



Town of Ayer Conservation Commission

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

Minutes for **07/09/09** – **Approved 8/13/09**

Location: Ayer Town Hall, 1st Floor

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)
APAC taped: Yes

7:00 PM – Open Meeting

- **Public Hearing (cont'd): NOI – 1 Orchid Lane (DEP #100-0329)**
 - Peter & Elizabeth Edwards, 1 Orchid Lane, returned to further discuss their application for proposed wheelchair accessible path and existing permanent dock on Long Pond.
 - Commission conducted a site walk 6/29/09 to view the dock and the proposed path area.
 - BD recommended using rebar in the concrete to secure the rock wall portion of the pathway.
 - Mr. Edwards said he plans to construct the path in sections of 6 feet at a time, and he would prefer to phase the erosion controls (hay bales) accordingly.
 - GB asked that fabric be placed over the rip-rap area where the lawn will be extended.
 - Mr. Edwards agreed.
 - The lawn extension area was added to the plan drawing.
 - CA was notified by DEP that the Ch. 91 dock license application had been received.
 - CA will prepare a draft Order of Conditions (OOC) for review, while waiting for Natural Heritage & Endangered Species Program (NHESP) to issue a determination on the project.
 - GB moved to continue hearing to 7/23/09; JG 2nd.
 - Motion approved unanimously.
- **Discussion: Home Addition – 28 Maple Street**
 - Bartlett Harvey, representing the Goldstein residence at 28 Maple Street.
 - Mr. Harvey presented plans for additions to the family room and kitchen.
 - A portion of the screened porch and stairs will occur within 100 feet of the Grove Pond Bordering Vegetated Wetland (BVW).
 - The nearest distance to the BVW is approximately 95 feet.
 - The wetland was flagged last fall by R. Wilson & Associates.
 - One existing sewer manhole cleanout will need to be moved slightly.
 - GB asked if the house is located in the 100 year flood plain.
 - Mr. Harvey will check with R. Wilson & Assoc.
 - BD thought the project could be approved as a Negative Determination with Special Conditions for erosion control, soil management, dewatering, etc.
 - Mr. Harvey will file an RDA.
- **Public Meeting (cont'd): RDA – Chickens, 5 Hedgeway Street**
 - CA conducted a site visit to verify the topography and review the layout of the chicken coop, chicken yard, compost area, etc.
 - The distance from the coop to the BVW is approximately 22 feet.
 - The land slopes away from BVW, toward the house.
 - The area separating BVW from the chicken structures is vegetated and contains a wood pile.



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- CA has no concerns about the proposed activities.
- GB moved to issue a Negative Determination; JG 2nd.
 - Motion approved unanimously.
- **Public Meeting: COC – Home Addition, 5 Hedgeway Street (DEP #100-0302)**
 - CA: Work on the home addition is complete.
 - CA received copy of letter from R. Wilson Associates verifying satisfactory completion of the construction, with a minor modification (increase in area from 230 to 240 square feet).
 - Erosion controls had already been removed.
 - JG moved to issue Certificate of Compliance; GB 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Lowell Sun invoice: \$244.80 for legal notices (Ch. 91 RDA filings)
 - \$122.40 for joint legal notice, 229 Snake Hill Road and 1 Sandy Way. CA received payments from both applicants.
 - \$122.40 for legal notice, 0 Sandy Pond Road. Payment not yet received.
 - GB moved to approve payment of \$244.80 to Lowell Sun; JG 2nd.
 - Motion approved unanimously.
 - Lowell Sun invoice: \$389.05 for various legal notices.
 - \$52.70 for 5 Hedgeway Street. Payment received.
 - \$125.80 for 1 Orchid Lane. Payment received.
 - \$52.70 for 105 Oak Ridge Drive. Payment received.
 - \$157.85 for Conservation Commission weed treatment RFP notice. This represents a half-payment (was posted twice).
 - GB moved to approve payment of \$389.05 to Lowell Sun; JG 2nd.
 - Motion approved unanimously.
- **Meeting Minutes Approval**
 - 06/25/09: amend Page 2, Discussion, Pond View – the CR plan *has been* recorded.
 - DB moved to approve 06/25/09 meeting minutes, as amended; JG 2nd.
 - Motion approved unanimously.
- **Discussion: Pond Weed Control – Proposals**
 - Received two responses to the RFP. Proposals are from Lycott Environmental and Aquatic Control Technology (ACT).
 - Commissioners discussed the relative merits of the two proposals for treatment of weeds at Sandy Pond and Pine Meadow (Erskine) Pond.
 - ACT's total cost is \$7,035. Lycott's total cost is \$9,262.
 - Lycott proposes to use Sonar pellets in Sandy Pond (requires three separate applications), while ACT proposes to use liquid Sonar.
 - ACT did not specify their pre- and post-treatment survey methodology.
 - Commission also raised several questions about the bids:



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- Does Lycott’s insurance meet the required minimum liability standards?
 - Was the bidding process constrained or compromised by the RFP as written, which specified the herbicides (Sonar and Reward) to be used rather than allowing the bidders to use their professional judgement?
 - Is it possible to award a partial contract for treatment at Pine Meadow Pond only?
 - Can additional services (e.g. treatment of Purple Loosestrife and *Phragmites* at Pine Meadow Pond) be added to a contract?
 - Do we have the technical expertise required to specify or judge which herbicides should be used?
 - BD will email Shaun Suhoski for guidance on the above issues.
 - BD will email the Lycott and ACT to notify of delay in awarding the contract, and ask about the ramifications of delaying treatment until August.
- **Discussion: Temporary Conservation Administrator – Alison McKay**
 - CA prepared an offer letter for BD to review and forward.
 - BD had yet to forward the letter to Ms. McKay.
 - The temporary position will include two weeks of overlap with CA, followed by two months in place of CA (maternity leave) at the same pay rate and number of hours per week. The days and times of office hours can be adjusted to fit Ms. McKay’s schedule.
 - Commission does not yet have Ms. McKay’s resume on file.
- **Executive Session pursuant to MGL Ch. 39, Sec. 23B, Exemption #6**
 - 10:25 – GB moved to adjourn the meeting for the purpose of entering into Executive Session; JG 2nd.
 - Motion approved unanimously by roll call vote.
 - 10:30 – GB moved to adjourn Executive Session and reopen the meeting; JG 2nd.
 - Motion approved unanimously by roll call vote.
- **10:30 PM – Adjourn Meeting**
 - GB moved to adjourn, JG 2nd.
 - Motion approved unanimously.