: Ridgeview Heights (Pingry Hill)**
 - Corps of Engineers – Wetlands Review
 - Site walk with Corps of Engineers will be held 05/08/09 at 9:30 AM (tentative).
 - CA spoke to Rick Roper about the persistent erosion/siltation issues on the site.
 - DB will issue an Enforcement Order to address the erosion/siltation issues.
 - Site walk to review erosion controls will occur 04/25/09 at 9:00 AM.
- **Update: Elizabeth Estates**
 - Steve Mullaney reported that the hydraulic leak at Elizabeth Estates was due to vandalism.
 - Bob Prescott is working to repair the machine. The spill was cleaned up.



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- BD reminded Mr. Mullaney that the siltation into the wetland will need to be removed by hand.
- **Update: Kingswood Corp., New England Way**
 - Mr. Mullaney stated that Roger Kinniard plans to begin construction of the building this year.
 - Will contact CA when erosion controls are in place, at least 5 days prior to start of work.
- **Accounts Payable**
 - Lowell Sun: \$136.00 total for joint notice of RDA – Ch. 91 Dock Licenses.
 - CA: Individual checks were received.
 - JG moved to pay the Lowell Sun invoice; DB 2nd.
 - Motion approved unanimously.
- **Discussions/Updates**
 - Spring mailing to residents
 - CA: Will mail pond information to Flannagan Pond residents.
 - OOC Updates
 - CA is finalizing OOC for Icehouse Dam and Ridgeview (Lots T-1 & U-1)
 - CA requires extra hours to complete the outstanding OOC's.
 - Laptop for CA
 - CA: DPW's new laptop cost approx. \$1,600.00
 - TT mentioned grant program from MACC for GIS software.
 - Pond View Estates
 - CA performed site visit to 1 Orchid Land (Badger House)
 - The house appears to have permanent dock on Long Pond.
 - CA and JG are helping new owners through the Ch. 91 application process.
 - The developer (Robert M. Hicks, Inc.) owns the permanent neighborhood dock.
 - They need to file for a Ch. 91 license.
 - DB said the new assessor maps seem to indicate the Town owns land around Long Pond.
 - The land may be partially covered by the Pond.
 - DB has provided a full set of the new assessor maps to CA.
 - Town Beach (Sandy Pond)
 - The dock and float at Town Beach are not yet licensed under Ch. 91.
 - Jeff from Parks Department contacted CA to ask about applying for the permits.
 - CA: If the total surface area of the structures exceeds 300 square feet, a full application might be required, rather than the simplified license application.
 - CA: Andrea L. of DEP also seemed to indicate that floats with permanent anchors require the full license.
 - Parks Dept. also said they were contacted by an organic landscaping company about a potential project funded through a grant program.



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• **Member Updates/Announcements**

- TT: Will be leading a vernal pool activity with Ayer HS students (Mountain Classroom).
 - Barbara Dyer is the teacher.
 - Tentatively scheduled on 4/17/09.
- DB: Donated a full set of new assessor maps to CA.
- DB: New house on Oak Ridge Dr.
 - Would like to request additional erosion controls (outside of buffer zone).
- DB: Stormwater update
 - CA: Dan Nason of DPW said his job description does not include active role in stormwater management or bylaw enforcement.
 - BD suggested using outside consultants to assist in all future stormwater reviews, to be paid by applicants.
- DB: New assessor maps show a large “common area” at Pond View Estates.
 - Commission needs to insist on getting the as-built plans and CR plan from Hicks, Inc.
 - Hicks, Inc. has not been cooperative in providing information.
 - CA is drafting a letter to Hicks seeking information re:
 - CR and open space boundaries
 - Stormwater maintenance plan/schedule
 - Turtle nesting and signage update
 - Dock license applications
- DB: Would like to request a snow plowing plan from DPW.
- DB: Will draft a letter of appreciation to former Associate Member, Denis Luken.
- BD: Weed Control ATM Warrant Article
 - There are enough funds remaining from previous weed control appropriations to pay for recommended treatments at Sandy Pond and Pine Meadow Pond.
 - The warrant article will be a simple transfer of funds, rather than a “raise” article.
 - DB will present Flannagan Pond article and explain Commission’s decision not to recommend approval.
 - BD will get explanation from Lisa G. about how/when the funds can be spent.
- BD: Issues for DPW
 - Long Pond Dam: Does DPW have a Certificate of Compliance (COC)?
 - Balch Pond Dam: Is DPW planning to repair the dam?
 - Beaver Control Policy: DB will look for the memo describing beaver control, by previous DPW director Mike Madigan.
 - Spill Management: Would like to see DPW develop a spill management protocol.
- BD: Letter of reference for journalist Richard Breyer
 - BD finalized the letter and emailed to CA and Commissioners.
- BD: Lower Long Pond Sluice Gate – Cowley property
 - Letter was sent to Cowley residence, requesting a site visit.
- BD: Noticed several old vehicles parked around Flannagan Pond.
 - Suggested sending a letter to those residents.
- BD: MACC networking event is 4/21/09, 6:00 PM, in Lowell.



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- PanAm and subsidiaries were sentenced to pay \$500,000.00 in fines to the state for attempting to cover up a substantial fuel spill in Ayer.
- Grant opportunities for parks and land preservation
 - DB: There is a parcel on Oak Ridge Drive for sale. The parcel abuts Pine Meadow Conservation Land.
- **Meeting Minutes Approval**
 - 3/12/09: minor edits.
 - DB moved to approve 3/12/09 minutes, as amended; JG 2nd.
 - Motion approved unanimously.
 - 3/26/09: no changes.
 - DB moved to approve 3/26/09 minutes, as written; JG 2nd.
 - Motion approved unanimously.
- **Adjourn (10:00 PM)**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.