

Town of Ayer Conservation Commission

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

Minutes for **11/19/09** – **Approved 12/03/09**

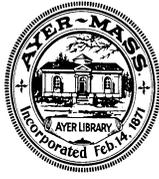
Location: Ayer Town Hall, 1st Floor

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: No

7:05 PM – Open Meeting

- **Discussion: Steve Smith – Conservation Restriction Land Stewardship**
 - Steve Smith, Westford resident (formerly of Ayer) and member of Ayer Greenway Committee, offered to serve as a volunteer steward of the Autumn Ridge Conservation Restriction (CR).
 - The Autumn Ridge CR land was donated by the Smith family.
 - The CR is currently held by Woodstone Homes, but will be transferred to the Homeowners Association upon project completion.
 - Mr. Smith is an active member of the Appalachian Mountain Club (AMC) and the Appalachian Trail Conservancy Land Trust.
 - Mr. Smith has received training in CR stewardship, as prescribed in the CR Stewardship Manual by MassAudubon. He will follow guidelines of the manual.
 - He will begin with a baseline assessment report.
 - GB moved to appoint Steve Smith as steward of Autumn Ridge CR; JG 2nd.
 - DB asked what role Mr. Smith would play regarding beaver control.
 - Mr. Smith said he would monitor beaver activity and report to the Commission as needed.
 - GB suggested that Mr. Smith could train others to be stewards as well.
 - Motion approved unanimously.
 - DB will provide a copy of the MassAudubon CR Stewardship Manual for the office.
- **Public Hearing (cont'd): NOI – Stratton Hill Subdivision, Wright Road (DEP #100-0333)**
 - Russ Wilson, R. Wilson Associates, representing Fox Meadow Realty Corp.
 - Mr. Wilson provided a letter, along with copies of a draft “Deed In Trust” for the Open Space parcels that are proposed to be transferred to the Town.
 - BD reviewed the items discussed at the site walk on 10/31/09.
 - Wetland areas need to be reflagged.
 - Erosion controls will be repaired or reinstalled, including around the rock-crushing area.
 - The turtle nesting area needs to be established.
 - DB also reminded Mr. Wilson about the parking area for trail access.
 - Mr. Wilson said the plans need to be amended to consolidate Parcels A and F with Lots 1-4.
 - The amended plans will need to be approved by Planning Board.
 - BD said the Commission could not issue an Order of Conditions (OOC) without the revised plans to review.

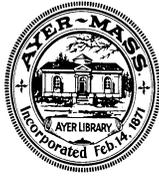


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- Commission will consider the application again in the spring, when the revised plans are available.
- DB asked when the CR transfers to the Town.
 - Mr. Wilson said the deed will be recorded upon issuance of the first building permit. This is confirmed in the letter.
- GB moved to continue the public hearing to 03/11/10; JG 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Lowell Sun: \$57.80 – for NOI public hearing legal notice, Fox Meadow Realty.
 - CA received check from Fox Meadow Realty.
 - JG moved to approve payment of Lowell Sun invoice; GB 2nd.
 - Motion approved unanimously.
- **Budget Review – Fixed Capital Assets**
 - BD verified the accuracy of the Fixed Capital Assets items on the budget sheet from Lisa Gabree, Town Accountant.
- **Discussion: Long Pond Dam**
 - JG mentioned that the DPW clears debris from the dam by dumping it on the downstream side of the dam.
 - The land below the dam may be owned by the Cowley family.
- **Meeting Minutes Approval**
 - 11/05/09: minor correction on page 3.
 - DB moved to approve 11/05/09 minutes, as amended; JG 2nd.
 - Motion approved unanimously.
- **Public Meeting: CPA Land Purchase – Tooker Property (Map 21, Lot 46)**
 - BD provided a combination lock to Mr. Tooker to secure the unlocked storage room of the 3-sided shed.
 - BD and DB viewed the contents of the full shed – it is nearly empty.
 - It appears the new owner of Mr. Tooker's former house has recently dumped brush on the property.
 - CA received a phone call from Steve Sparks, who claims to own the shed and its contents.
 - Mr. Sparks would like to retrieve his belongings, accompanied by someone from the Town.
 - It is unclear which shed Mr. Sparks is referring to.
 - BD agreed with DB's suggestion to send a letter to all abutters of the former Tooker parcel, notifying of the Town's ownership and outlining the rules/regulations of using the conservation land.
 - DB asked about the missing property bounds.

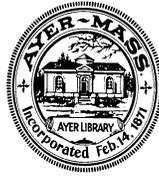


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- CA will coordinate a visit to the shed(s) with Mr. Sparks and Mr. Tooker.
- BD recommended the Commission walk the property boundary.
- **Public Meeting (cont'd): Enforcement Order – Pond View Estates**
 - CA: The office volunteer, Louise, indicated that Robert M. Hicks, Inc. had already gone out of business.
 - Dave Hicks bought a section of pipe for the culvert repair, but the work has not been done.
 - CA found a copy of the unrecorded Ch. 91 dock permit.
- **CA Updates**
 - Schedule:
 - CA will post holiday schedule.
 - CA is coming into office on Mondays to focus on stormwater issues.
 - 71 Sandy Pond Road
 - Board of Health sent second violation notice to Mark Velarde regarding unpermitted chickens in his yard.
 - Violation can carry a fine of up to \$100/day.
 - However, BOH says it doesn't have the capacity to enforce the violation.
- **Member Updates**
 - TT: No update on status of bill introduced in state legislature that would undermine the Massachusetts Endangered Species Act (MESA).
 - TT: State budget cuts and reorganization of the Executive Office of Energy and Environmental Affairs (EEA) will impact the DEP Wetlands Programs.
 - BD: Commission should consider implementing stricter regulations to the Bylaw to compensate for reductions in support from DEP.
 - Commission will revisit the issue of regulations, in January 2010.
 - BD: Shaun Suhoski, Town Administrator, is investigating the possibility of stimulus funding to repair Balch Dam.
 - The boards at Balch Dam have been removed to allow lowering of pond levels.
 - GB: Presented receipt from MACC Fall Conference, for reimbursement.
 - DB moved to approve reimbursement of \$90.00; JG 2nd.
 - Motion approved unanimously.
 - GB: Ethics Training
 - GB attended Ethics Training held in Town Hall and completed the test.
 - All public officials in Massachusetts are required to complete the training, which can be done online.
 - DB: Wetlands violation on Pepsi parcel.
 - DB will issue an Enforcement Order for the chain link fence erected in the wetlands of the Pepsi parcel, near Snake Hill Road.
 - DB: Revised flood maps have been issued for Ayer (Planning Board has the maps).



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- **Executive Session pursuant to MGL Ch. 39, Sec. 23B, Exemption #3**
 - 9:00 PM – GB moved to adjourn the meeting for the purpose of entering into Executive Session; JG 2nd.
 - Motion approved by unanimous roll call vote.
 - 9:04 PM – GB moved to adjourn Executive Session and reopen the meeting expressly to adjourn; JG 2nd.
 - Motion approved by unanimous roll call vote.

- **9:05 – Adjourn Meeting**
 - JG moved to adjourn; DB 2nd.
 - Motion approved unanimously.