

Bare Hill Pond Watershed Management Committee

MEETING NOTES

Date: August 26, 2008

Members Chris Ashley Bruce Leicher

Present: Bob Blanck Jeff Ritter

Nick Browse

Others Rick Dickson

Present: Tom Gormley

A quorum being present, the meeting was called order at 7:30AM.

Secretary's Report - Mr. Browse

1. Minutes of the meeting of July 23, 2008 were reviewed and approved.

Land Clearing at 38 Peninsula Road

1. Mr. Leicher reported that the ZBA has requested our comments to a proposal by the owners of 38 Peninsula Road to construct a three-car garage partially in the wetlands buffer zone. This represents further work on the property where vegetation was cleared between the house and the water, and which is subject to a restoration order from the Conservation Commission. Mr. Leicher also presented a draft of a response to the ZBA, laying out an argument for requiring the restoration of the wooded appearance of the property as viewed from the pond. Lengthy discussion ensued on the following topics:
 - a. We feel there are two arguments that can be made. First, the new garage is clearly an expansion of an existing non-conforming use of the site, and the ZBA thus has review authority. Second, the removal of the forest also represented an expansion of a non-conforming use, and the ZBA thus should have exercised oversight over its remediation.
 - b. Based upon the mission of the Pond Committee and case law pertaining to the ZBA, the ZBA does have authority to rule upon questions of aesthetics, and the Pond Committee is acting within its mandate in commenting upon aesthetic issues regarding the pond.

- c. The garage proposal before the ZBA gives the ZBA an opportunity to require the restoration of the wooded appearance of the shoreline. This would be a requirement based upon zoning regulations, and would be distinct from the Conservation Commission's requirements which are based upon wetlands protection. We feel that the restoration order already issued by the Conservation Commission will not restore the original shoreline appearance.
- d. Finally, the Committee was unanimous in agreement that the land clearing represents a degradation to the aesthetic value of the pond, and that we should encourage the ZBA to direct restoration of the original shoreline appearance. Mr. Leicher will revise his letter and add the full membership of the Committee as signatories. The ZBA is expected to hold a hearing the matter on September 10.

Other Business

1. Mr. Leicher reported that our grant application to Realtor Magazine in recognition of Rick Dickson for his work in weed clearing has resulted in a Certificate of Appreciation for Mr. Dickson. The Committee heartily seconds this; thanks for all of your hard work, Rick.
2. The Conservation Commission reviewed our notice of intent last week for the upcoming pond drawdown, and agreed in principle with a gravity drawdown for this year. For administrative reasons (lack of a DEP number) the Commission could not issue us an Order of Conditions. We expect to receive this at the next Conservation Commission meeting.
3. Mr. Ashley reported that Ron Ricci has repaired the VFD for the pump, and expects to test it this week. If successful, he will coordinate with Rich Nota for its reinstallation. Mr. Ritter noted that the road leading to the pump house is severely eroded; Mr. Leicher will ask Mr. Nota to make necessary repairs.
4. It has been suggested that regular annual pond drawdowns may lead to an increase in drawdown-resistant plants in the pond; Mr. Blanck reported on his survey of the literature on this subject. There are a number of reports that suggest that this may happen, though none of the studies identified were directly comparable to our situation. We feel this is worth watching though not cause for concern.
5. We may want to consider attending the annual COLAP (Massachusetts Congress of Land & Pond Associations) workshop in late January, and delivering a presentation on our drawdowns.
6. We appreciate the informal input from Mr. Gormley this evening, and welcome his interest in filling the open seat on the Committee.

The meeting was adjourned at 9:25PM.



Nicholas Browse

August 27, 2008