



Town of Ayer Conservation Commission

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

Minutes for **05/08/08** – **Approved 05/22/08**

Location: Town Hall, 2nd Floor

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

APAC taped: No

Start (7:00 PM)

• Payables

- Office Equipment/Supplies: \$24.74
 - DB moved to approve payment; GB 2nd.
 - Motion approved unanimously.
- Revised (final) weed control pamphlet from ACT: \$2,500.00
 - Payment was approved.
- CA will contact BOS re: nameplate for JG and ordering business cards.

• Announcements

- Received letter from MBCR re: weed control spraying along commuter rail right-of-way. Herbicide will be applied by TEC Associates.
- Received letter from Jacobs Engineering Group re: wetlands delineation along the commuter rail line. Jacobs will be conducting wetlands evaluations this year.

• Public Hearing: 2 Wright Way – RDA

- Keith Henderson, 2 Wright Way, presented plans for a deck addition to his house. Deck will measure 10x20 feet.
- A majority of the deck will be located within 100 feet of Sandy Pond, up to ±90 feet.
- Footing holes will be dug manually, and the displaced soil will be stored on paved driveway in front of house.
- CA visited the site and found nothing of concern.
- DB moved to approve a “negative” determination; JG 2nd.
 - Motion approved unanimously.
- Mr. Henderson indicated he would stop by office Friday morning to pay the legal ad fee.

• Meeting Minutes Approval

- GB moved to approve minutes from 04/24/08, with minor amendments; DB 2nd.
 - Motion approved unanimously.

• Public Hearing (cont'd): Autumn Ridge Active Adult Community – NOI

- Eric R. and Cal Goldsmith of GPR, and Rick Lamarre of Lamarre & Son, presented on behalf of the project. Also present were Steve Smith and residents Al Moreno and Heaton Nash.
- BD summarized the site walk that occurred 04/26/08. Issues raised during the site walk include:



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- The undesignated storage area between the road and the farm pond. This is located within the CR. Some of the stored material is from the old roadway and will be mixed in with the base layer for future construction.
 - Mr. Lamarre agreed to repair erosion controls around the storage area for now; then restore the area at the end of summer.
- The spillway area that appeared to discharge above the retaining wall elevation.
 - Mr. Lamarre will raise the retaining wall to the correct height.
- A drainage swale will be added to divert runoff from the adjacent hayfield.
- A wick will be added to the lower detention pond, along with a catch basin outlet.
- Erosion controls have been installed around the soil stockpile near entrance.
- GPR will provide plan addenda showing corrections and revisions as described above.
- DB expressed concern about vehicle refueling during construction.
 - Refueling will be conditioned to occur on existing roadway areas, outside the wetland buffer zone.
- Commission recommended placing DEP sign near storage area, and renewing the soil moving permit with the BOS if necessary.
- DB moved to approve NOI, pending receipt of aforementioned plan addenda; JG 2nd.
 - Motion approved unanimously.
- GB moved to continue hearing to 05/22/08; TT 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd): Orion Park – NOI**
 - Scott Hayes, Foresite Engineering, presented on behalf of Orion Park.
 - Mr. Hayes forwarded a conceptual fence design from NHESP that allows for openings.
 - NHESP requires the fence be installed prior to start of work.
 - Commission will also require another site visit to inspect fence and erosion controls prior to start of work.
 - Commission recommends placing CR signage at the fence openings and along the side lot boundaries.
 - The Orion business association will be responsible for maintenance of the detention basin.
 - GB moved to approve NOI application, pending resolution of fence issues; JG 2nd.
 - Special Conditions will include specific items related to the fence.
 - Motion approved unanimously.
 - GB moved to continue hearing to 05/22/08; DB 2nd.
 - Motion approved unanimously.
- **Public Meeting (cont'd): Canney Bros. Construction – Partial COC Request**
 - BD conducted a site visit and reported no issues of concern.
 - Partial request pertains to Lots 1-B, 2 & 3.
 - Also inspected hay bales at 82 Groton School Road – no issues.
 - GB moved to approve request for Partial COC for the aforementioned lots; DB 2nd.
 - Motion approved unanimously.



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- **Public Meeting: 4 New England Way – Enforcement Order**
 - The improper storage tanks will be relocated to a location in Shirley.
 - DB questioned whether the proper authorities were present during draining of the tanks and whether the tenant, Emerald Isle Landscaping, took appropriate measures to control spills.
 - DB showed photographs taken at the site.
 - CA reported that 6 of 8 tanks have been removed, along with the trailers. The remaining two tanks contain lignin.
 - BD asked if the Commission can revoke the OOC issued to Roger Kinniard, owner.
 - Jennifer Gensel, DEP Central Region Circuit Rider, stated that revocation of an OOC requires consultation with Town Counsel and legal notification of the permittee.
 - DB will send another letter strongly encouraging Mr. Kinniard to respond in person, ASAP.

- **Public Meeting: Easy Street – Violation Notice**
 - Violation Notice was issued in response to siltation on Sandy Pond Road.
 - DB will send another letter strongly encouraging Roger Kinniard, owner, to respond in person ASAP.

- **Presentation: MassDEP Revised Stormwater Regulations**
 - Jennifer Gensel, DEP Central Region Circuit Rider, provided handouts and presented slides re: the new stormwater regulations, effective January 2, 2008.
 - Detention basins have been phased out and are being replaced with a variety of infiltration BMP's to encourage groundwater recharge.
 - Commissioners should become familiar with Volume 2, Chapter 2 of the new regulations, and have a copy available for reference during meetings.
 - Commission is authorized to condition the use of BMP's to meet the new standards.
 - However, the conditions should not specify which BMP's to use, or else the Commission assumes liability for any failures to meet the standards.

- **Public Meeting: Tim's Hydroseeding – Enforcement Order**
 - BD drafted an Enforcement Order letter to Tim's Hydroseeding in Groton.
 - Ms. Gensel said the NOI process is not intended as a mechanism for encouraging mitigation, restoration, and compliance with Enforcement Orders.
 - DB moved to issue the Enforcement Order to Tim's Hydroseeding; GB 2nd.
 - Motion approved unanimously.

- **Updates/Discussion**
 - BD: Beetle biocontrol of purple loosestrife
 - Participants will be sewing mesh bags at NRWA on 05/15/08.
 - BD: Warrant Article for gift of two parcels of land from Ridgeview Heights.
 - Commission does not see the benefit of the Town accepting these parcels.
 - TT: Bishop Road remediation project (FMC Corp.)
 - Public Hearing scheduled on 05/22/08.
 - CA: Littleton Clean Lakes program will be applying herbicides at Spectacle Pond.



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- CA: Met with Town Accountant to discuss accounting issues.
- CA: No update on 65 Sandy Pond Road.
- DB: Erosion controls at Sandy Pond 3 need to be maintained until the COC is issued.
- GB moved to approve use of Wetlands Funds, if needed, to cover extra hours worked by CA; TT 2nd.
 - Motion approved unanimously.
- GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.

Adjourn (11:20 PM)