



Town of Ayer Conservation Commission

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

Minutes for **05/22/08** – **Approved 06/12/08**

Location: Town Hall

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: Yes

Start (7:00 PM)

- **Meeting Minutes Approval**
 - DB moved to approve minutes from 05/08/08, with minor amendments; GB 2nd.
 - Motion approved unanimously.

- **Payables**
 - Certified mailing fees and other postage/supply costs incurred by DB: \$19.56
 - Re: Enforcement Orders/Violation Notices for The Willows and Roger Kinniard.
 - GB moved to approve reimbursement of DB's expenses; JG 2nd.
 - Motion approved unanimously.

- **Announcements**
 - The updated Ayer Stormwater Bylaw was approved at ATM without comment.
 - Implementation details have yet to be ironed out.

- **Public Hearing (cont'd): NOI – Autumn Ridge Active Adult Community**
 - Eric R. of GPR presented the plan revisions as agreed previously.
 - Eric will confirm the installation of erosion controls around the staging area.
 - The OOC will be finalized now that the plan revisions are in hand.
 - The OOC will have specific condition(s) for certain aspects of the project deemed to be time sensitive, as discussed previously with the developer.
 - GB moved to close hearing; DB 2nd.
 - Motion approved unanimously.
 - CA will finalize the OOC and provide a copy to Steve Smith.

- **Public Hearing (cont'd): NOI – Orion Park**
 - CA will include the fence (NHESP requirement) and Conservation Restriction signage in the OOC.
 - GB moved to close hearing; DB 2nd.
 - Motion approved unanimously.

- **Public Hearing: NOI – FMC Corporation, 9 Bishop Road**
 - Proponents: Mike Shannon of FMC Corp., Gene Choquette of Arcadis, and Scott Anderson of Parsons.
 - FMC has already received approval from DEP and Corps of Engineers, and has been granted access to the property by the current building owners.



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- FMC has also cleared the project with Building Inspector.
- BD recommended also confirming their soil removal permit with BOS.
- There is a beaver lodge in the pond, beyond the work area. Water levels may be higher due to the beaver activity, but it should not cause any delays in the project.
- BD requested Arcadis provide weekly project updates (email) to CA.
- The current property owner has granted permission to Emerald Isle Landscaping to use the railroad spur on the west side of building.
 - Henry Manuel, owner of Emerald Isle, explained that he will offload lignin, calcium chloride, and brewer's condensed soluble, for use in his landscaping business.
 - The offloading point is roughly 300 feet from the wetlands and outside of FMC's work area.
 - There should not be any conflicts, but Mr. Manuel will notify FMC in advance of any rail shipments and offloading activities.
- A single specimen of New England Blazing Star plant has been documented onsite, within the work area.
 - The plant is protected in Massachusetts as a species of "Special Concern."
 - FMC is working with NHESP to resolve this issue. FMC will copy Commission on correspondence from NHESP.
- GB moved to approve FMC Corporation's NOI; JG 2nd.
 - Motion approved unanimously.
- GB moved to close hearing; JG 2nd.
 - Motion approved unanimously.
- **Public Meeting: Enforcement Order – Tim's Hydroseeding**
 - Timothy P. Ash of Tim's Hydroseeding in Groton.
 - Commission presented photos of the wetland area on Wagon Road, property of New England Power Company.
 - Photos clearly show an algal bloom at the spot where Mr. Ash engaged in withdrawal of water and is suspected of allowing seed and fertilizer to enter the water.
 - Mr. Ash claimed the algae were there prior to his withdrawal activities.
 - BD said he contacted New England Power and they requested cessation of withdrawal from their property.
 - BD suggested that Mr. Ash contact Ayer Fire Dept. to see if the dry hydrant near the rotary at Balch Dam is available for use.
 - This would eliminate the possibility of seed or fertilizer entering any water body.
- **Public Meeting: Request for OOC Extension – Littleton Clean Lakes Committee**
 - Savas Danos, Littleton Light & Water Dept., presented a request for extension of the OOC for management of nuisance aquatic vegetation (i.e. pond weed control).
 - Lycott Environmental is performing the weed control using the same slow-release herbicide pellets that are being used in Ayer's ponds by ACT.
 - Mr. Danos provided informational handouts, including analytical data from Littleton's Spectacle Pond drinking water wells.
 - The data show no impact to the wells from the herbicides.



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- DB moved to approve extension of the OOC; GB 2nd.
 - Motion approved unanimously.

- **Public Meeting: Enforcement Order – 4 New England Way (DEP #100-0306)**
 - Enforcement Order was ratified by Commission 04/24/08.
 - Roger Kinniard, owner and permittee; Henry Manuel, Emerald Isle Landscaping; Kevin Barrett, Ice-Ban.
 - Mr. Kinniard stated that he did not realize the leasing of the property to Mr. Manuel for unauthorized storage of landscaping and de-icing materials constituted a violation of his OOC.
 - Mr. Kinniard has yet to record the OOC with the Registry of Deeds; therefore the permit is not valid.
 - Also, Mr. Kinniard has yet to install erosion controls at the site.
 - Mr. Manuel has relocated 6 of 8 tanks to an approved location in Shirley, while the remaining 2 tanks have been emptied and the trailers removed offsite.
 - Mr. Manuel ensured the Commission that the substances stored in the tanks are relatively benign.
 - Mr. Barrett explained the benefits of using Ice-Ban instead of salt. It is less corrosive than salt and improves the melting effect on icy roads.
 - DB will follow up with DEP after the OOC has been recorded by Mr. Kinniard.

- **Public Meeting: Violation Notice – Easy Street**
 - Violation Notice was issued to Roger Kinniard in response to uncontrolled siltation from the Easy Street development site onto Sandy Pond Road.
 - Mr. Kinniard indicated that the site entrance has been paved and that he will be planting trees along the right-of-way to help keep the dirt onsite.
 - Mr. Kinniard will notify CA when the trees are in place.
 - Mr. Kinniard will also re-post the DEP sign, which had been vandalized.

- **Member Updates**
 - BD: Purple loosestrife biocontrol update
 - Participants held a sewing bee at NRWA to make sleeves coverings for the potted loosestrife plants. Once covered, the plants will be inoculated with beetles.
 - BD: Pondview Estates
 - BD will finish the CR response letter next week.
 - BD: Memo from Town Administrator re: budget resolution items
 - The FY08 Planning & Development budget will be reconciled, in part, using \$1,643.10 from Wetlands Funds to pay for CA's desk, as agreed many moons ago.
 - Part-time employees will not be approved for Overtime/Comp Time.
 - Sue Sullivan's schedule will be adjusted to fit within the Planning Board/ZBA budget.
 - CA will work an average of 16 hours/week through 06/30/08.
 - Commission agreed to support a reserve fund transfer for P&D, if needed.
 - Planning Board to charge applicants for legal ads.



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- Chris Ryan will impose a spending freeze on non-budgeted items.
 - CA: MACC reimbursement checks should be cut this week.
 - CA: Additional measures are now in place to track checks and other budget-related items.
 - CA: The FY09 budget will include a separate line item for Commission expenses such as legal notices, postage, etc.
 - BD: 88 Central Avenue
 - Received letter of concern from resident about apparent wetlands violations and unauthorized vehicle storage at the corner of Central Avenue/Groton-Harvard Road.
 - DB will prepare/send Violation Notice, with copy to Building Inspector.
 - BD: Army Report on Risk Characterization, former Railroad Roundhouse
 - Stan Reed of MACTEC provided a letter notifying Town of the report, which has been completed and is now available from the Army BRAC Office, Devens.
 - Report is based on analysis of sediment samples from the Railroad Roundhouse section of Plow Shop Pond on the former Fort Devens.
 - Petroleum hydrocarbons and heavy metals are present in the sediment.
 - The Army is partially responsible for the contamination in the pond.
 - JG: Status of informational mailing for residents near the ponds?
 - CA had to hold off until budget issues were resolved.
 - GB: Provided copies of handouts from the workshop re: Rivers Protection Act.
 - GB: Pond weed monitoring status?
 - Need to have a contract in place by June 30 of this year.
 - GB: 65 Sandy Pond Road?
 - CA to send Violation Notice.
 - DB: Status of file organization?
 - Janet Berube has not begun going through the files.
 - DB: Will prepare Violation Notice for Sandy Pond 3.
 - CA: Ridgeview Heights (Pingry Hill) Subdivision
 - OOC's for 18 lots are set to expire prior to the next scheduled meeting.
 - Need a site walk to verify wetland flagging for these lots.
 - Site walk scheduled Saturday, 05/31/08, at 8:00 AM.
 - Special Commission meeting scheduled Thursday, 06/05/08.
 - CA: Implementation of new Stormwater Bylaw
 - Suggest having a meeting with DPW, Planning Board, and Building Inspector to work out the details of monitoring and enforcement.
- GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.

Adjourn (11:00 PM)