



## **Town of Ayer Conservation Commission**

Town Hall \* One Main Street \* Ayer, MA01432 \* 978-772-8218 \* 978-772-3017(fax)

Minutes for **03/27/08** – **Approved 04/24/08**

Location: Town Hall

Members present: Bill Daniels (BD, Chair), David Bodurtha (DB, Vice-chair), Takashi Tada (TT, Clerk), George Bacon (GB), Denis Luken (DL, Non-Appointed Member), Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: Yes

### **Start (7:00 PM)**

- **Meeting Minutes Approval**

- GB moved to approve the Minutes from 03/13/08, as written; TT 2<sup>nd</sup>.
  - Motion approved unanimously.

- **Accounts Payable**

- GB moved to approve payment of \$100.00 to reimburse DL for MACC Conference registration fee; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- GB moved to approve payment of \$25.03 for Certified Mailings sent in regard to the Enforcement Order for Autumn Ridge Farm development; TT 2<sup>nd</sup>.
  - Motion approved unanimously.
- MACC outstanding dues:
  - On 10/25/07, Commission approved adding DL and CA to MACC roster; however, the approved payment amount of \$214.00 only covered one addition. DL is not currently on the MACC roster.
  - CA: According to MACC, Commission can add DL to roster through end of FY08 for \$30.00 (member fee of \$40.00 minus \$10.00 paid as non-roster attendee of MACC Conference).
  - TT moved to approve payment of \$30.00 to add DL to MACC roster; GB 2<sup>nd</sup>.
    - Motion approved unanimously.
- CA Payroll:
  - CA worked 1.5 hours extra hours since last meeting.
  - GB moved to approve payment to CA for 1.5 extra hours worked; TT 2<sup>nd</sup>.
    - To be paid out of Wetlands Funds.
    - Motion approved unanimously.
  - CA and BD met with Chris Ryan to discuss adding 4 hours per week to CA schedule, through end of FY08. Mr. Ryan confirmed availability of funds.

- **Discussion: Crabtree Development Co. – Ridgview Heights Subdivision (DEP # 100-257)**

- Steve Mullaney and Rick Roper presented on behalf of Crabtree Dev. Co.
- The project is governed by 23 separate Orders of Condition, including:
  - Order from Town covering realignment of Snake Hill Road; expires next month.
  - Superseding Orders from DEP; partially extended by DEP.
- Crabtree is requesting a 3-year extension of the Town's OOC to allow for satisfactory completion of wetland replication requirements, and for processing of land conveyance to



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Town (soccer fields, water tank, and drainage easement). Completion of land conveyance requires approval at Town Meeting.

- Crabtree must submit new NOI to DEP in order to reinstate the Superseding Orders.
  - Crabtree plans to submit a separate NOI for each of the four remaining project phases, at the appropriate times.
- BD asked Crabtree to provide a clear delineation of the Phases beforehand.
- Public Hearing is scheduled on 04/10/08.
  
- **Discussion: Foresite Engineering – Orion Park NOI and Conservation Restriction**
  - Scott Hayes presented the latest plan for expansion of Orion Industrial Park, Westford Rd.
    - Plan includes construction of drainage system within the wetland buffer zone.
  - The site is located within NHESP rare species habitat. Mitigation proposal includes granting of Conservation Restriction on 7.2 acres, to be held by Commission.
  - CR document was sent to Town for review.
    - Mr. Hayes will look into the process of finalizing the CR.
    - Will require approval at Town Meeting.
  - Public Hearing for Orion's NOI was continued indefinitely, nearly two years ago.
    - Orion needs to notify abutters and advertise in paper, if they are ready to seek approval from Commission.
  - Commission scheduled a site walk on 04/10/08 at 6:15 pm.
  
- **Discussion: Request for COC – 126 Sandy Pond Rd.**
  - Three properties are being foreclosed, but have open (i.e. expired) OOC's.
  - Requests for COC are forthcoming.
  - CA will review the files and schedule a site walk.
  
- **Discussion: Violation Notice – Stony Brook Industrial Park**
  - Lessee at Roger Kanniard's property on New England Way was found to be improperly storing chemical de-icer in large tanks, within Town's Zone II aquifer.
    - No haybales in place, and the OOC has not yet been recorded.
  - Tanks are being removed per order of Board of Health.
  - CA is drafting a Violation Notice to send to Mr. Kanniard.
  
- **Discussion: Dock Permits – Letter to Residents**
  - CA received comments on draft letter from GB.
  - Letter outlines the dock permitting procedures under both DEP and Commission.
  - For any work to be done within the buffer zone, the minimum requirement under Commission policy is to come before the board and/or arrange a site visit.
  - Renewal of RDA/NOI will coincide with renewal of Ch. 91 permit (valid for 15 years).
  - Commission may request assistance from Chris Ryan's office for preparation of mailings.
  - CA will contact Aquatic Control Technology re: weed control educational flyer, which would best be included with the dock permit letter.



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- **Discussion: Pond Weed Control**
  - Commission needs to extend the OOC issued to the Town.
  - Commission needs to encumber funds by 06/30/08 for weed control monitoring.
  - Commission discussed options for monitoring of ACT's weed treatments.
  
- **Discussion: Annual Town Meeting**
  - Commission will not make any funding requests at Spring Town Meeting.
  - BD will ask FinCom if funding requests can be made at Fall Town Meeting.
  
- **Discussion: Ch. 43D Procedures (Expedited Permitting)**
  - Commission reluctantly agreed to allow GB to serve as Ch. 43D representative.
  
- **Member Issues**
  - GB: Sent draft Annual Report to Commission for review.
    - Commission concurred with report; GB will submit to Town Administrator.
  - GB: Patrick Hughes requested a letter from Commission in support of the revised Devens Open Space Plan.
  - TT: Suggested asking Chris McNamara if he is interested in becoming a non-appointed member of the Commission.
  - CA: Received a NOI for Central Avenue; hearing to be held 04/10/08.
  - CA: Visited Ridgeview Heights development with DB to check on progress.
  - CA: After completing the pond information package, the next administrative priorities are the Wetlands Kit, office informational kiosk, and website improvements.
  - DB: DPW held the first of two public information meetings re: Stormwater Bylaw Updates.
    - Although the Stormwater Committee has agreed that enforcement would be the CA's responsibility, FinCom incorrectly put the funds for enforcement in the Building Inspector's budget.
    - Second public meeting to be held 04/06/08.
  - BD: NRWA is hosting workshop on Healthy Lawns & Landscapes, 04/02/08 at 7:00 pm.
  
- **Discussion: Easy Street Development**
  - DB informed Commission of sedimentation issues at Easy Street Development site (Roger Kanniard), including photos of soil deposition on Sandy Pond Road.
  - DB: DEP permits (401 WQC) typically require a rip-rap buffer strip.
    - Commission should notify Mr. Kanniard and request immediate remedial action.
  
- **Executive Session (9:20 PM)**
  - GB moved, per MGL Ch. 39, Sec. 23(b), No. 6, to enter into Executive Session, DB 2<sup>nd</sup>.
    - Motion approved unanimously.
  - GB moved to close Executive Session and reopen meeting for adjournment, DB 2<sup>nd</sup>.
    - Motion approved unanimously.
    - End Executive Session (10:00 PM)



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- GB moved to adjourn; DB 2<sup>nd</sup>.
  - Approved unanimously.

**Adjourn (9:50 PM)**