



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/14/2016** – Approved 4/28/2016

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: Yes

7:05 PM – Open Meeting

- **Confirmation of the Agenda**
 - CA added an item of discussion on the DPW and beaver issues in Town.
 - GB moved to confirm the agenda as amended; JG 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 3/24/2016 as written; TT 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - The Sun: \$110.98, for RDA legal notices, Pan Am (\$57.28; Keolis/MBTA \$53.70).
 - GB moved to approve payment of \$110.98; TT 2nd.
 - Motion approved unanimously.
 - Bonnie Tillotson: \$115, reimbursement for MACC conference attendance (3/5/2016).
 - GB moved to approve payment of \$115; TT 2nd.
 - Motion approved unanimously.
- **Announcements**
 - National Grid is performing maintenance work along its power lines from the Sandy Pond substation to the Tewksbury 22 substation.
- **Citizen Concerns**
 - Jean and John Bombara, 20 Robbins Road
 - Mrs. Bombara let ConCom know about the increasing flooding taking place behind their backyard along Bennett's Brook due to beaver activity.
 - BD recalled ConCom had visited this area in 2013 during a site walk with Mike Callahan, of Beaver Solutions.
 - At the time, flooding from dam activity was not threatening house foundations and Mr. Callahan, at that time, had thought beavers had vacated that area.
 - BD said any huge increase in water levels would not be due to a dam in front of their neighbors at 22 Robbins Road but rather would be from the opposite direction further downstream.
 - BT suggested the Bombara's place a stake to track the water level.
 - In terms of things ConCom can do, BD summarized:
 - CA should google search to locate other access points to the stream;
 - Mike Callahan should be asked back to re-visit this area and re-evaluate;



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/14/2016** – Approved 4/28/2016

- land ownership has to be determined if a beaver deceiver were to be considered for installation;
 - this should specify on whose land the beaver dam causing the flooding is located;
- Mass Highway will need to be involved in order to avoid damage to their culvert in the area.
- Ken Briner and Anne Nason, 6 Eagle's Nest Lane
 - Mr. Briner said they want to put in a fence in the back of their property which slopes down to Flannagan Pond.
 - The type of fence he plans to use – 4 ft. high Benner's Advantage Fencing – does not require holes to be dug for fence posts.
 - Instead, ground sleeves are driven in and the fence posts are seated in them.
 - No clearing needs to be done either.
 - BD said ConCom had no issue with a fence installation like this.
 - He asked that a couple of marker stakes be put in so CA can check before the fence is installed and also asked that CA be notified when the work is complete for a quick inspection at that time.
- **Discussion: Annual Update on Autumn Ridge Farm(ARF) Conservation Restriction**
 - Steve Smith presented the Autumn Ridge CR Monitoring Report, dated 2/15/2016.
 - Field visits were conducted by Mr. Smith, along with board members and residents of the condo association, on 1/26/2016 and 1/30/2016.
 - Among the highlights of the report:
 - Minor camper activity was noted but the beginning lean-to was destroyed and trash removed from the Deer Run Trail area.
 - The upper beaver dam at Rock Meadow Pond appears to be in good shape, and the beaver deceiver that ConCom had installed in 2014 is keeping the water level down as planned.
 - The lower beaver dam, closer to Pine Meadow Pond, is now being built up and the water level in the ponded area (under the power lines) between that dam and the upper one is now rising.
 - Mr. Smith noted this area is serving as excellent duck habitat.
 - The water level at 'Smith Pond', elsewhere at Autumn Ridge Farm, is also rising due to beaver activity.
 - While there is tree damage, the water is not threatening any building foundations.
 - The ARF board does not want to install, or pay to install, a beaver deceiver at this time.
 - Trail work on the Autumn Ridge trails is done by a volunteer resident crew led by ARF Trustee Chuck Francis.
 - One of their goals is to put up a kiosk.
 - Mr. Smith asked about using left-over materials from the Pine Meadow Pond trailhead kiosks.
 - Material for those kiosks was funded on the basis of being used for publicly accessible land.
 - GB suggested that the Pine Meadow kiosk on Oak Ridge, built by boy scouts, does not have any such restriction.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/14/2016** – Approved 4/28/2016

- Perhaps that kiosk could be switched out for ARF and a new one for Oak Ridge built from the materials remaining in Mr. Smith's garage.
- The Smith family has sold its 'Groton Lot' to Forest River Builders.
 - This lot abuts ARF land and the Ayer/Groton town line.
 - A house is now under construction.
 - Mr. Smith said ARF has asked for silt fencing to be used by the contractor to prevent any sediment impact on ARF's drainage swale.
 - BD noted this area was fairly level and this shouldn't be a problem.
- **PINGRY HILL SUBDIVISION, CRABTREE DEVELOPMENT**
 - **Public Hearing: Request for Amendment to Order of Conditions (OOC), 37 Hemlock Drive, MassDEP # 100-0355**
 - Steve Mullaney, of SJ Mullaney Engineering, Inc., was present on behalf of Rick Roper, Crabtree Development.
 - The OOC requires the placement of boulders in the backyard to demarcate the limit of lawn from resource area.
 - Mr. Roper is requesting an amendment to allow 4-in. diameter signs, mounted on 4x4 posts, to be used instead of boulders.
 - Mr. Mullaney provided proof of abutter notification and a notarized affidavit approving this request from the current homeowner.
 - CA has received check reimbursement for the cost of the legal notice.
 - GB moved to amend the OOC to allow signs to replace boulders; TT 2nd.
 - Motion approved unanimously.
 - CA will have an amended OOC ready for ConCom signatures at the next meeting.
 - **Public Hearing: Request for Amendment to Order of Conditions (OOC), 53 Hemlock Drive, MassDEP # 100-0356**
 - Mr. Mullaney repeated the same request, as above, replacing the OOC requirement of boulders for yard demarcation with signs instead.
 - Abutter notification, reimbursement check, and signed affidavit were all provided to CA.
 - GB moved to amend the OOC to allow signs to replace boulders; TT 2nd.
 - Motion approved unanimously.
 - CA will have an amended OOC ready for ConCom signatures at the next meeting.
 - **Pingry Hill Updates**
 - Mr. Mullaney said that next week they would be beginning replication for the partially filled in strip of wetland at 26 Hemlock Drive (MassDEP # 100-0358).
 - This infraction, from the current homeowner, was observed by ConCom at a site walk on 12/12/2015 and discussed with Mr. Mullaney and Mr. Roper at ConCom's 1/14/2016 meeting.
 - BD asked Mr. Mullaney to let CA know when the work commences.
 - Mr. Mullaney said they are now preparing new NOIs for Phase V work on Woodland Way.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/14/2016** – Approved 4/28/2016

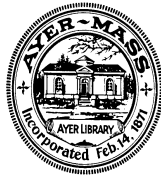
- Changes to wetlands have occurred over time and they are now reconfiguring lot lines and house layouts, for 30 lots, to diminish impact and reduce the amount of resource area alteration to under 5000 sq. ft.
- Mr. Mullaney said the original wetland delineation for this area was done in 1997.
 - Because this delineation was done in the winter, it was not an accurate delineation.
 - When the area was redelineated in 2005, big changes were noted between the two delineations.
 - The area was again delineated in 2014 and the differences between this delineation and 2005 were minimal.
- The reconfiguring of the Phase V lots is now under Planning Board review.
- BD told Mr. Mullaney that ConCom would only need one electronic copy of the Stormwater Report.
- **Discussion: Water Testing Regime for Town Ponds**
 - BT has secured two quotes for water testing (total phosphate, ammonia nitrogen, chlorophyll-A),:
 - Nashoba Analytical, Ayer, MA: \$1512/year (\$504/season)
 - Eastern Analytical, Concord, NH: \$1701/year (\$567/season)
 - This quote includes pickup and delivery to Town Hall.
 - If Nashoba Analytical was to be used, BD suggested perhaps ConCom could work something out with the Fire Department for leaving samples for pickup on weekends.
 - BT has also purchased, at discount, a Flair heavy-duty dissolved oxygen meter.
- **Discussion: Updating Ayer's Wetland Bylaw**
 - ConCom members have been reviewing bylaw samples from various other towns.
 - Most seem to be building off of the MACC model bylaw.
 - New sections that should be incorporated in Ayer's include 'Coordination with Other Boards', 'Exemptions', empowering ConCom to write 'Rules and Regulations', and defining an 'Appeals' process.
 - The issue of imposing bonding requirements is open for debate.
 - TT said Groton, at the advice of its Town Counsel (like Ayer, also Kopelman & Paige), removed bonding from its bylaw.
 - CA has arranged for Eugene Benson, Executive Director for MACC, to appear at ConCom's 6/16 meeting do discuss and advise on Town bylaw revisions.
 - BD said, going forward, ConCom should base its revisions on the MACC model town bylaw.
- **Discussion: DPW / Beaver issues**
 - BD will write Town Administrator Pontbriand to better formulate a Town policy.
- **CA Updates**
 - Elizabeth Estates
 - BD asked CA to review the plans for Elizabeth Estates, off Highland Avenue.
 - It appears one of the houses has not been placed where it was supposed to have been according to the approved subdivision plan.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/14/2016** – Approved 4/28/2016

- ConCom database
 - CA has a volunteer working, under the senior tax abatement program, to re-order ConCom's flat files and begin creating a database for OOCs.
 - This database should ultimately allow ConCom to search OOCs by address (current filing system) as well as by DEP file number (early OOC system).
- Sandy Pond 3 CR
 - CA recently received a message from Dave Murray, of Sandy Pond Estates.
 - The CR process began in 2004, was supposed to have been completed by 2008, but since then stalled.
 - Mr. Murray said the State now wants to change the language of the CR.
 - Although he has to be the one to submit a CR, Mr. Murray's message he was willing to sign whatever was needed.
 - BD asked CA to contact Amanda Veinotte, of Natural Heritage and Endangered Species Program (NHESP), for advice on how to expedite this.
- Beaver Solutions
 - CA did a site walk with Mike Callahan, of Beaver Solutions, to the area behind the new Fire Station and near Mechanic Street Extension to evaluate for beaver deceiver installation.
 - Mr. Callahan will be submitting a proposal.
- Ice House Dam OOC Extension (MassDEP # 100-0321)
 - ConCom members re-signed the OOC that was voted on and signed at its 2/11/2016 meeting.
 - The OOC cannot be recorded at the Registry from a 2-sided copy.
- Weed control money for Flannagan Pond
 - JG will contact Town Accountant Lisa Gabree to ask that Fall Town Meeting Article 4 (2011) weed control money not be closed out and remain available for use.
- 8 Hickory Way
 - CA received a request from resident Rosalie Bucci asking for Chairman Daniels to make a site visit to look at some trees she wants to take down.
- Stratton Hill
 - CA and TT did a site walk with Stratton Hill owner Dave Moulton on 4/13 to look at an area in back where silt fencing is being overtopped from flooding caused by beaver damming.
 - The dirt pile in the back appears fairly stable although one old erosion gully was observed.
 - Mr. Moulton said he and his son, Dave Moulton, Jr., were planning on coming before ConCom to renew an OOC so they can begin a phased approach to building some houses.
 - TT noted, and told Mr. Moulton, that his Conservation Management Permit – which covers 300 acres in Groton as well as 100 acres in Ayer – expires in May 2016.
 - Because the permit links acreage in two towns, TT does not know what happens to the Ayer portion if and when it expires.
 - As ConCom has also heard references to Mr. Moulton perhaps being interested in selling all the land for Stratton Hill, members discussed its value for conservation, beyond the initial 100 acres planned for the CR.
 - The Geosyntec report on the ponds has already underscored the unusually pristine state of Long Pond, and preserving the Stratton Hill side from development would contribute to maintaining this state.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/14/2016** – Approved 4/28/2016

- In addition, Stratton Hill connects directly to Audubon conservation land in Groton (as turned over by Mr. Moulton), adding to its value as a wildlife corridor.
- BD asked CA to talk with Mr. Moulton and ask directly if he would be interesting in selling the entirety of Stratton Hill.
 - If he is interested in considering this, then ConCom could proceed with contacting organizations like Mass Audubon or Trustees of the Reservations for funding assistance.
- **Member Updates**
 - BT was contacted by an Eagle Scout on Oak Ridge Drive, Robert Houde, who would like to volunteer on a project for ConCom.
 - Eagle Scouts need to complete a project, with public benefit, by the time they turn 18.
 - ConCom members discussed various possibilities, including invasive species patrol as well as a project to build a bridge over the stream running from Rock Meadow Pond (and the upper and lower beaver dams) into Pine Meadow Pond.
 - BD asked BT to invite Mr. Houde to Concom's next meeting to discuss his interests further.
- **10:53 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.