

Town of Ayer Conservation Commission

Town Hall * One Main Street * Ayer, MA 01432 * 978-772-8249 * 978-772-8208 (fax)
Minutes for **03/10/11** – Approved 4/28/11

Location: Ayer Town Hall, 1st Floor

Members present: Bill Daniels (BD, Chair), George Bacon (GB), Jessica Gugino (JG, Clerk), Becky DaSilva-Conde (CA, Conservation Administrator)

Not present: Dave Bodurtha (DB, Vice-Chair), Takashi Tada (TT)

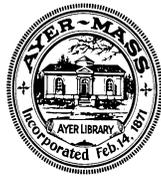
APAC taped: Yes

Informal Discussion: Steve Smith, Autumn Ridge Farm (ARF) Conservation Restriction (CR)

- Prior to the opening of the meeting, and in the absence of a quorum, CA, GB, and JG heard informally from Steve Smith, who volunteers as Steward of the Autumn Ridge Farm Conservation Restriction.
- Mr. Smith summarized the formal report that he recently submitted to the Commission.
- Mr. Smith conducted monitoring visits in 12/10, 1/11, and 2/11, comparing the results to the initial baseline documentation that Mr. Smith completed in the winter/spring of 2010.
 - Mr. Smith was assisted by ARF residents Bill Clements and Sandy Jones.
- Mr. Smith highlighted the one deviation from baseline that he observed: the continued presence of a loam pile in the ARF hay field which is not allowed according to the terms of the CR, and which is in violation of the current OOC for the development.
 - Mr. Smith asked that the Commission request its removal as soon as is practical, and that the area subsequently be reseeded with good Timothy and/or Orchard Grass hay seed.
 - Mr. Smith noted that the ARF developer continually moves gravel off the site, and that it would therefore not be difficult for the developer to also remove the loam pile.
 - CA said the Commission has been aware of the continuing presence of the loam pile, and that we will likely have to issue an Enforcement Order to the current owners.
 - The current owner of ARF is Woodstone Homes.

Informal Discussion: Steve Smith, Rerouting of Science Trail

- Last fall, when the Ayer Gun and Sportsmen's Club conducted forestry thinning on its property, it was discovered that an 800-ft. section of the Science Trail inadvertently crossed over from the Town's Pine Meadow Conservation Land onto gun club land.
 - This portion of the trail was significantly disrupted by the forestry activity.
- Mr. Smith recently walked the boundary between Town land and gun club land with Conrad Donell, who served as the contact person for the Ayer gun club during the forestry work.
- Mr. Smith, as part of the Ayer Greenway Committee, proposes to reroute this portion of the original trail approximately 50-100 feet over to where he and Mr. Donell agreed the trail would certainly be on Town of Ayer land.
- Mr. Smith said that the map that he and Mr. Donell worked off of was GPS-accurate but did not represent legally-surveyed boundaries.
- Mr. Smith asked if the Conservation Commission would approve this rerouting; he would like to begin on April 21.
- As this would require a vote by the Commission, CA, GB, and JG said this topic would have to be carried over for discussion by the Commission once it had a quorum present.



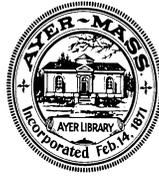
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- Upon the arrival of BD, the Commission now had a quorum present and could formally open the meeting.

7:45 PM – Open Meeting

- **Pledge of Allegiance**
- **Discussion: Steve Smith, Rerouting of Science Trail**
 - Mr. Smith having left, CA, GB, and JG told BD of Mr. Smith's request for Commission permission to reroute the Science Trail from gun club land to Town of Ayer land.
 - The lack of legally-surveyed boundaries was raised.
 - BD opposed approval of the rerouting until the boundaries are definitively specified so as to ensure that the rerouted trail will absolutely be on Town of Ayer land.
 - CA will follow up with Conrad Donell to secure a copy of the land survey used by the gun club when it did the forestry work; Mr. Donell had said he would provide BD with a copy of this last fall but did not do so.
- **Public Hearing (cont'd): Kohler Place, Sandy Pond Investment Trust**
 - GB moved to continue Public Hearing to 3/24/11; JG 2nd.
 - Motion approved unanimously.
- **Public Hearing (cont'd): RDA – Cowfield Realty Trust c/o Calvin Moore**
 - Mr. Moore reappeared before the Commission in reference to his RDA expiration/resubmittal for the lot on the corner of Taft and Nashua streets.
 - Mr. Moore was seeking to confirm that a shallow ditch carrying stormwater across this lot is an artificial and nonjurisdictional ditch and not a natural intermittent stream subject to WPA protection.
 - BD, who has visited the site and looked at the channel, expressed his opinion that this is clearly a drainage ditch and is, accordingly, nonjurisdictional.
 - GB moved to issue a Negative Determination of Applicability; JG 2nd.
 - Motion approved unanimously.
 - Mr. Moore next plans to come before the Commission with an NOI.
 - Mr. Moore plans to redirect the drainage around the lot, rather than through it, and hopes thereby to dry the lot out enough for future development.
 - Mr. Moore will have David E. Ross Associates survey the lot, flag the wetlands, and prepare plans that delineate the 100-ft. buffer zone and location of the house.
 - If Mr. Moore also wants to construct a berm around the lot, this should be part of the same application.
- **Meeting Minutes Approval**
 - Discussion continued on the correct reference of: Flanagan Pond? or Flanagan's Pond?
 - BD was unable to establish a wireless connection to check USGS maps.
 - To be resolved at a future meeting.
 - GB moved to approve meeting minutes for 2/24/11 as written; JG 2nd.
 - Motion approved unanimously.



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- **Announcements**

- The 3/24/11 meeting of the Conservation Commission will host an NRWA workshop on ‘Low Impact Development’ (LID) presented by Mark Archambault.
 - The workshop explores how towns can encourage LID at the local level, including information on the adoption of LID bylaws.
 - The Planning Board, Board of Selectmen, and Department of Public Works have been notified.
- The quit-claim deed for acceptance of Pingry Hill’s parcel H-2 has been signed by BOS.
 - The gift-grant to the Town by way of the Conservation Commission represents the settlement agreement between Crabtree Development and the EPA.

- **Accounts Payable**

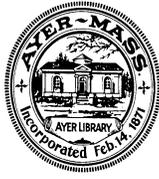
- The Sun Newspaper: \$150.15 for the legal notice of the Public Hearing for Kohler Place.
 - GB moved to approve payment of \$150.15; JG 2nd.
 - Motion approved unanimously.

- **CA Updates**

- Town Accountant Lisa Gabree has been asked to retain the \$10,000 in funds for beaver control in the Commission’s account.
- Ms. Gabree asked the CA to confirm her records of the Commission’s fixed capital asset portfolio as of 6/30/10.
 - The portfolio had been updated to include the acquisition of the Tooker property.
 - CA will note that next year’s portfolio, for 6/30/11, will need to be updated to include parcel H-2 from Pingry Hill.
- Crabtree Development will be submitting an NOI for Phase III in April.
- CA has received a complaint call from a citizen about Stratton Hill development, saying Moulton Construction appeared to be pumping the overflow of water from recent rains and snowmelt from its basins directly into the wetlands.
 - CA will look into this.
- Onsite Engineering will be taking over management of the Town’s Grove Pond wells from Tata & Howard.

- **Discussion: Request for Proposals (RFP) for Aquatic Weed Control**

- BD circulated the previous year’s draft RFP for weed control on Sandy Pond and Pine Meadow Pond.
 - Aquatic weed control was not done in 2010.
- BD said he would like to see third-party survey of weed conditions both prior to and subsequent to treatment.
 - The related issue of there being only two local companies with the expertise to do weed control, and who would be in competition with each other, was discussed.
 - BD suggested contacting Tate & Howard or another engineering company for suggestions on additional options for third-party oversight.



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- BD expressed skepticism that weed treatment on Pine Meadow Pond would have any useful impact and questioned spending limited Town funds on treating it.
 - Pine Meadow Pond is not a natural pond but a dammed wet meadow created around a hundred years ago in the attempt to establish a cranberry bog.
 - If Pine Meadow Pond was not treated, it would likely, over time, fill in and become a swampy wet meadow.
 - CA noted that money had been set aside for this purpose in the Town's Five-Year Plan.
 - BD said the Commission has learned, based on attempted treatments of Flanagan's Pond, that weed control is of limited use, at best, in controlling growth in former wet meadows.
 - BD suggested sending an RFP out for the treatment of Sandy Pond alone.
 - Money saved could then be used for third-party review.
 - GB questioned the value of spending money to get the work done, and then spending more money for monitoring when that money could instead be spent on additional treatments the following year.
 - JG said she was concerned with letting the weeds on Pine Meadow Pond expand further, perhaps compounding the difficulty and cost of treating a Town resource in the future.
 - JG said that, given the poor economy and limited funds, it would be better to use funds available to treat both ponds rather than just Sandy Pond alone along with third-party monitoring.
 - BD spoke of his concern that some residents have previously complained about the lack of third-party oversight and said he did not want to risk wasting money.
 - CA reported receiving phone calls from other residents asking why no treatment had been attempted last year and asking 'how will the Commission know treatment didn't work if they didn't try?'
 - CA reminded the Commission that it had already voted a year ago to go forward with weed treatment on both Sandy Pond and Pine Meadow Pond. CA asked if BD was proposing a new vote.
 - Given the absence of two Commissioners, it was decided that it was best to postpone a decision on the RFP, the treatment of one or two ponds, and the option of third-party monitoring, until a full Commission discussion and/or vote could take place.
 - BD will update the RFP with current dates, and have it request that pricing for each of the two ponds be separated out.
 - The updated RFP will placed on the 3/24/11 agenda.
 - The time-table for potential weed control work was discussed. In order to schedule treatment in late May or early June, the RFP will need to be sent out following the 3/24/11 meeting.
 - BD said CA should contact Town Administrator Robert Pontbriand so that he would be prepared to promptly put the Commission on the BOS agenda in late May for the signing of a contract.
- **9:27 PM – Adjourn Meeting**
 - GB moved to adjourn; JG 2nd.
 - Motion approved unanimously.