

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **03/11/10** – **Approved 04/22/10**

Location: Ayer Town Hall, 2nd Floor

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

Attendance: approximately 25 people in attendance.

APAC taped: Yes

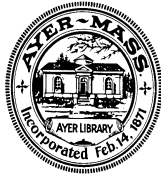
7:05 PM – Open Meeting

- **Agenda**

- GB moved to shift General Business items to the end; TT 2nd.
 - Motion approved unanimously.

- **Public Hearing: Land Use Regulations (Draft) – Pine Meadow Conservation Land**

- BD provided a brief introduction and read the draft regulations into the record.
- Commission encouraged discussion on each of the items.
- Discussion of draft land use regulations:
 1. Daytime use (dawn to dusk)
 - a. No comments.
 2. No motorized vehicles
 - a. Considerations include pollution from noise and petroleum spills, damage to trails from ATVs, and spread of aquatic invasive species from motor boats, and limited access points (especially for boats).
 - b. BD stated that the Town does not have the resources to monitor and police the area on a regular basis.
 - c. Residents expressed various opinions on motorized vehicles.
 - i. John Delcore suggested allowing certain licensed vehicles such as snowmobiles, which have relatively low impact.
 - ii. Patrick Hughes mentioned that most of the trails have a long history of multiple uses, including motorized vehicles.
 - a. Suggested designating Grove Pond as a snowmobile area.
 - iii. Michael Clark, pond abutter, said they have had to deal with snowmobilers late at night. They also own the deeded access to Pine Meadow Pond from Oak Ridge Drive and have had trouble with boaters and ATV users. Mr. Clark preferred to prohibit motor boats and have DPW put up a gate across the deeded access.
 - iv. John Cadogan said he has seen kayaks tied up (stored) on the pond.
 - v. Laurie Nehring said the conservation area is one of the few places left where there is peace and quiet, and preferred to keep it free of motorized vehicles.
 - vi. Beth Suedmeyer mentioned that the state of Massachusetts is reviewing its policies on off-road vehicles, especially in areas of sensitive habitat.
 3. No damage to property from cutting, defacing, building of structures, etc., or harassment of wildlife.

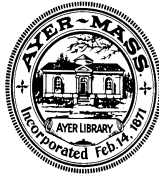


Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **03/11/10** – **Approved 04/22/10**

- a. Ms. Nehring mentioned that the school's outdoor education programs might want to include some collecting of specimens for study.
 - i. BD recommended contacting the Commission in advance of any such activities.
- b. Commission explained that damage to wildlife habitat is considered akin to harassment of wildlife.
4. Pets
 - a. Pets shall be leashed or otherwise under direct control. This could include dogs who are trained to respond to their handler.
 - b. Clean up after your pet.
 - c. No release or abandonment of animals on the property.
5. No business dealings, sales, etc.
 - a. Add: "without prior written permission from the Commission."
 - b. Could grant specific permission for guided hikes or other activities that might carry a fee from the organizing entity.
6. Overnight camping
 - a. Considerations include fire and safety concerns, requirement of adult supervision and/or age restrictions, lack of designated camping area in a relatively small space.
 - b. How to permit/regulate camping?
 - i. JG suggested imposing a timetable, such as 21 days advance notice.
 - ii. Connie Sullivan asked if the permitting could be done online.
 - c. Ayer Greenway Committee will discuss issue at its next meeting (3/27).
7. No dumping
 - a. Mr. Sullivan asked if DPW could put a trash can at the trailhead or parking area.
 - b. Commission will contact DPW and schools.
8. No landscaping, personal property, etc.
 - a. CA explained that the main point of this rule is to prevent encroachment of abutters.
9. Fishing permitted in season and in accordance with state law.
 - a. Pat Huckery, MassWildlife, suggested keeping the regulation as simple as possible.
10. Hunting of deer, coyote, turkey, waterfowl and other game birds permitted in accordance with state law and regulations, but subject to additional limitations.
 - a. BD referred to the state's firearms setbacks for roadways (150 feet) and occupied structures (500 feet).
 - i. For deer hunting, only shotgun and bow are allowed – no rifle.
 - a. Range of shotgun and bow is less than 500 feet.
 - ii. For coyote hunting, rifle is allowed. Range of a rifle is about 1 mile.
 - b. Ms. Huckery said that hunting in Massachusetts is highly regulated and very safe – there have been zero non-hunter fatalities.
 - i. MassWildlife is primarily concerned about three key species for management: deer, coyote, and beaver.

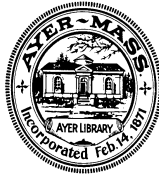


Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **03/11/10** – **Approved 04/22/10**

- ii. The management goal for deer is 8 per square mile; but the current estimate in Ayer (Zone 9) is between 20-25 deer per square mile.
 - a. Overabundance of deer can cause ecological imbalance through herbivory, spread Lyme disease, and increase the risk of vehicular collisions.
- iii. The vast majority of hunting in Massachusetts occurs during deer shotgun season (two weeks in the fall), with a much smaller spike during turkey season.
- iv. MassWildlife recommends allowing beaver trapping.
- c. Mrs. Eliades read a letter expressing her opposition to hunting.
- d. CA reminded that the public comment period is open until 4/8/10 at 9:00 PM.
- e. David McCoy also expressed opposition to hunting. Mr. McCoy has posted No Hunting signs on his property near the powerlines, but has had hunters fire their weapons within 500 feet of his house.
- f. Mr. Clark asked about the history of the land and the intent of the Pine Meadow Trust that owned the land prior to its designation as conservation land.
 - i. DB explained that the Pine Meadow Trust was an asset holding trust, rather than a conservation trust.
- g. Mr. Hughes spoke of the importance of hunting in the regional context. The conservation area is adjacent to hundreds of acres of protected open space and private undeveloped land, and hunting is allowed on some of these lands.
- h. Mr. Cadogan mentioned that MassAudubon is developing a “controlled hunting” policy for its property north of the conservation area (in Groton).
 - i. Suggested talking with MassAudubon and other organizations.
 - ii. His main concerns are public safety and awareness.
- i. Ms. Suedmeyer asked about the “sanctuary effect”.
 - i. Ms. Huckery said studies in Connecticut have shown that deer will tend to concentrate in areas where hunting is prohibited.
 - a. MassWildlife believes that proactive management (including hunting) is better than the alternative.
 - b. Coyotes have not been shown to control deer populations in Massachusetts.
- 11. No trapping is permitted.
 - a. Ms. Huckery of MassWildlife recommends allowing beaver trapping.
 - b. Mr. Hughes said beaver dams are an increasing problem and cause flooding.
 - c. DB agrees that beaver dams are a concern, but said he prefers to manage water levels with “beaver deceivers”.
- 12. No paintball or pellet guns.
 - a. No comments.
- 13. Any activities/uses not set forth herein require permission of the Conservation Commission.
 - a. No comments.
- 14. Violations/Fines



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **03/11/10** – **Approved 04/22/10**

- a. Mr. Sullivan suggested adding: “Conservation Commission may bar repeat offenders.”

- **General Business (10:00)**

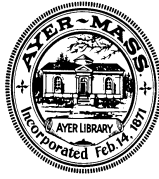
- 102 Oak Ridge Drive
 - Michael Hawes of 102 Oak Ridge Drive, and Renato Goncalves of Mass Stone (contractor), discussed their work to repair a stone wall north of Flannagan/Fletchers Pond.
 - Mr. Hawes said the Building Inspector told him he did not need a permit for the two-tiered rock wall which is to replace the collapsing single-tiered wall.
 - Mr. Goncalves needed a place to store the building materials.
 - Distance to pond is unknown.
 - Mr. Hawes entered into an agreement written by DB to allow storage of materials on the abutting conservation land in exchange for a monetary donation to the Town.
 - The agreement is not valid.
 - DB acknowledged overstepping his authority as a Commission member and offered an apology.
 - CA issued a Cease & Desist order.
 - John Delcore, abutter, said that minor repairs of rock walls are exempt from the regulations.
 - BD disagreed with the categorization of the work as minor. The work involves excavation of material, installation of a drainage system, etc.
 - CA will stop by the site tomorrow at 9:30 AM, to view actual conditions and determine proximity to the pond.

- **Payables**

- Lowell Sun: \$149.60 – for legal notifications of public hearings, Land Use Regulations at Pine Meadow Conservation Area.
 - GB moved to approve payment of Lowell Sun invoice; JG 2nd.
 - Motion approved unanimously.
- MACC Conference Registration Fee: \$95.00 – for CA’s conference attendance.
 - DB moved to approve reimbursement of CA’s registration fee; JG 2nd.

- **Announcements**

- Boy Scouts – Ayer Troop 3: Brendan Chapin successfully completed requirements for the rank of Eagle Scout.
 - Mr. Chapin worked with fellow Scout, Richard Becker, to design and build the bridge over Long Pond Dam.



Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)

Minutes for **03/11/10** – **Approved 04/22/10**

- **Action Items**

- Post a link to MassWildlife articles on Town website.
- Contact DPW about placing a gate or chain across deeded access to Pine Meadow Pond, off Oak Ridge Drive.
- Prepare map figure, showing regional context of Pine Meadow Conservation Land.
- Contact Police Department for deer collision data.

- **11:00 – Adjourn Meeting**

- GB moved to adjourn; TT 2nd.
 - Motion approved unanimously.