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TOWN OF AYER
TOWN CLERK



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8220, ext. 143

Minutes for 11/9/2023

Location: Ayer Town Hall, 1st Floor

Present: Jon Schmalenberger (Chair), Mark Phillips (Vice-Chair), George Bacon (Member), Jen Amaya (Member), Jessica Gugino (Member/Clerk), Heather Hampson (Conservation Agent)

APAC taped: YES

All Public Hearings are opened under the Wetlands Protection Act (MCL Ch. 131, section 40)
and under the Ayer Wetlands Bylaw (Article XXVI)

7:00 PM – Open Meeting

- **Confirmation of Agenda**
 - **VOTE:** G. Bacon moved to confirm the agenda as posted; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Approval of Meeting Minutes**
 - **VOTE:** G. Bacon moved to accept minutes for 10/26/2023 as written; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
 - **VOTE:** G. Bacon moved to accept the Executive Session minutes for 10/26/2023 as written and without discussion; M. Phillips 2nd.
 - Motion approved unanimously 5-0.
- **Public Input**
 - None received.
- **Public Hearing (cont'd): Notice of Intent (NOI) – 71 Sandy Pond Road, North Country Developers, LLC, MassDEP # 100-0486**
 - Assessor's Map 29, Parcel 1
 - Brandon Douchard, of David E. Ross Associates, and Brent Routhier, of North Country Developers, were present.
 - Parcel 1 at 71 Sandy Pond Road is currently a 2.86 acre lot at the corner of Sandy Pond Road and Snake Hill Road, diagonally opposite the Town Beach.
 - It is proposed for subdivision into 2 lots (before the Planning Board), with a duplex to be constructed on each lot.
 - They must also appear before the Zoning Board of Appeals for a Special Permit for the construction of duplexes in the A-2 residential zone.
 - ConCom conducted a site walk on Saturday, 10/28.
 - Mr. Douchard detailed the two modifications to the plans submitted at ConCom's 10/26 meeting:
 - Both duplexes would now connect to the Town sewer via a manhole on Sandy Pond Road;
 - Tree planting detail as screening along the wetland on the north side of the property has been added.



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- The work would likely commence next spring, and the building would not be able to be used at capacity during the construction.
- **VOTE:** G. Bacon moved to issue a Negative Determination of Applicability (DOA); M. Phillips 2nd.
 - Motion approved unanimously 5-0 and the DOA was signed.
- **Request for Extension of Order of Resource Area Delineation (ORAD) – Proposed Stratton Hill subdivision off Wright Road, MassDEP # 100-0445**
 - Frank McPartlan, of Dillis & Roy, was present.
 - The ORAD was approved by ConCom on 11/23/2020, but the Stratton Hill preliminary project review did not open before the Planning Board until July 2021.
 - There has been much back-and-forth, and delays, since then with the Public Hearing for the Definitive Subdivision plan opened, and then continued, starting in September 2023.
 - The applicant is therefore asking for an extension of the ORAD which would otherwise expire this month.
 - This would allow them to continue before the Planning Board as well as to file an NOI to ConCom for proposed construction activity within the Buffer Zone.
 - **VOTE:** G. Bacon moved to approve a one-year extension of the ORAD for 100-0445; M. Phillips 2nd.
 - Motion approved unanimously 5-0 and the Extension was signed.
- **Conservation Commission Office and Member Updates**
 - 10 Calvin Street
 - H. Hampson did a site walk to approve the cutting down of 5 trees, some leaning toward the house, in preparation for the installation of solar panels.
 - Snags will be left for the trees closest to Flannagan Pond.
 - 24 Calvin Street
 - Some trees were taken down on this property, but did not enter the pond.
 - H. Hampson gave the homeowners a friendly reminder that ConCom should be notified for work within the Buffer Zone.
 - Pine Meadow Conservation Land
 - H. Hampson received an inquiry about duck hunting.
 - J. Gugino looked up and found that number 12 of the regulations ConCom drafted years ago allows deer hunting only during the two week shot-gun season (which overlaps with bow hunting).
 - Duck hunting was not addressed.
 - Municipal Vulnerability Preparedness (MVP) Grant
 - H. Hampson is continuing to work on a grant application to encourage/support the installation of rain gardens by private property owners, as recommended in the Geosyntec 2016 report on Ayer ponds.
 - She is consulting with DPW Director Dan Van Schalkwyk.



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- ConCom Budget
 - G. Bacon asked whether, as we enter the budget planning for the next fiscal year, ConCom wants to hold a public meeting of some sort on weed control in the ponds as a means of forestalling future complaints.
 - Some residents have said they think Flannagan Pond is in worse shape since a regular chemical treatment plan has been adopted – which ConCom members disagree with.
 - H. Hampson was advised to contact Chuck Miller, who led the Friends of Flannagan Pond group a little over a decade ago, to see what photos he may have showing conditions on the pond prior to annual treatments being started, for a before-and-after comparison.
 - H. Hampson noted that MassDEP now appears to be nixing drawdowns, which was suggested by a resident as an alternative treatment.
 - Perhaps when Water & Wetlands submits its Year-End Report for 2023 treatments, a public meeting could be advertised at the same time.
- **8:08 PM – Adjourn Meeting**
 - **VOTE:** G. Bacon moved to adjourn; M. Phillips 2nd.
 - Motion approved unanimously 5-0.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature of Approval:

1/11/2024 *Jessica G. Gugino*