

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **12/17/09** – **Approved 01/14/10**

Location: Ayer Town Hall, 1st Floor

Members present: Dave Bodurtha (DB, Vice-Chair), George Bacon (GB), Takashi Tada (TT, Clerk), Jessica Gugino (JG), Becky DaSilva-Conde (CA, Conservation Administrator)

Not present: Bill Daniels (BD, Chair)

APAC taped: Yes

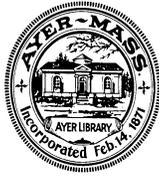
7:10 PM – Open Meeting

- **Meeting Minutes Approval**
 - 12/03/09: minor corrections on pages 1 and 3.
 - GB moved to approve 12/03/09 minutes, as amended; JG 2nd.
 - Motion approved unanimously.

- **Public Meeting: RDA – Ch. 91 Dock License, Ayer Parks Department (Town Beach)**
 - Jeff Thomas, Ayer Parks Supervisor, presented a Request for Determination of Applicability (RDA) as part of the Town's application for a Ch. 91 Dock License.
 - Mr. Thomas thanked CA and JG for their assistance in completing the forms.
 - The Town has existing aluminum docks with nylon floats and cinder block anchors, along with a beach and swimming area.
 - The existing and proposed docks, combined, will total up to 350 square feet.
 - Beach nourishment is done as needed (not needed this past summer).
 - GB moved to issue a Positive Determination with Conditions; JG 2nd.
 - Motion approved unanimously.
 - CA will process the form and forward to DEP Ch. 91 program.

- **Public Meeting: RDA – Ch. 91 Dock License, 22 Hibiscus Lane**
 - David Badger presented an RDA for an existing dock, raft, and unmaintained beach area.
 - Mr. Badger also thanked CA for her assistance.
 - The dock has permanent stanchions (i.e. not removed annually).
 - Total area of the structures is 426.5 square feet.
 - GB moved to issue a Positive Determination with Conditions; JG 2nd.
 - Motion approved unanimously.

- **Public Meeting: RDA – Ch. 91 Dock License, Mountain View (Shared ROW)**
 - Joint Ch. 91 application for shared (deeded) ROW access: Charles & Martha Comeau; Chris Hill; and Sylvie Houle.
 - The end of Mountain View consists of a small beach area, approximately 30 feet wide, with a retaining wall. The deeded ROW is 40 feet wide.
 - The proposed dock and float would measure up to 220 square feet combined.
 - James Cremens of 58 Wright Road also shares deeded access, but he spoke out against the application being submitted.
 - Mr. Cremens said there are others who share access to the ROW, and he expressed his concerns about the retaining wall and beach area.

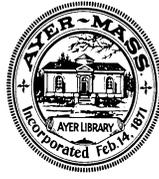


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- The applicants said they approached the other parties, including Mr. Cremens, about joining in the application.
 - Commission explained to Mr. Cremens that the application in question does not necessarily preclude others from applying for dock permits. However, last Friday (12/11/09) was the deadline for Ch. 91 applications without a Resource Management Plan (RMP). Any applications after the deadline must be accompanied by a RMP.
 - CA suggested amending the RDA to state that the listed applicants are not the only residents with deeded access to the beach.
 - GB moved to issue a Positive Determination with Conditions, for the RDA as amended; TT 2nd.
 - Motion approved by vote of 3 in favor, with JG (abutter) abstaining.
 - CA thanked JG for her assistance in completing this and other Ch. 91 applications.
- **Discussion: Hunting on Town Conservation Land**
 - According to Town Counsel (Kopelman & Page), hunting is not allowed on Town property unless specifically authorized in a policy or bylaw.
 - GB recommended that the Commission review all uses of Town conservation land, not just hunting.
 - CA: No date has been set for public hearing(s) on the issue.
 - Commission is still in the information gathering phase.
- **Discussion: Violation Notices**
 - Template: CA recently emailed the latest Violation Notice template to Commissioners.
 - CPF (Pepsi Co.) – Fence along Snake Hill Road
 - DB prepared a draft Violation Notice for the chain link fence that appears to have been erected within wetland buffer zone.
 - Commission made minor edits to the draft.
 - CA will send out the edited Violation Notice to CPF.
 - 71 Sandy Pond Road – Storage of materials within buffer zone.
 - GB asked if Mr. Velarde had requested a Certificate of Compliance (COC).
 - DB stated that the permitted construction does not appear to have been done.
 - CA: Mr. Velarde indicated that he would seek a permit extension.
 - CA: It is believed that Mr. Velarde has removed the unauthorized chickens from his property.
 - DB suggested sending a Violation Notice, with reference to the illegal chickens (did not apply for permit from Board of Health).
 - DB also noticed very high water in the resource area (drainage ditch). It is possible that the culvert under Sandy Pond Road is blocked.
 - CA will notify DPW about blocked culvert; will also ask about removal of debris from Balch Dam.
 - DB will revise the draft and send out to Mr. Velarde.
 - 156 Central Avenue – Tree clearing and storage of building materials.



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- DB noticed some trees had been cut (topped), and building materials are being stored along Flannagan Pond.
- DB suggested that CA send a Violation Notice.

- **Updates**
 - CA: The office volunteer, Louise, is compiling abutters list for the former Tooker parcel.
 - CA: For next meeting, identify priorities to be addressed in the new year.
 - CA: Pond View Culvert Repair
 - Repair work appears to be completed; all equipment has been removed from site.
 - TT: Remediation at 9 Bishop Road (FMC Corp.)
 - CA confirmed receipt of the as-built plans for the remediation of contaminated soil behind the facility at 9 Bishop Road.
 - TT: Asked if there was a deadline for placing of a Conservation Restriction (CR) on the former Tooker parcel.
 - DB said the Community Preservation Committee was not aware of any deadlines.
 - DB: Asked if there were any Special Conditions placed on Beran Peters' project on Willow Road.
 - CA will look into it.
 - DB: Wagon Road (Staples residence)
 - Are they done with the work?
 - DB: Eagles Nest development, Central Avenue.
 - Everything appears to be in place – erosion controls, orange fencing, etc.
 - DB: Issues to discuss with DPW.
 - Road work, clearing of debris from dams/culverts, snow plowing protocols.

- **9:15 – Adjourn Meeting**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.