

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 1, 2016
APPROVED: NOVEMBER 17, 2016**

Chairman Paul Willard called the meeting to order at 7:02pm in the Town Hall Meeting Room under MGL Chapter 131 §40 The Wetland Protection Act and The Code of the Town of Harvard Chapter 119 the Wetland Protection Bylaw

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Jim Breslauer, Joanne Ward and Jaye Waldron

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press), Peter Dorward (HCT), Bruce Leicher (BHPWMC), Wendy Gendron (ARC, Inc.) Neil Gorman (Ross Assoc.), Joseph Theriault and Megan Glew (BHPWMC)

Consider This Article

Wendy Sisson distributed a draft of a "Consider This" article by Marc Sevigny of Harvard Conservation Trust (HCT), which details the differences between the Conservation Commission (ConCom) and HCT. Ms. Sisson suggests that the ConCom write its own article with more detail of what the ConCom does and reduce the information in the article drafted by Mr. Sevigny. Jim Breslauer thinks it is better to have the information in one article. Peter Dorward, president of HCT, who was in attendance this evening for other matters, stated HCT had created an Outreach and Discovery committee, which has prompted this article. Mr. Dorward stated the confusion between the two does not typically become an issue until it comes to funding. The intent of the article needs to be determined. Don Ritchie suggests the ConCom review and comment.

After further discussion it was agreed that Wendy Sisson and Paul Willard would work together to create a separate article detailing the responsibilities of the Conservation Commission.

Exchange of Conservation Land for Ayer Road Roundabout

As previously discussed the Commission scheduled a site walk for the location of the proposed roundabout along Ayer Road for Thursday, September 8th. Jim Breslauer confirmed that the Board of Selectmen (BOS) is recommending that both areas of land, Gebo Lane and Lancaster County Road, be the land given in exchange for the portion of the Ayer Road Meadow land. Paul Willard further explained the roundabout is to slow traffic according to the BOS. Members of the Commission agreed they would like to have a representative of the traffic committee present for the site walk and to have distances measured from the wetland as detailed on the plan that had been previously provided.

Request for Determination of Applicability Hearing – Lynne Byler, 32 Madigan Lane, Harvard#0816-02. Opened at 7:30pm

Enforcement – Spectacle Island

Jim Breslauer reviewed the island and has determined there has been clearing of vegetation. Members discussed the recent burning that has taken place on the island is being investigated by the Harvard Police Department, but information on that investigation has not been obtained by the Conservation Agent as of yet. Jim Breslauer made a motion to issue an enforcement order requiring the activity cease and desist and the owners attend the next meeting of the Commission to discuss remediation. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Don Richie made a motion to approve the April 21 and June 16 executive session minutes and the July 7, 2016 minutes as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

There were no invoices for approval

Ratify Emergency Certification – 327 Still River Road

Liz Allard stated a recent break in the water line from the well to the house at 327 Still Road prompted the need for the issuance of an emergency certification for work within an intermittent stream and its buffer zone. The following conditions were required as part of the issuance of the certification:

- 1) All work shall be conducted during dry weather;
- 2) The disturbed area within the existing field shall be stabilized immediately after work to replace the water main is complete. Other disturbed areas in the location of the intermittent stream shall be allowed to revegetate naturally; and
- 3) Erosion controls shall be installed as necessary for the trench within the intermittent stream, which is currently dry.

Jim Breslauer signed the certification on behalf of the Commission.

Joanne Ward made a motion ratifying the issuance of the Emergency Certification for 327 Still River Road as described above. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Planning Board Request for Comments – AT&T, 60 Old Shirley Road

Liz Allard stated the application submitted to the Planning Board is for modifications to an existing cell tower on Old Shirley Road. There are no wetlands within 100' of the location. The Commission agreed they have no comments in regards to this application.

Request for a Certificate of Compliance – Minister's Island, DEP#177-225

Liz Allard stated she has reviewed the Order of Conditions for Minister's Island for a Certificate of Compliance, which was issued for the installation of a septic system and additions to the existing structure in 1994. Ms. Allard found the site to be in compliance with the Order of Conditions and recommends the issuance of a Certificate of Compliance.

Wendy Sisson made a motion to issue the Certificate of Compliance for Minister's Island, DEP#177-225. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Update on Gifts of Land

- Stone Cutter's Path – Nothing new to report

Bylaw Amendment – Land Subject to Flooding

Jim Breslauer stated he had nothing new to report on this matter.

Request for Determination of Applicability Hearing – Harvard Historical Commission, Shaker Herb House, Shaker Road, Harvard#0816-02. Opened at 7:45pm

Jim Breslauer left the meeting at 7:50pm

Bare Hill Pond Annual Report & Drawdown Request, DEP#177-630

Bruce Leicher, the chairman of the Bare Hill Pond Watershed Management Committee (BHPWMC), along with Wendy Gendron, from Aquatic Restoration Control were present to discuss the annual monitoring results and the request to drawdown Bare Hill Pond this year. Mr. Leicher stated the BHPWMC paid a lot of attention to the drought this year and are surprised to see how much water was in the pond, considering the limited snow melt. In May of this year the pond was within 6" to 8" of normal height and maintained level height throughout the summer.

Water clarity of the pond is better than most years. The absence of stormwater may have contributed to the clarity of the pond. In addition, plants grew more robustly this year.

Wendy Gendron reviewed her report, which included new survey points as suggested last year. Ms. Gendron is considering removing points F, G and I and expanding point H next year. Survey results show a lot more milfoil topping out at the surface this year. Adjacent wetland areas were added as well to the annual monitoring.

Ms. Gendron also noted an increase in water clarity and improvement in phosphorus levels; however, with the levels of dissolved oxygen in deeper water zones there still the risk of phosphorus release from sediment; indicating continuing control phosphorus of levels to avoid eutrophic conditions.

Wendy Sisson requested the yellow iris location be detailed on the map for next time.

Mr. Leicher reviewed the proposed six-foot drawdown for this year. The drawdown would begin in mid-October barring any storms. Refill would end on or before February 1st. Ms. Sisson worries with the drought how the drawdown would affect wells on the pond. Mr. Leicher stated he has confirmed with the Town Sanitarian that there are no shallow wells on the pond.

Don Ritchie read the letter from Peter von Loesecke into the record.

Residents in attendance stated they appreciate the work done by the BHPWC and Conservation Commission (ConCom). The clarity of the water is excellent, however the weeds have made a come back over the last four weeks. They encouraged the ConCom to allow for another drawdown this year.

With no further questions or comments, Don Ritchie made a motion to allow the Bare Hill Pond Watershed Management Committee to conduct a six-foot drawdown as detailed in the 2015-16 Drawdown Report and Fall 2016 Drawdown Plan, dated August 25, 2016. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

LAND Grant Update

- Community Preservation Committee (CPC) Approval
Liz Allard reported that at last weeks CPC meeting the Commission received approval of \$100,000 of the \$200,000 requested. This request still requires approval of the Board of Selectmen and a Town Meeting vote.
- Board of Selectmen (BOS) Meeting 9/6/2016
Liz Allard reminded the members that they are on the BOS agenda for Tuesday September 6th to present the Horse Meadow Knoll project and obtain permission to submit a CPC request for special town meeting. This item is on the BOS agenda at 7:05pm
- CPIC Questions for 9/12/16 meeting
Members reviewed and made revisions to the responses to the questions submitted by CPIC. Wendy Sisson has additional information she would like to include for some of the responses. The responses are due on September 8th.

Adjournment

Jaye Waldron made a motion at 9:44pm to adjourn the meeting. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard Land Use Administrator/Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability
Hearing Meeting Minutes
Lynne Byler, 32 Madigan Lane, Harvard#0816-02
September 1, 2016**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room at 13 Ayer Road, Harvard

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Jim Breslauer, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Neil Gorman (Ross Assoc.)

This hearing is for a Request for Determination of Applicability filed on behalf of Lynne Byler for a sewage system upgrade within the 100' wetland buffer zone at 32 Madigan Lane, Harvard.

Neil Gorman, of Ross Associates, was present to represent the applicant. Mr. Gorman explained the application is for an upgrade of a failing system with no increase in flow. The leach bed will be installed within an existing lawn area and work within the buffer zone is for grading and the route for construction vehicles. Disturbed areas will be loamed and seeded. The plan calls for the removal of two trees, a 6" ash and an old apple tree. Jim Breslauer had asked on the site walk if the route for construction vehicles could be between the existing spruce tree and the other tree. Mr. Gorman was agreeable to this request.

Don Ritchie made a motion to close the hearing and issue a Negative#3 Determination of Applicability to include the conditions:

- 1) The existing Spruce tree and the tree east of the Spruce shall be protected from equipment during construction; equipment shall enter the site between these two trees as to minimize disturbance; and
- 2) The erosion control barrier shall be inspected by the Conservation Agent prior to the commencement of activity

Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability
Hearing Meeting Minutes
Harvard Historical Commission, Shaker Herb House,
Shaker Road Harvard#0816-03
September 1, 2016**

The public hearing was opened at 7:45pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room at 13 Ayer Road, Harvard

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Jim Breslauer, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Joseph Theriault

This hearing is for a Request for Determination of Applicability filed on behalf of Harvard Historical Commission for the removal of trees and other vegetation within the 100' wetland buffer zone at the Shaker Herb House on Shaker Road, Harvard.

Joe Theriault was present to represent the Harvard Historical Commission. Mr. Theriault stated the site is the location of the first Shaker Herb House and is the only remaining all stone building that the Town has. The building is threatened by unhealthy trees and overgrown vegetation. The purpose of the application is to make the site more accessible.

A recent site walk determined which trees were to be removed and the recommended eight-foot clearance around the building as suggested by the Fire Chief.

Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the following conditions:

- 1) Area around the building shall be cleared of vegetation by no more than eight (8) feet;
- 2) No trees along the east side of the driveway shall be removed;
- 3) Two trees along the west side of the drive can be removed as detailed on the site walks; and
- 4) The Conservation Agent shall be notified prior to the commencement of activity

Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Consider This Article

- Harvard Conservation Commission? Harvard Conservation Trust? An article drafted by Marc Sevigny, with Comments from Dave Outman, undated

Bare Hill Pond Annual Report & Drawdown Request, DEP#177-630

- 2015-16 Drawdown Report and Fall 2016 Drawdown Plans, dated 8/25/2016
- Letter from Peter & Alice von Loesecke, dated 8/24/2016

LAND Grant Update

- Questions for ConCom, Sherry Road Project, undated (CPIC-Questions.pdf)