

## **Town of Ayer Conservation Commission**

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

Minutes for **06/10/10** – **Approved 11/04/10**

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

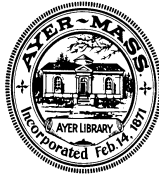
Members present: Bill Daniels (BD, Chair), Dave Bodurtha (DB, Vice-Chair), Takashi Tada (TT, Clerk), George Bacon (GB), Jess Gugino (JG)

Not Present: Becky DaSilva-Conde (CA, Conservation Administrator)

APAC taped: Yes

### **7:05 PM – Open Meeting**

- **Pledge of Allegiance**
- **Announcements**
  - Ayer BOS endorsed the Nashua River Watershed Association (NRWA) proposal to nominate the Nashua River for designation as a Wild and Scenic River by the National Park Service.
  - New NOI application for Lot 9, Patriot Way – hearing scheduled on 6/24/10.
- **Payables**
  - Lowell Sun: \$127.05 – for legal notice, RDA, 121 Oak Ridge Drive (Miller)
  - Lowell Sun: \$66.30 – for legal notice, RFP, Pond Weed Control (ConsCom)
    - GB moved to pay Lowell Sun invoices; DB 2<sup>nd</sup>.
      - Motion approved unanimously.
- **Discussion: Ongoing Issues**
  - DB: Expressed his desire that the Commission be more active and proactive in its approach to wetlands violations.
  - Pingry Hill: DB listed issues pertaining to Pingry Hill development, including:
    - Siltation along Route 2A and into Bennetts Brook
    - Erosion control deficiencies
    - Open trench
    - Failed catch basin at bottom of hill
    - Rick Roper finally addressed some of these issues this week, after prodding from DB and CA.
    - BD drove by this evening and noted that Route 2A has been cleaned up, but the catch basin has failed.
    - Need to issue Enforcement Order (EO) for Mr. Roper and have him attend next meeting.
    - Catch basins on Rte. 2A appear to outflow directly to the brook.
    - Need DPW input re: basin maintenance, system tie-in, keeping material out of the basins, etc.
      - Need to request Dan Nason's attendance at the EO hearing.
    - BD summarized the main points of the EO in a draft email to CA.
    - DB: Also need to revisit the Fox Run Drive detention basins.

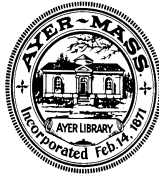


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- Commissioners discussed ways to ensure monitoring/reporting of larger projects.
  - DB suggested a fee structure to be approved at Town Meeting.
  - BD suggested restricting CA's office hours to allow more time in the field.
  - DB said he would ask Dave Maher about possibly moving CA to a more private office.
- DB: Sandy Pond Road soil pile
  - DB suggested having CA contact the property owner.
- DB: Disposition of structures on former Tooker property.
- DB: Madigan Trucking, Rte. 2A – dumping of snow in wetland.
- DB: Issues for DPW
  - Fuel storage/pump at DPW yard – there is no spill containment and the tank is not protected.
  - Standard protocols for stormwater detention basins
  - Enhance Commission's Special Conditions relating to stormwater protection and system tie-in.
  - Inventory of stormwater outfall locations.
- Other Issues
  - DB: Bishop Road – National Grid work on south side of road
    - DB will take pictures of material dumped in wetlands.
  - JG: the mailing to pond abutters would be helpful in reducing future violations.
  - Elizabeth Estates – deteriorating hay bales
    - DB: catch basins are tied-in to detention basins, which settle out sediments before discharging to the wetlands.
- **Public Meeting (cont'd): RDA – Keeping of Fowl, 121 Oak Ridge Drive**
  - Applicant not present.
  - JG moved to continue meeting to 6/24/10; DB 2<sup>nd</sup>.
- **Public Hearing (cont'd): NOI – Stratton Hill Subdivision (DEP #100-0333)**
  - Applicant not present.
  - GB moved to continue the hearing to 6/24/10; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
- **Discussion: Emergency Beaver Control Permit – Pond View Estates**
  - Tom Roy of the Homeowners Association (HA), and Mike Callahan of Beaver Solutions LLC (by phone)
  - The HA has received an emergency beaver removal permit from Nashoba BOH.
  - Mr. Roy showed photos and explained the problem of beaver damming in front of culvert under the emergency access road/walking trail.
    - The culvert and roadway were repaired last year by the developer, but flooding from the beaver dam is causing erosion of the roadbed.
      - The Ayer Fire Chief says the road needs to remain passable for emergency vehicles.

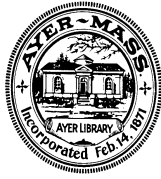


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- The flooding also causes trees to die and fall, which is a safety concern.
  - JG noted that the permit from Nashoba BOH only specifies “beaver removal”, not deterrence or removal of the dam.
  - Mr. Callahan stated that they need to request an extension of the permit because he cannot start work right away.
    - Can ask BOH to specify deterrence and breaching of dam on the extension, rather than beaver removal.
    - Drawings of the fence and pipe flow device were sent by email.
    - Mr. Callahan has installed over 400 such devices throughout New England.
    - Design is very simple and maintenance is needed only once per year.
    - Awaiting response from NHESP re: rare species habitat (Blanding’s turtle).
      - Generally, NHESP prefers to maintain water levels as high as possible for the benefit of the rare aquatic turtles.
    - Commission asked Mr. Callahan to provide copies of all inspection/maintenance reports to the HA.
    - Earliest start date is 6/16; often can be completed in a single day.
  - GB moved to issue a WPA Emergency Certification Form, for installation of beaver deceiver and breaching of the beaver dam; JG 2<sup>nd</sup>.
    - Motion approved unanimously.
  - Mr. Roy thanked the Commission for its support.
  - Louise of the HA will pick up the paperwork from CA on Friday.
  - Louise will also contact the power company re: an old utility pole leaning precariously over the trail.
- **Discussion: Pond Weed Control RFP**
    - No replies to the first RFP posting.
    - Will re-advertise.
  - **Discussion: Conservation Restriction (CR) – Shepley’s Hill**
    - Devens Enterprise Commission (DEC) is interested in naming Ayer Conservation Commission as a Secondary Holder of the Shepley’s Hill CR.
    - CA will request additional information from the DEC re:
      - Responsibilities of the Secondary Holders
      - Is there a draft CR available for review?
      - Is there a CR plan (what are the property boundaries)?
        - Commission expressed concern about proximity of the hill to the former Army landfill that is now an EPA-regulated contamination site.
  - **Member Issues/Updates**
    - JG: Lond Pond Dam – debris removal
      - DPW crews dump the debris from the dam onto the Cowley’s property below the dam.



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- GB: Discussed member attendance at public hearings vs. site walks for ongoing NOI reviews such as Stratton Hill.
- DB: Soil auger for CA?
  - Commission previously approved the purchase of a soil auger.
  - JG will remind CA that she can buy an auger.
- **10:10 – Adjourn Meeting**
  - GB moved to adjourn; JG 2<sup>nd</sup>.
    - Motion approved unanimously.