

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **04/21/11** – Approved 4/28/11

Location: Ayer Town Hall, 1st Floor

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

Not present: Takashi Tada (TT)

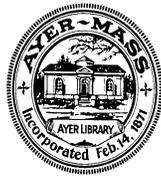
APAC taped: No

7:14 PM – Open Meeting

- **Pledge of Allegiance**

- **Confirmation of Agenda**

- **Public Hearing (cont'd): Stratton Hill subdivision**
 - The latest draft of the OOC/Special Conditions template, starting with item #54 on, were reviewed and edited.
 - The Special Conditions will be used for Stratton Hill's OOC.
 - The two site specific sections in the template, "Replication/Restoration" and "Subdivision Lot Development" were finalized.
 - The initial-page at the end of the Special Conditions was discarded because of the difficulty, given CA's limited time in the office, in coordinating between the CA and contractors.
 - The final version for these two sections reads as follows:
 - **REPLICATION/RESTORATION (Site Specific)**
 - 54. All work shall be performed according to the revegetation plan specified in Condition 12 unless otherwise specified in this Order. The Conservation Commission reserves the right to require additional plantings to ensure good cover density with indigenous species.
 - 55. The wetland replication area shall be constructed prior to any filling of bordering vegetated wetland or bordering land subject to flooding.
 - 56. The compensatory wetland area shall be excavated to base grade shown on the plans with the side-slopes being immediately stabilized. The wetland vegetation and plants to be placed in the compensatory wetland shall be carefully dug with attention to the root system, balled and burlapped in a professional manner, and temporarily stored in a shady location and watered on a daily basis. At least 75% of the surface area of the replacement area must be established with indigenous wetland plant species per the approved revegetation plan within two (2) growing seasons. One growing season is considered approximately from March 15 to October 15.
 - 57. Before planting the replication area, all trees, shrubs, stumps, and sod shall be removed from the replication area. These are not to be stockpiled in the resource area or the 100 ft. buffer zone.
 - 58. To reduce soil compaction within the replacement area all planting will be performed by hand. Finish grading will be by hand raking.

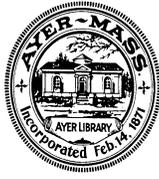


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- 59. A qualified wetland scientist shall monitor and supervise all aspects of the construction of the replication area and shall monitor the area over two (2) growing seasons. Monitoring shall continue until the area is successfully revegetated and reported to the Conservation Commission for approval. Detailed written reports shall be provided to the Commission describing the progress and function of the replication area after each growing season following initial construction of these areas.
- 60. A supplemental planting plan shall be submitted to the Conservation Commission for review and approval if less than 75% of the surface area is successfully revegetated with indigenous wetland plant species as noted above within two (2) growing seasons. The Applicant or his designee shall then be responsible for implementing the plan.
- 61. On wetland crossings, vegetation shall be cleared no wider than the limit of work established on the drawings.
- 62. Crossing work shall be limited to periods of low flow. Once commenced, all crossing work shall proceed uninterrupted to completion. At no time during this process shall drainage from the wetland on one side of the crossing be obstructed from reaching the wetland on the other side. If the road has not yet been constructed to sub-grade, a temporary pipe shall be utilized to maintain a hydrologic connection between the two wetlands.
- 63. All temporarily disturbed areas located within wetland resource areas shall be restored to their original grade, soil profile, and vegetative cover. The area must be 75% revegetated with wetland plant species similar to those disturbed within two (2) growing seasons. Monitoring shall be done as in conditions #59 and #60 described above. If the area is less than 50% revegetated with indigenous wetland plant species within one (1) growing season, a qualified wetland scientist shall submit a supplemental planting plan to be approved by the Commission and implemented by the Applicant or designee.
- 64. This Order permits the disturbance of XXXX square feet of bordering vegetated wetland.
- 65. A separate detailed plan for the wetland crossing is to be provided to the Commission for approval prior to its construction. This plan must include, but is not limited to, depth of excavation, cross-section of fill material to be placed, limits of work, and final elevations. Limits of work are to be staked for approval by the Conservation Administrator prior to the start of work.
- **SUBDIVISION LOT DEVELOPMENT** (Site specific)
 - 66. This Order of Conditions applies only to the installation of the roadways, utilities, and drainage facilities within the limits of work shown on the approved drawing. Any further development may be subject to additional permitting.
 - 67. The Commission shall be notified in writing of any lot line or lot number changes with a copy of a plan showing these changes prior to any work on these lots.



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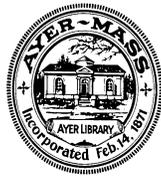
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- 68. The Commission shall be notified in writing when any maintenance functions that may impact the wetlands are to be performed. **This condition shall survive the issuance of the Certificate of Compliance.**

- **CA Updates**

- Stormwater update
 - CA has been meeting with Town Administrator Robert Pontbriand and DPW Superintendent Dan Nason; more work is planned on stormwater in the future.
 - May 16: CA will be at the DPW for National DPW Week, at which approximately 120 grade school students are expected.
 - This is part of fulfilling the state's requirement for PR with respect to stormwater.
- RFD, Pond weed control for Sandy Pond and Pine Meadow Pond.
 - The RFP appeared in *The Lowell Sun* on 4/15 and will appear again on 4/22 as is required by law.
 - CA said the Commission is likely to get up to 4 responses to this year's RFP.
- FMC Corporation
 - FMC has officially applied for a Certificate of Compliance and accompanied their request with a detailed report.
 - The Commission unanimously decided TT would be the most appropriate Commissioner to review the FMC report.
- Horizon Milling
 - After CA's visit to the Nemco Way area on 3/25, Horizon Milling moved the soil pile as requested.
 - Horizon Milling has now submitted an RDA for the rest of their excavation work.
 - Initially this wasn't thought necessary but the shed in which the excavation is taking place is not a permanently enclosed structure but is a drive-through.
 - Horizon Milling will appear before the Commission on 4/28.
- Chris Hillman, 5 Wagon Road, near Nemco Way
 - CA will be asking Mr. Hillman to appear before the Commission on 5/12.
 - On 3/25, CA gave Mr. Hillman permission, for safety reasons, to cut down three more trees – two along the roadway and a third near his driveway.
 - It appears that since then, Mr. Hillman has taken down several additional trees not authorized by CA, including approximately a half dozen dead trees/snags in the wetland.
 - CA had specifically told Mr. Hillman not to cut these trees down as they provide habitat.
 - The trees in question are not on Mr. Hillman's property but on property owned by either the railroad or the Town.
 - In addition, Mr. Hillman has been talking with Joe Kochan, of Horizon Milling, asking them to clear a culvert located near the railroad spur on Horizon Milling property.
 - When this culvert was blocked last year, it contributed to flooding that impacted Mr. Hillman's driveway.
 - While Mr. Kochan said Horizon Milling is willing to clear the culvert, CA noted that Mr. Hillman's request to Horizon Milling wrongly gave them the impression



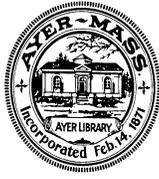
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that the company would not need a permit from the Commission to perform this work; a permit *is* required before this clearing can be done.

- Rerouting of the Science Trail/Ayer Gun & Sportsmen's Club
 - At the 3/10 meeting, Steve Smith, a member of the Ayer Greenway Committee, asked for the Commission's approval to reroute an 800 ft. portion of the Science Trail so that it is off of gun club land and back onto Town land.
 - This portion of the Science Trail was significantly damaged by lumbering/forestry work performed by the gun club on its property last fall.
 - The Commission previously decided it needed to have a better sense of the accuracy of the boundaries between Town and gun club land before approving this rerouting.
 - CA received a copy from Conrad Donell of the survey plans used by the gun club that the Commission had requested.
 - The plans provided were found to be inconclusive and less than helpful.
 - However, given the cost of performing a more specific survey (likely \$15-20,000). and given that Mr. Smith and Mr. Donell came to an informal agreement as to property boundaries during a field walk, the Commission decided to accept Mr. Smith's proposal to reroute the trail and okay this work.
 - GB moved to approve the rerouting as proposed by Mr. Smith; DB 2nd.
 - Motion approved unanimously 4-0.
- Pondview Estates
 - CA will forward to the Commission a letter received by Mr. Pontbriand/BOS.
 - The Town has come to a resolution with the Pondview Homeowners Association and will make approximately \$4000 in funds available to complete field surveying related to as-built plans, cover the costs of the as-built plans themselves, and finish conservation-related work so that the Association can apply for a Certificate of Compliance.
 - The Town's acceptance of financial obligation is a result of uncompleted work by the developer and the Planning Board's having let go of bond money prematurely.
- Richard Coke property, 88 Central Avenue
 - CA has received a number of resident complaints related to Mr. Coke's property.
 - Some of the complaints allege that wetland was filled in by Mr. Coke years ago, and ask the Commission to investigate in order to have the wetlands restored.
 - BD said this would be difficult without a photographic record documenting said changes.
 - CA has asked the complainants to come in to talk with the Commission.
- Flannagan Pond Weed Control Treatment
 - On 4/15, Chuck Miller, of Friends of Flannagan Pond (FOFP), asked CA for half an hour on the 4/28 agenda to brief the Commission about FOFP's citizens petition.
 - The petition, asking for \$35,000 to fund weed control treatment on Flannagan Pond next spring, was put on the Town Warrant for Spring Town Meeting on 5/9.
 - Given the fullness of the Commission's agenda and the lateness of the request, CA was only able to give FOFP a 15-minute slot.
 - CA informed the Commission that at its 4/19 meeting, the BOS voted 4-0 to immediately make available \$35,000 from UDAG funds to FOFP for weed control treatment *this* year.



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- Given the unexpected BOS vote that appears to make the warrant article obsolete, it now appears that the FOFP presentation for 4/28 has changed substantially in nature.
 - The FOFP has not previously asked to appear before the Commission despite earlier invitations.
- Town Administrator Pontbriand emailed the Commission asking it to move forward ASAP on this.
 - The Commission discussed the logistics of this request, given the very limited hours allotted to its CA and the already excessive workload the CA and volunteer Commission face.
 - While the Town Administrator/BOS may want the Commission to move quickly on this, FOFP will have to prepare an RFP that describes their intended scope of work for Flannagan Pond.
 - In addition, there are proper procedures and regulations which the Commission is obligated to follow.
- CA said Mr. Miller asked about piggybacking their work onto the Town's existing OOC for pond weed control.
 - CA told Mr. Miller that if their scope of work was weed treatment only, then the OOC should be applicable, but if other work was planned that is not in the Town's OOC, such as hydroraking, then FOFP will need to prepare a new NOI.
 - The Commission has informally heard talk of the FOFP's interest in deploying a hydrorake.
 - When the Commission talked a few years ago with Dominic Meringolo of Aquatic Control Technology – which has previously done weed control treatments for the Town – Mr. Meringolo at that time said that hydroraking is most effective with water chestnut but that Flannagan Pond did not have a water chestnut problem.
 - The Commission's understanding is that invasive weeds such as milfoil, if hydroraked, risk being broken up into smaller pieces that then take new root, exacerbating the problem in the long run.
 - The Commission, however, has no idea of the exact nature of the scope of work planned by FOFP and will eagerly await the FOFP's appearance on 4/28 to learn more details.
- **10:27 PM – Adjourn Meeting**
 - JG moved to adjourn; GB 2nd.
 - Motion approved unanimously.