



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **3/10/2016** – Approved 3/24/2016

Location: Ayer Town Hall, 1st Floor

Present: Bill Daniels (BD, Chair), George Bacon (GB, Vice-Chair), Takashi Tada (TT, Member), Bonnie Tillotson (BT, Member), Jessica Gugino (JG, Member/Clerk), Brian Colleran (CA, Conservation Administrator),

APAC taped: Yes

7:07 PM – Open Meeting

- **Confirmation of Agenda**

- A discussion with Ms. Cheryl Vanvegten, of 5 Mechanic Street Extension, was added.
- GB moved to confirm the agenda as amended; JG 2nd.
 - Motion approved unanimously.

- **Unscheduled Discussion: Cheryl Vanvegten, 5 Mechanic Street Extension**

- Ms. Vanvegten showed up at the meeting asking to again discuss flooding issues affecting her yard from nearby beaver dams on Nonacoicus Brook.
 - Ms. Vanvegten first appeared before ConCom on 12/10/2015.
- Walking conditions having improved, BD recently accessed the area from West Main Street for a site visit.
 - BD noted two areas where the installation of beaver deceivers on Town-owned property might be beneficial to the situation:
 - at the end of Mechanic Street Extension, where an informal pathway heading in the direction of Parthenon Pizza is located;
 - nearby, where a 12-ft. culvert pipe is half-buried, in the location of a Central Mass. fiber optic extension project, in an old DPW access road area.
- DPW Superintendent Mark Wetzel, in the audience for a later discussion, said he was fine with the use of beaver deceivers in this area.
 - Mr. Wetzel noted that the DPW has to periodically clean out the culvert mentioned above.
 - He also noted that the Town now owns 0 Park Street, behind the new Fire Station.
 - The DPW will be using this property to develop a solution to flooding problems at the Fire Station.
 - The use of beaver deceivers to alleviate a portion of flooding would likely help with this area as well.
- BD asked CA to contact Mike Callahan, of Beaver Solutions, to have him look at the two locations detailed above.
 - BD will try to provide a google-earth photo with arrows indicated suggested locations.
 - Mr. Wetzel said the DPW's Doug Jasperson is also very familiar with the area and could assist Mr. Callahan.

- **Discussion: J. P. Routhier & Sons Recycling Corp., update on tire chip removal project**

- Engineer Kenneth Snow was present on behalf of J. P. Routhier.
- ConCom issued a Negative DOA, with conditions, at an RDA Public Meeting on 1/14/2016.
 - Work commenced on the chip removal on 3/2 or 3/3.



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- While the DOA recommended the work be done while the ground was frozen, this was no longer possible.
 - As per the DOA, before and after photos were provided as documentation to ConCom.
 - JG visited the site during work on 3/3; JG and BT visited the site together on 3/4.
 - BT reviewed and made recommendations as to the most suitable seed mixes, from New England Wetland Plants Inc., for use on the slope and in the flat area at the base of the slope leading into the wetlands.
 - The haybale/silt fence line at the bottom of the slope was removed during the actual work to enable better use of the excavator arm (the excavator remained at the top of the slope).
 - Following the scraping of the tire chips, fresh erosion controls were installed at the base of the slope, and the slope was seeded, mulched, and covered with a jute mat.
 - The erosion controls will remain in place until the slope has grown in, stabilized, and their removal approved by CA.
 - While on-site, the subject of using rip-rap to stabilize the slope had come up.
 - Mr. Snow said the contractor, Buxton, had raised the possibility of using riprap for immediate stabilization of the slope but it was decided to follow the conditions of the RDA instead.
- **Discussion: Violation, 4 Eagle's Nest Lane**
 - ConCom received notice from a resident that tree/s were being taken down with a piece of heavy equipment on the steep slope abutting Flannagan Pond.
 - Homeowner Dave Canney was asked to come speak with ConCom.
 - Mr. Canney explained that:
 - About 15-20 ft. from his back porch, he had a large oak (18-20 in. diameter) split and blow over, partially falling into the pond.
 - Nearby an 8-10 in. diameter pine had also split.
 - On Saturday, 3/5, Mr. Canney had happened to have an excavator in the vicinity and some free time.
 - He used the machine to yank out the two split trees and then cut them up.
 - It was a spur of the moment decision.
 - BD said that safety issues of course take precedence but to make sure to ask ConCom first next time.
 - CA said there is still an open OOC on this property, along with a conservation easement.
 - BD asked Mr. Canney to turn in a request for a Certificate of Compliance in the next few months.
 - This should include an as-built plan signed by a certified engineer.
 - **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 2/25/2016 as written; TT 2nd.
 - Motion approved unanimously.
 - **Discussion: Snake Hill Road Dog Park on Parcel 'H1'**
 - DPW Superintendent Mark Wetzel described this project.
 - The Town has received a grant of \$19,000 from the Stanton Foundation for the development of a dog park.



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- Parcel 'H1' is on Snake Hill Road, part of the Pingry Hill subdivision, and now owned by the Town.
 - It was originally intended for a soccer field but Parks & Recreation abandoned that usage.
- The DPW put out an RFP for designing the dog park and has received 3 excellent proposals.
 - A Public Meeting will be scheduled in April for review of the plan selected.
- BD noted that in discussions with developer Rick Roper, of Crabtree Development (Pingry Hill), in 2004, Mr. Roper had said he would put in and finish a drainage area on H1 once it was determined how the parcel would be used.
 - Mr. Wetzel said that area is currently not collecting much drainage.
 - He will talk to Steve Mullaney, of S. J. Mullaney Engineering, to find out where properties in that area are actually draining to.
- Mr. Wetzel asked if the design of the dog park was limited to the square area of H1, or if there was any flexibility to encroach on the drainage easement area that is primarily on adjacent parcel 'H2'.
 - This could help with, say, parking for the dog park.
 - H2 is owned by the Town and was put into conservation as part of a settlement between Crabtree Development and the EPA.
 - BD asked for more information on the drainage easement from Mr. Mullaney, and also clarification on what 'drainage easement' means in this case, and what rights the Town has to use part of it.
- BD also suggested that parcel 114, at the corner of Snake Hill and Fox Run, be looked into.
 - It was offered to the Town by Mr. Roper but turned down.
 - However, BD suggested it might be an option for use in storing drainage from the area.
- Other DPW issues
 - Mr. Wetzel talked about plans to use directional drilling in order to extend the water main from Wright Road underneath the inlet stream to Sandy Pond, then connecting to the water main on Sandy Pond Road.
 - Mr. Wetzel also speculated about the possibilities of constructing a boardwalk over the inlet stream to create a walking trail.
 - On the issue of ConCom establishing a comment period for feedback on projects under its review from DPW, the Town Engineer, the Building Inspector, and other boards, Mr. Wetzel expressed support and suggested a form similar to that used by the ZBA.
 - With respect to the Solar One project recently reviewed under an RDA, Mr. Wetzel's comments came in the day after ConCom concluded the RDA.
 - BD noted that the RDA only approved the solar array construction and that an NOI would be forthcoming for construction of an access road into the site.
 - At the time of the NOI hearing, ConCom could conceivably ask for revised trench detail for the array, per Mr. Wetzel's comments.
 - Mr. Wetzel also recommended all-department meetings before big projects.
 - He also said that in any future requests for DPW comments from ConCom, a set of full-size plans would be necessary for proper review.



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- On the issue of the water level in Sandy Pond, Mr. Wetzel indicated that the DPW recently requested that the Fire Department remove one of the boards from Balch Dam (East Main Street Spillway).
 - The water level was very high and there was concern that it might damage the culvert under Rte. 2A.
 - BD reminded Mr. Wetzel that the Town has an OOC specifying the removal of boards in November and their replacement in May.
 - JG noted that the Town should stick with its usual practice (skipped this past year) of removing the boards prior to winter.
 - While the water level was very low this past fall, the installation of a beaver deceiver at Long Pond Dam means that water now continually flows from that pond into Sandy Pond.
 - On the issue of ConCom reviewing its Wetland Bylaw, Mr. Wetzel suggested a revised bylaw include a “minor projects” clause.
- **Discussion: Ayer Wetland Bylaw revision**
 - CA circulated a copy of Town Bylaw LIII specifying ConCom’s enforcement authority and ability to impose fines.
 - Another opinion has been received from Town Counsel John Goldrosen (3/8/2016) on this.
 - ConCom members began to discuss things to go into a revision of the bylaw, including whether or not ConCom would apply ACEC rules in areas where the Commission has jurisdictional authority.
 - Before ConCom went further in this discussion, TT drew everyone’s attention to Executive Order 562, signed by Massachusetts Governor Charles Baker on 3/31/2015.
 - The Executive Order’s goal is “to reduce unnecessary regulatory burden,” as well as cost and complexity.
 - It mandates that each State “secretariat, agency, department,, board, commission, authority or other body within the Executive Department” promptly review all regulations currently published in the Code of Massachusetts Regulations.
 - Except as regulations are determined to be “essential to the health, safety, environment or welfare of the Commonwealth’s residents,” regulations are to be ‘sunsetting’ on or before 3/31/2016.
 - Section 5 of the Executive Order states “Beginning immediately, no Agency shall promulgate new regulation which has not been reviewed pursuant to this Order and does not meet the standards set out in this Order.”
 - Before proceeding further, ConCom will ask Town Counsel for an opinion on this Order so as to determine whether it would even be possible to revise and update Ayer’s wetland bylaw at this time.
 - **Announcements and CA Updates**
 - Willows Appeal
 - Duncan Brown has filed an appeal on OOC # 100-0387 for The Willows.
 - CA will scan and circulate a copy of the appeal.
 - CA said someone has offered to buy a tree for every 7th grader in town, but that the plan needs a backup location for tree planting in the case of students who don’t have suitable property.



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- Mr. Wetzel said the area at the top of Pingry Hill, where a water tank is being installed, would be a great location.
 - CA pointed out a grant opportunity for flood plain ecosystem improvements and pre-disaster mitigation.
 - Its deadline is 5/25/2016.
 - Ticketing policy
 - ConCom members generally felt that use of “non-criminal disposition” tickets for violations should be used as a last resort.
 - This was underscored by a workshop session at the Massachusetts Association of Conservation Commissions (MACC) Conference on 3/5.
 - It was also agreed that Town Bylaw LIII should be amended to include the Conservation Administrator as having the authority to issue tickets where justified.
- **Accounts Payable**
 - Brian Colleran: \$9.99, reimbursement for purchase of poster tube from A. C. Moore for field copy of jurisdictional parcels map.
 - GB moved to approve payment of \$9.99 to Brian Colleran; TT 2nd.
 - Motion approved unanimously.
 - Brian Colleran: \$211.40, reimbursement for poster framing of jurisdictional parcels poster, from Big Picture Framing.
 - GB moved to approve payment of \$211.40 to Brian Colleran; BT 2nd.
 - Motion approved unanimously.
 - J & S Business Products: \$48.00, for new 36x48 glossy photostock poster with revised margins for framing.
 - GB moved to approve payment of \$48 to J & S Business Products; TT 2nd.
 - Motion approved unanimously.
 - Jessica Gugino: \$125, reimbursement for admission to MACC Conference, 3/5/2016.
 - TT moved to approve payment of \$125 to Jessica Gugino; GB 2nd.
 - Motion approved 4-0 (JG abstained).
- **10:33 PM – Adjourn Meeting**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.