

## **Town of Ayer Conservation Commission**

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

Minutes for **04/22/10** – **Approved 05/27/10**

Location: Town Hall, 1<sup>st</sup> Floor Meeting Room

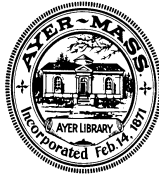
Members present: Dave Bodurtha (DB, Vice-Chair), Takashi Tada (TT, Clerk), George Bacon (GB), Jess Gugino (JG)

Not present: Bill Daniels (BD, Chair), Becky DaSilva-Conde (Conservation Administrator)

APAC taped: No

### **7:10 PM – Open Meeting**

- **Accounts Payable**
  - Lowell Sun: \$170.00 – for multiple legal notices (all applicants provided payment to CA)
    - NOI – Commuter Rail Line Improvements (MBTA)
    - RDA – 102 Oak Ridge Drive (Hawes)
    - RDA – 29 Lincoln Street (Pinard)
    - GB moved to approve payment of Lowell Sun bill; JG 2<sup>nd</sup>.
      - Motion approved unanimously (4-0).
- **Public Hearing (cont'd): Land Use Regulations – Pine Meadow Conservation Land**
  - Commissioners agreed to continue the public hearing to allow for Chairman Daniels' participation in final discussions and voting.
  - Patrick Hughes, Chairman of Ayer Greenway Committee, mentioned a targeted date of 6/5/10 for completion of the new kiosk at the Groton-Harvard Road trailhead.
    - Finalization of the land use regulations prior to kiosk date will be appreciated.
  - John Cadogan of Autumn Ridge mentioned turkey season and asked if turkey hunting is allowed.
    - Commissioners explained that in the absence of specific regulations that allow hunting on Town land, it is prohibited by law.
    - DB said he would replace the No Hunting sign at the trailhead.
  - GB moved to continue the public hearing to 5/13/10; JG 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
- **Discussion: Flooding at 106 Park Street**
  - James Gibbons of 106 Park Street explained the flooding that has occurred on his property.
    - The flooded area is located across from Tiny's Restaurant.
    - There is a blocked 12-inch culvert on an abutting property that might be contributing to the flooding
  - This section of Park Street is under state highway jurisdiction, but the state has not been able to provide drainage maps to Mr. Gibbons.
  - DB said another factor is the expansion of the parking area behind the commercial garages along Park Street, south of Mr. Gibbons' lot.
    - DB said the parking area expansion might have been done without the proper approvals.
    - DB will contact Dan Nason, Ayer DPW, to discuss the issue.

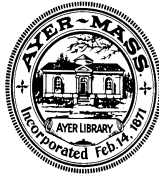


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- **Public Meeting: RDA – Deck Expansion, 52 East Main Street**
  - Steve Arnold, 52 East Main St, presented his Request for Determination of Applicability (RDA) for proposed expansion of the existing deck.
    - The expansion area is 8x12 feet.
    - Will require 3 Sonotube footings, to be dug by hand. Soil will be stored on the hardtop area with a tarp underneath, and will be hauled off within 48 hours.
    - Mr. Arnold said he is willing to place haybales around the work area.
    - An old PVC pipe from a sump pump will be removed.
  - JG provided copies of photos taken at the site.
  - JG asked about dumping along the pond.
    - Mr. Arnold explained that there is trash overflow from the nearby dumpster that serves the 8-family unit next door.
  - Commission asked Mr. Arnold to add haybales and soil storage notation to the plan.
  - GB moved to issue a Negative Determination of Applicability, with conditions for erosion control and soil storage; JG 2<sup>nd</sup>.
    - Mr. Arnold provided a check for the cost of legal notification (\$51.00).
    - DB will notify Gabe Vellante, Building Inspector, that the Commission approved Mr. Arnold's application.
    - Motion approved unanimously (4-0).
- **Meeting Minutes Approval**
  - 2/25/10: minor correction on Page 1.
    - TT moved to approve amended minutes from 2/25/10; GB 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
  - 3/11/10: no edits.
    - TT moved to approve minutes from 3/11/10, as written; GB 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
  - 3/25/10: minor correction on Page 3.
    - TT moved to approve amended minutes from 2/25/10; GB 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
- **Announcements**
  - Patriot Way: Letter from David E. Ross Associates (engineer) re: emergency culvert installation to alleviate flooding.
    - DB mentioned that the Schwartz property to the east did not appear to be affected by the culvert installation.
  - Nashua River Watershed Association (NRWA) is holding a "Water For Life" Open House on 4/29/10.
  - Odd/Even Water Ban remains in effect in Ayer.
  - Fishing Derby is this weekend at Ayer Rod & Gun Club.
  - Shepley's Hill Landfill: US Army Corps of Engineers will host a site visit to the landfill as part of the latest round of feasibility studies. The Army is seeking a permanent solution to the contamination issues plaguing the landfill and adjacent ponds (Plow Shop and Grove).

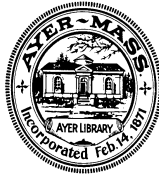


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- Town of Ayer is invited to attend the site walk – date TBD.
- TT asked if the non-profit group, People of Ayer Concerned About the Environment (PACE), have been involved in the feasibility study development process.
  - PACE has a grant from the EPA to fund a consultant who reviews matters relating to the Army's environmental remediation of Devens.
- **Member Updates**
  - TT: Vernal pool exploration at Pine Meadow Conservation Land.
    - Greenway Committee sponsored a vernal pool program last weekend.
    - Participants documented numerous egg masses of wood frog and spotted salamander.
    - The Town can apply for certification of the vernal pool.
  - GB: Eagle Scout Ceremony on Sunday, at Town Hall, for Brendan Chapin.
  - GB asked about the pond weed control RFP.
    - Did not discuss during last meeting; will be on 5/13/10 meeting agenda.
  - DB said he noticed some tree cutting along Oak Ridge Drive.
    - Suggested issuing a Violation Notice to the residents.
  - DB: Mailing for pond abutters
    - Will try to have the mailings ready next month.
  - DB: CA requested help processing all of the RDA filings that have come through recently.
  - DB: Pond View Estates
    - Who is responsible for closing the turtle gate during the active season?
    - The active season for Blanding's turtles is April 15 – October 15.
- **Public Meeting: RDA – Tree Cutting, 134 Sandy Pond Road**
  - James Galofaro, 134 Sandy Pond Rd, presented his RDA for proposed tree cutting behind his house.
    - He plans to have eight trees removed. One of the trees is rotting and presents a safety hazard, while the rest would be considered "vista pruning."
    - He showed some photos of the trees.
    - He also said he might want to expand the lawn area.
  - Mr. Galofaro's backyard is within 100 feet of the wetlands. The rotting tree is about 20 feet from the wetlands. The other trees are between 30 and 52 feet from the wetlands.
  - Commissioners indicated that any expansion of the lawn area would require a Notice of Intent (NOI).
  - TT brought up the issue of rare species habitat. If Mr. Galofaro's property is within the mapped habitat area, he would need to send a copy of an NOI to the Natural Heritage Program for review.
  - Mr. Galofaro stated he would limit the project to tree removal; will not expand the lawn.
  - DB asked if the stumps would be left in place, or removed.
    - Mr. Galofaro agreed to leave all stumps in place.

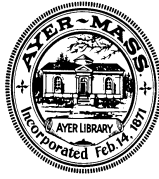


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- Commissioners discussed conditions for work/equipment only within the existing lawn area, restoration of any damage to buffer zone, and vehicle access between the house and tree #7.
- GB moved to issue a Negative Determination, with Conditions for the work area, restoration, and access as discussed above; TT 2<sup>nd</sup>.
  - Motion approved unanimously (4-0).
- Mr. Galofaro provided a check for the legal notice (\$51.00).
  - DB explained that the paperwork would likely be ready for him to pick up next Friday.
- **Public Meeting: COC – MBCR Culvert Replacement (DEP #100-0331)**
  - Sabrina Hepburn of TRC presented a request for Certificate of Compliance (COC) on behalf of Mass Bay Commuter Rail (MBCR) for the culvert replacement at mile post 33.36 (near Willow Road).
    - Work was done last year; erosion controls (silt fencing) will be removed.
  - GB moved to issue COC for 100-0331; JG 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
  - Ms. Hepburn will contact CA next week to complete the paperwork.
- **Public Hearing (cont'd): NOI – Stratton Hill Subdivision (DEP #100-0333)**
  - Dave Moulton, developer, and Russ Wilson, engineer, discussed their NOI application.
  - The wetlands have been reflagged and there are no significant changes. Minor changes have occurred at the top of the hill, due to beaver damming.
  - Mr. Wilson suggested installing an interceptor trench to divert runoff to the upper detention ponds, to help mitigate runoff down the hill.
  - JG asked if the upper catch basins can be tied in.
    - Mr. Moulton said they could.
  - Mr. Moulton said he temporarily smoothed out the road surface on Standish Ave.
  - JG asked about resurfacing of Wright Rd.
    - Mr. Moulton said he will need to resurface the road, which will increase the road elevation by 6 to 12 inches.
  - DB asked about the proposed public parking area and donation of land near the trail to Long Pond Dam.
    - Mr. Moulton said he would like to finalize the land donation as soon as possible.
    - DB said it would require approval at Town Meeting.
  - Site Walk was scheduled on Saturday, 5/8/10, at 9:00 AM.
  - DB said that CA will check with Dan Nason of DPW about reviewing the revised plans.
  - GB moved to continue the hearing to 5/13/10; JG 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
- **Public Hearing (cont'd): OOC Extension, Wright Road (DEP #100-0308)**
  - Dave Moulton and Russ Wilson presented a request for extension of their Order of Conditions (OOC) for sewer line installation along Wright Road.



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- The sewer line is finished, but they will not repave the road prior to expiration of the OOC in August.
  - DB said the erosion controls might need to be repaired.
    - Mr. Moulton said he would replace the old hay bales.
  - GB moved to grant a 3-year extension for #100-0308; JG 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
  - GB moved to close the hearing; JG 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).
- **9:35 – Adjourn Meeting**
  - GB moved to adjourn; JG 2<sup>nd</sup>.
    - Motion approved unanimously (4-0).