



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **3/24/2016** – Approved 4/14/2016

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 Agenda**
 - GB moved to confirm the agenda as posted; TT 2nd.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - GB moved to accept the minutes for 3/10/2016 as amended; TT 2nd.
 - Motion approved unanimously.
- **Accounts Payable**
 - Brian Colleran: \$6.68, reimbursement for purchase of sheet protectors from Staples.
 - GB moved to approve payment of \$6.68; TT 2nd.
 - Motion approved unanimously.
- **Public Meeting: Request for Determination of Applicability (RDA) – Pan Am Railways**
 - No one was present on behalf of the RDA for the freight line but BD read a cover letter from environmental consultant Keith Morris.
 - The RDA requests “verification of sensitive areas” as delineated in 2011, with minor revisions to be made based on field changes observed in the last 5 years.
 - Pan Am regularly performs “vegetation management activities” along the tracks, and the RDA is submitted to confirm wetland delineations in light of that regular maintenance activity.
 - The plan submitted indicates which areas would be delineated “spray,” “limited spray,” and “no spray” zones for vegetation control and provides a time schedule (yearly, every other year, etc.).
 - This being a regular activity taking place within a limited area around the tracks, no issues were found, provided that Mr. Morris, as indicated, rides along during spraying to confirm wetland areas and enforce the spray/limited spray/no spray zones.
 - GB moved to issue a Negative Determination of Applicability (DOA); TT 2nd.
 - Motion approved unanimously.
 - CA will refrain from mailing the DOA until the check has been received from Pan Am as reimbursement for the legal notice.
- **Public Meeting: RDA – Keolis Commuter Services**
 - No one was present on behalf of the RDA for the commuter line but the application submitted was reviewed.
 - A check reimbursing the cost of the legal notice has been received.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **3/24/2016** – Approved 4/14/2016

- The purpose of the RDA is identical to that reviewed in the previous Public Meeting for Pan Am – verification of sensitive areas for the performance of vegetation management along the tracks.
- BT, who regularly rides the commuter train, has noticed piles of rail-related debris along the tracks in several areas.
 - BD asked CA to request information for contacts regarding clean-up of debris since a lot of it is in jurisdictional areas.
- BD asked for a motion to issue a Negative DOA with the condition that a consulting engineer be present during spraying to enforce the different zones (spray, limited spray, no spray).
 - GB so moved; TT 2nd.
 - On discussion, a friendly amendment was made to require Keolis to notify CA when the spraying would be performed and providing the name of the specific engineer who would be riding along.
 - The consulting engineer is to be asked to provide a written affidavit following the spraying to confirm compliance with the spray zones.
 - Motion approved unanimously, as amended.
- **Discussion: Minor Change to OOC, 78 Sandy Pond Road, Hagel LLC, MassDep # 100-0386**
 - It was noted that minor changes to an open OOC should be denoted on the agenda as a “Discussion” rather than a Public Meeting or Hearing since no legal notice is required to consider small changes.
 - The plan submitted on behalf of the applicant by Rob Oliva, of David E. Ross Associates, details changes to the footprint of the house, a slightly larger garage, and the addition of a deck and enclosed porch, with stairs, at the back of the house (pond side).
 - The deck and enclosed porch will be constructed using sonotubes as base.
 - Mr. Oliva’s letter noted:
 - all of the work, with the changes noted, will still be within the erosion control line;
 - the deck/porch addition brings the house closer to the water but this is still farther from the shore than the original house, now demolished.
 - ConCom members noted:
 - the use of sonotubes is far less invasive than putting in a foundation under the deck/porch;
 - soil storage from the digging of the posts will fall under the already-existing OOC requirement that excess soils be stored in the front of the house, adjacent to the street;
 - BD said the changes as reviewed were not significantly different from the original plans submitted.
 - GB moved to accept the minor changes as reviewed; TT 2nd.
 - Motion approved unanimously.
 - BD asked CA to write a letter to Mr. Oliva, on letterhead, indicating the Commission’s agreement to minor changes.
 - BD also asked CA to find out how many post holes for the sonotubes would actually need to be dug.
- **Discussion: Updating ConCom’s Wetland Bylaw and Violation/Enforcement Policy**
 - The Commission reviewed the 3/16/2016 email received from Carly Antonellis, Assistant to the Town Administrator, regarding CA’s inquiry as to whether ConCom’s review of its bylaw falls under the restrictions of Governor Baker’s Executive Order 562 to “reduce unnecessary regulatory burden.”



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **3/24/2016** – Approved 4/14/2016

- Ms. Antonellis and Town Administrator Pontbriand concur that the Executive Order pertains to regulations and codes, not General Laws or local bylaws, and thus is a “non-issue” for ConCom.
- For future discussion, BD asked members to consider what each would like to see in an updated local wetlands bylaw.
 - In addition, BD asked each Commission member to review a particular town’s bylaw for comparison to Ayer’s existing bylaw and prepare comments for the next meeting on 4/14/2016:
 - JG: Carlisle
 - GB: Sudbury
 - BD: New Salem
 - BT: Holden
 - TT: Groton
- CA said he had reviewed the previous unsuccessful attempt in 2005 to revise the bylaw.
 - CA noted that the last bylaw attempt looked more like a policy document than a bylaw.
 - It was agreed that the bylaw should be written more generally, with the details of specific regulations to be worked out separately.
- Regarding a Violation/Enforcement Policy, CA prepared a draft policy based on the Town of Rockport’s existing policy.
 - CA will make this available for Commission edits via google documents.
- **CA Updates**
 - Natural Resource Protection Zoning
 - CA distributed a copy of a Smart Growth/Smart Energy Toolkit: “Model Open Space Design/Natural Resource Protection Zoning.”
 - A Comprehensive Economic Development Strategy (CEDS) workshop will be held on 3/31 at 5 p.m. in Fitchburg, in the MRPC Conference Room.
 - BD noted that the document had great ideas but that these were more the purview of Zoning than Conservation.
 - Pages 21-22 of the document contained references to conservation review.
 - CA encouraged ConCom members to review the document in order to support the Planning and Zoning boards’ efforts to update the Town’s Zoning Bylaw.
 - 215 West Main Street
 - CA received a notice on behalf of Calco LLC (presumed to be Calvin Moore).
 - A “Release Abatement Measure Plan” has been submitted to MassDEP, detailing how to clean up this area from previous contamination (i.e. from a former dry cleaner).
 - ConCom members recalled that Mr. Moore had previously been interested in using this lot for a new storage facility, and that this clean-up plan might be in preparation for moving forward on this.
 - Family Dollar, 19 Fitchburg Road
 - BD visited the site and noted that while the trash barrels in the back look awful, they are probably not a danger to the wetland area in the back.
 - The isolated wetland that was flagged is not jurisdictional.
 - Nevertheless, BD asked CA to continue to ask the owners of Family Dollar to clean this area up.
 - Willows Appeal



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **3/24/2016** – Approved 4/14/2016

- Joe Bellino, of MassDEP, will be doing a site visit regarding the appeal of OOC # 100-0387 on Friday, 4/8, at 10 a.m.
- Corner of Groton-Harvard Road and Central Avenue
 - CA performed a site visit here, where a new car sale/repair place may be going in.
 - The property is not jurisdictional, but CA cautioned that the new business should not contribute to stormwater runoff, from the very strange old stormwater drains in the street and on the property, into jurisdictional wetlands nearby.
- Mass. Society of Municipal Conservation Professionals
 - CA plans to attend the MSMCP's Annual Meeting in Westborough on Wednesday, 4/20.
- Beaver activity
 - CA received a call from a resident on Robbins Road, near Bennett's Brook, complaining about flooding.
 - CA will be meeting with Mike Callahan, of Beaver Solutions, on 4/13 to look at the possible installation of beaver deceivers behind the new Fire Station and near to Mechanic Street Extension.
 - BD asked CA to discuss the Bennett's Brook problem with Mr. Callahan, who is familiar with the area, for his ideas.
- Geosyntec
 - Robert Hartzel, of Geosyntec, sent BD an email, dated 3/11, confirming receipt of ConCom's comments on the draft Ayer Ponds report.
 - Mr. Hartzel indicated that Geosyntec would be submitting a response to the comments and the Final Report shortly.
 - Nothing new has been heard as of yet.
- **Member Updates**
 - BT noted that at the back of the rough loop road for Stratton Hill (off Wright Road), where there is a large soil pile, the erosion controls behind this pile have eroded and are now being overtopped by water from the nearby wetlands.
 - The soil pile was created under the original OOC, now expired when work on the subdivision ceased around 2008.
 - Beaver activity nearby has likely contributed to the wetland flooding.
 - BD asked CA to contact developer Dave Moulton, inform him of the situation, and set up a time to walk the area and consider what needs to be done to fix things.
- BT asked about beginning the process of pond water testing.
 - ConCom will discuss this in more detail at its next meeting and make plans to commence this work.
- **9:40 PM – Adjourn Meeting**
 - GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.