



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249

Minutes for **11/14/2016** – Approved 12/8/2016

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: No

SPECIAL MEETING: UPDATING AYER'S WETLAND BYLAW

7:20 PM – Open Meeting

- Ayer's current Wetlands Protection Bylaw (Article XXVI) is old and out-of-date.
 - It does not offer anything beyond the State's Wetlands Protection Act (1972) and therefore has no real functionality.
 - The Commission feels that the Town needs a more viable Bylaw that does a better job of protecting Ayer's resources as well as clearly establishes rules so that everyone is treated fairly and equally.
- The likely date for Spring Town Meeting (STM) next year will be May 15, 2017.
 - ConCom discussed a timeline of meetings so as to have a revised Bylaw ready for a vote at STM 2017.
 - Some extra meetings were added.
- ConCom will rely heavily on the Mass. Association of Conservation Commissions (MACC) template for local wetland bylaws.
 - This template has been adapted by numerous Massachusetts towns and has therefore been successful, in its many versions, in receiving approval from the State Attorney General's office.
- CA will contact Town Administrator Robert Pontbriand for guidance on the procedures for seeking Town Counsel review in a timely manner.
- The proposed timeline is as follows:
 - **Thursday, December 8, 2016** – regular meeting.
 - **Monday, December 12, 2016** – special meeting.
 - This meeting will focus on the initial re-drafting of the MACC template into an Ayer-specific bylaw.
 - Sections of the MACC template will be divided up (see below) for particular review by Commission members and CA.
 - Any changes to the MACC template, or additions, will be discussed at this meeting and the January 17, 2017 meeting as well.
 - **Thursday, January 12, 2017** – regular meeting.
 - Wording for a postcard for Town-wide mailing, to be sent later in January, will be reviewed.
 - The postcard will inform Ayer residents that the Commission will be preparing to submit a new Bylaw to the Town at STM 2017.
 - It will invite residents to attend ConCom's public input meetings (February 23, March 9) and to support this Bylaw so that Ayer can join the other XXX Massachusetts communities that have passed viable local Bylaws.
 - BD asked CA to find out the exact number (XXX) of Mass. communities that have adopted local wetland Bylaws.



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- **Tuesday, January 17, 2017** –special meeting.
 - Final changes to the MACC template will be made.
 - This draft will be readied to submit to Town Counsel (Kopelman & Paige) for review and comment.
 - Kopelman & Paige will be asked to respond to the draft Bylaw as quickly as possible.
 - Once a final draft is prepared, it will also be posted to the Town website as well as submitted to the Board of Selectmen and the Planning Board.
- **Thursday, February 9, 2017** – regular meeting.
 - A determination of whether an additional special meeting on February 13 is necessary will be made at this time.
 - This will in part be determined by whether Town Counsel has responded to the draft by this date.
- **Monday, February 13, 2017** – date to be left open for a additional special meeting, if needed.
- **Thursday, February 23, 2017** – regular meeting.
 - Public input on draft Bylaw, 7:15-8:45 p.m.
- **Thursday, March 9, 2017** – regular meeting.
 - Public input on draft Bylaw, 7:15-8:45 p.m.
- **Thursday, March 23, 2017** – regular meeting.
- **Monday, March 27, 2017** – final revisions, if any, to draft Bylaw.
 - The Commission assumes it likely has until March 28, at the earliest, to submit a final version of the Bylaw to the Town Clerk for inclusion in the Warrant for STM 2017.
- **Mission statement:**
 - ConCom will need to focus on a mission statement clearly explaining the purpose of a revised Bylaw to Ayer residents
 - The Bylaw will be intended to enable the Commission to better protect wetland resources and open space in the Town of Ayer.
 - CA was asked to research the history of the establishment of the Conservation Commission in Ayer.
 - This will help place the new Bylaw firmly within the history of our community.
 - What is known so far is this:
 - The Massachusetts Conservation Commission Act was passed in 1957.
 - This enabled towns to establish Conservation Commissions for the purpose of protecting water resources and supplies, the original mandate.
 - CA will find out what year Ayer formed its own ConCom and how the wording was phrased in the applicable Town Meeting Warrant.
 - The Massachusetts Wetlands Protection Act was passed in 1972 (M.G.L. Ch. 131, section 40).
- **Division of sections from MACC Template:**
 - I. Purpose – BD
 - II. Jurisdiction – BT and TT
 - III. Exemptions and Exceptions – GB
 - IV. Applications and Fees – JG
 - V. Notice and Hearings – CA



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- VI. Coordination with Other Boards – CA
 - VII. Permits and Conditions – All
 - VIII. Regulations – GB
 - IX. Definitions – BT
 - X. Security – BD
 - XI. Enforcement – All
 - XII. Burden of Proof – As is/All
 - XIII. Relation to the Wetlands Protection Act – As is/All
 - XIV. Severability – As is/All
- **9:30 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.