



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **4/28/2016** – Approved 5/12/2016

Location: Ayer Town Hall, 1st Floor

Present: George Bacon (GB, Vice-Chair), Takashi Tada (TT, Member), Bonnie Tillotson (BT, Member), Jessica Gugino (JG, Member/Clerk), Brian Colleran (CA, Conservation Administrator),

Not present: Bill Daniels (BD, Chair)

APAC taped: Yes

7:05 PM – Open Meeting

- **Confirmation of Agenda**
 - A discussion of trash on conservation land was added to the agenda.
 - JG moved to confirm the agenda as amended.
 - Motion approved unanimously.
- **Approval of Meeting Minutes**
 - Corrections were made to the section on water quality testing cost estimates.
 - JG moved to accept the minutes for 4/14/2016 as amended; TT 2nd.
 - Motion approved unanimously.
- **Discussion: Request for Certificate of Compliance (COC), Partial – 3 Mountain Laurel Lane, MassDEP # 100-0220**
 - CA did site visit and observed partially buried silt fencing from erosion controls along the back of the lot along with debris inside the fenced detention basin.
 - TT thought the plan submitted with the request was insufficient.
 - It was noted, however, that back when the OOC was issued for the development, it was not a requirement for an engineer-stamped drawing and letter to accompany a COC request.
 - CA also left a message inviting the homeowners to attend the ConCom meeting if they liked but never heard back and no one showed up to this discussion.
 - ConCom members will perform a site visit on Saturday, 4/30, shortly after 8 a.m.
- **Public Meeting: Request for Determination of Applicability (RDA) – 138 Littleton Road (Rte. 2A), Brent Routhier**
 - Brent Routhier was present and gave CA a check reimbursement for the legal notice.
 - The RDA is for review of a plan to run a 2 in. sewer pipe from the edge of the property alongside Rte. 2A toward Hemlock Road in order to tie in to the Town system by the bus sign.
 - Crabtree Development owns the undeveloped lot between Mr. Routhier's and the house on the corner of Hemlock.
 - Rick Roper, of Crabtree, has given a verbal agreement to Mr. Routhier for an easement along 2A for this work.
 - Mr. Routhier said he also has a permit for a driveway curb-cut on the east side of the lot but now wants to put the driveway on the west side.
 - A site walk was scheduled for 8 a.m. Saturday, 4/30.
 - GB asked CA to bring the existing OOC for Brent Routhier's lot 'O' to the next meeting.



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- **Discussion: Debris on Pine Meadow Pond Conservation Land**
 - Matthew Gustafson, of 22 Pine Ridge Road, and his father, Bob Gustafson, were present.
 - When M. Gustafson moved in 3 years ago, he contacted the DPW about trash debris on the other side of the backyard fence, left by the previous homeowner.
 - The DPW at that time said cleaning this up was not in their budget.
 - More recently, DPW Superintendent Mark Wetzel told Mr. Gustafson that a decision on cleaning up the debris was up to ConCom.
 - Mr. Wetzel told CA that if ConCom gives the okay, the DPW will clean up the trash.
 - The debris has included a rusted truck cab, tires, cracked and broken 5-gallon gas jugs, lead bars (old window counterweights?), old batteries, rotting wood piles, and more.
 - In the past, Mr. Gustafson has personally removed and disposed of some old tires, gas jugs, and used batteries but has concerns about trespassing to do this.
 - Last fall, a tree on the conservation land came down, by the fence, and Mr. Gustafson noticed that some additional gas jugs that had been hidden under a pile of leaves were shattered by the tree fall, sparking his renewed interest in seeing the area cleaned up.
 - ConCom will perform a site walk on Saturday around 9 a.m. following the previously scheduled site walks.
- **Discussion: Beaver Management Policy**
 - CA has been investigating beaver management procedures in other towns to see if Ayer should develop its own policy.
 - In other towns, Boards of Health (BOH) have typically been the controlling authority, with ConComs doing the inspections and permitting as needed.
 - TT outlined that there are only 3 permissible ways to legally manage beaver problems, regardless of any policy or controlling authority.
 - While the Board of Health issues 10-day emergency permits (i.e. if foundations or drinking wells are threatened), an emergency only affects the time frame under which work can proceed, not the actual nature of the work that is legally permissible.
 - Under a Board of Health issued 10-day Emergency Permit, the following 3 actions are allowed:
 - 1) Trapping and killing.
 - Permitting (via Massachusetts trapping license) for this is done through the State's Division of Fisheries and Wildlife (DFW); no wetland review or RDA is required.
 - 2) Installation of some sort of water-flow / pond leveling device, beaver deceiver, etc.
 - ConCom must approve this work through the RDA process.
 - 3) Altering, breeching, or removing the beaver dam.
 - Requires ConCom and DFW review and approval.
 - Since the legal requirements for dealing with beavers/beaver dams are already clearly spelled out, it was decided that no formal policy need be implemented by Ayer.
 - Instead, better public education should be the focus.
 - GB recalled that, years ago, ConCom would refer members of the public to the BOH, and, in turn, they would refer people back to ConCom.



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- BT suggested it would be a good idea for ConCom to have discussions with the BOH and DPW so that everybody shares the same understanding of legal procedures that may be taken.
- **Discussion: Beaver Solutions proposal for Nonacoicus Brook beaver dam**
 - CA distributed copies of Mike Callahan's proposal for installation of a single beaver deceiver in the area behind the new Fire Station and near Mechanic Street Extension.
 - Mr. Callahan said there was no need for a second deceiver installation at a downstream culvert area as there is no evidence of current beaver activity/damming.
 - CA will check to see who owns the property where the problem dam is located.
 - CA will also look into securing an Emergency Permit from the BOH.
- **Discussion: Conservation Commission Enforcement Policy**
 - Members reviewed, discussed and edited CA's draft policy.
 - Resident Mike Anuta contributed a couple of observations, one having to do with clarifying identification of the 'responsible party' for violations, the other having to do with clarifying whether a 10-day time period is based on calendar or business days.
 - CA will prepare a new draft for review based on comments received.
- **Discussion: Updating Ayer's Wetland Bylaw and associated policies**
 - Page 1 of the MACC model bylaw was reviewed and edited to make applicable for Ayer.
- **OOC signing**
 - ConCom members signed the Amended OOCs discussed and voted on at the Public Hearings held on 4/14/2016:
 - Request for Amendment to Order of Conditions (OOC), 37 Hemlock Drive, MassDEP # 100-0355
 - Request for Amendment to Order of Conditions (OOC), 53 Hemlock Drive, MassDEP # 100-0356
- **CA Updates**
 - Stratton Hill
 - TT talked to Bob Collins, Attorney for Dave Moulton, to ascertain whether Mr. Moulton would consider selling this property to the Town.
 - CA also talked with Mr. Moulton who said he could consider this, but he does not want to do anything that would cost him more money.
 - Mr. Moulton also said he would probably still like to develop a cul-de-sac that goes up to the power lines.
 - Unexpended balances
 - JG spoke to Town Accountant Lisa Gabree to indicate that the unexpended balance for pond treatment, left over from Fall Town Meeting Article 4 a few years ago, should not be closed out.
 - Gas station
 - CA checked the old gas station area across from the Devens gate on West Main Street.
 - The area is not jurisdictional.
 - TT asked whether it was in flood zone or aquifer zone.



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- Elizabeth Estates, Norwood Avenue
 - CA talked with Joe Bellino, of MassDEP, about the changes in house location from the original plans noted by BD.
 - CA now has as-builts.
 - This subdivision is under a Superceding OOC.
 - Mr. Bellino said that, from the State's perspective, the changes made leave the area better off than originally planned.
- 6 Eagles Nest Lane
 - CA inspected the area upland from Flannagan Pond where the homeowner discussed the installation of a fence, using driven rather than excavated fence posts, with ConCom on 4/14/2016.
- Sandy Pond 3 Conservation Restriction (CR)
 - CA spoke to Dave Murray, of Sandy Pond Estates, as well as Amanda Veinotte, of the Natural Heritage and Endangered Species Program (NHESP).
 - The CR has to originate from Mr. Murray.
 - CA forwarded Mr. Murray a copy of the original CR as well as a pdf copy of the State's new CR model.
 - Mr. Murray will have his lawyer merge the two into a revised CR.
- **Committee Updates**
 - Greenway Committee
 - TT noted that someone has cleared trails on the Science Trail and old cart path.
 - GB said the Boy Scout kiosk from the Oak Ridge Drive entrance to the Pine Meadow Conservation Land will be moved to the Autumn Ridge trails on 6/18.
 - A new kiosk, from materials already purchased for this purpose and stored in Steve Smith's garage, will replace this one.
- **Member Updates**
 - BT
 - Keolis:
 - BT spoke to Kyle from Keolis about the trash observed along the commuter rail track.
 - Kyle made clear that Town residents, for safety reasons, were not permitted to perform clean-up themselves (i.e. on the Town's upcoming trash clean-up day).
 - BT also pointed out litter that has accumulated in the right-of-way adjacent to Balch pond, with no protection between the right-of-way and the edge of the bank.
 - Kyle asked that a GIS map be marked to show the location of the trash areas.
 - He also suggested that a letter be sent to Keolis requesting clean-up of the trash and that a barrier be put between the right-of-way and pond banks.
 - BT graciously volunteered to see to this.
 - Water testing:
 - BT received an email from Nashoba Analytical with more details.
 - They have a 2 week turn-around for results.



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- Because Chlorophyll-A has a filtering step that should be done within 24 hours of the sample being taken, BT said we would have to do sample collections on Sundays.
- For delivering samples, Nashoba Analytical said they have a cooler for drop-offs but would also be willing to pick up samples from the Fire Station.
- JG
 - If ConCom is interested in asking for more hours for CA, to secure benefits, Town Administrator Pontbriand said ConCom should hold a formal vote and then write a letter to the Board of Selectmen, via his office.
- **9:35 PM – Adjourn Meeting**
 - JG moved to adjourn; TT 2nd.
 - Motion approved unanimously.