

HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
December 17, 2009
APPROVED: January 7, 2010

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Josh Gould, Jaye Waldron, Jim Breslauer and Patrick Doherty (Associate Member)

Others Present: Liz Allard (LUB Admin), Rich Nota (DPW Director), Matt Little, Dan Wolfe (Ross Assoc.), Sean Sears (Ross Assoc.), Bill Johnson (BHPWMC), Jim Lee (Park & Rec.), Jeff Ritter (BHPWMC), Tom Cotton and Peter Del Tredici

Minutes

Wendy Sisson made a motion to approve the minutes of November 19 and December 3, 2009 as amended. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Encroachment on Conservation Land – Prospect Hill Area

Liz Allard drafted a letter to Blue Moon Farm at 87 Depot Road in regards to encroachment onto the Conservation Land known as the Prospect Hill Area. The encroachment was discovered during the drafting of the management plan for the area. Minor changes were made to the letter by Jim Breslauer and Wendy Sisson. Jim Breslauer made a motion to send the letter to Blue Moon Farm requesting an update as to the status of a resolution to the encroachment. Josh Gould seconded the motion. The vote was unanimously in favor of the motion.

Conservation Restriction for Dean's Hill

Wendy Sisson reviewed the allowed and non-allowed activities on the property. Ms. Sisson explained that exhibit A is the baseline report and the warrant article from the annual town meeting is exhibit B. The document can now be forward to Nick Holland at Land Stewardship for the completion of the entire Conservation Restriction.

Christmas Tree Cutting on Powell Land

The Commission had received an email from a resident inquiring about Christmas trees being cut on the Abbott-Reed-Powell land. The Commission had previously allowed the boy scouts to grow and sell Christmas trees from this location. Since then the boy scouts have begun doing this fund raising event on their own property. Jim Lee however continued to maintain the trees and allowed individuals to cut them with a donation to the boy scouts. Wendy Sisson stated the area use to be a nice open field and now it is over grown with these trees; Sisson suggested maybe the Commission should get more involved in how it is managed. Members agreed this would be a good task for the Land Stewardship Subcommittee to take charge of. Ms. Sisson is not sure it should continue as the project that Jim Lee has going on currently. Jim Lee asked if there is there another

site for a Christmas tree farm or would the Commission prefer that the remaining trees be removed over time and not replanted. Jaye Waldron stated she would rather give a donation to the Conservation Commission than purchase a tree from a private business owner at a private tree farm. Ms. Sisson thanked Mr. Lee for wanting to keep up the service of the area. Ms. Sisson would also like to go out and talk more with Mr. Lee in the spring to determine if more trees should be planted here or in another more suitable location.

Continuation of a Notice of Intent Hear – Matt Little, 10 Madigan Lane, DEP#177-569, Harvard#0909-04. Opened at 7:33pm

Notice of Intent Hearing – Peter Del Tredici, 24 Mill Road, DEP#177-572, Harvard#1109-05. Opened at 8:10pm

Bare Hill Pond Watershed Management Committee – Discuss Proposed Boat Ramp

Members of the Bare Hill Pond Watershed Management Committee were present, along with Jim Lee from the Park & Recreation Department and Rich Nota from the Highway Department to discuss the installation of a new boat ramp at the Town beach. Bill Johnson explained the new ramp would be in the same location as the existing launch. The recent dredging project has made it possible to grade out the launch area for a proper boat ramp.

During the dredging peat was found to be four feet thick in the swimming area and once removed a glacial till was left behind. There is now however a steep drop off compared to what it has been in the past.

Inexperienced boat launchers have caused the launch area to become a mess during the boating season. The proposed boat ramp would consist of the laying of a pre-cast concrete structure that inter-locks to form a solid surface in and out of the pond. The structure is not permanent and could be relocated if necessary. Josh Gould stated that the design for this boat ramp is probably better than a poured concrete boat ramp. Mr. Johnson stated with the current draw down of the pond the Committee is looking to move this project along. Mr. Johnson feels this installation would not have a negative impact to the resource area. Jim Breslauer would see this project require the filing of a Request for Determination of Applicability at a minimum. Other members of the Commission agreed.

The Commission suggested the Committee confirm with the State Division of Waterways to ensure that a Chapter 91 filing is not required for this type of a boat ramp. Mr. Johnson stated that the Harbor Master has stated that the Chapter 91 permit would not be required. The Commission asked that the Pond Committee confirm that, as Bare Hill Pond is a Great Pond in the State of Massachusetts, which has stricter permitting requirements.

Charlie Gorss stated the application should deal with any erosion that is taking place in the area of the boat ramp. Mr. Johnson stated that the storm water from the parking area

and Pond Road will be collected and treated under the 319 grant the Committee has received and is working on.

Wendy Sisson believes the dredging project may have gone further than the Commission initially thought and she looks forward to future filings to be more in depth. Paul Willard asked about taking a year off from the draw down, whether it is gravity only and no pumping or no draw down all together.

Jim Breslauer stated that the current draw down had only been approved to five feet, and that further draw down of the pond would require additional approvals from the Commission before they were initiated. Mr. Johnson stated he was not at that meeting when the draw down was approved for this year and he apologized for being in violation of the approval.

Ms. Sisson asked how the Committee measures the water level and asked if a more visible manner could be accomplished. Mr. Johnson stated the measurements are taken from the top of dam, the Committee calibrates with precise increments to keep track of the draw down. Patrick Doherty suggested that an engineer be consulted on a better way of making the draw down amount more visible for residents. Mr. Breslauer asked if the ruler could be color coded so that depths could be more easily determined.

Mr. Breslauer thinks that one thing the Commission should do this evening is approve a six foot draw down. Ms. Sisson would like to have updates more frequently from the Committee so that the Commission knows the information for the public that frequently inquires. Liz Allard suggested that she be able to post such items on the Committee's web page on the Town web site, rather than through the Board of Selectmen's office.

Jim Breslauer made a motion based on the Committee's recommendation that the critters living in the Pond were all happy, that the Commission approves a six foot draw down for this year. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Tom Cotton stated the Rowing Club would like to get rid of some of the rocks that deter crew during the draw down. When attempting to reduce the rocks the Commission would prefer an air compressor on land be used, rather than having that type of equipment out on the pond. Josh Gould stated it would be the oils from the hammer that he would more concerned with. The Commission wants a vegetable base hydraulic oil used. The Committee will do some research and come back with more information at a later date.

Jim Lee asked if the Commission was aware of any negative effects on the population of fish from ice fishing during the six foot draw down since the fish would be more concentrated. Paul Willard stated he would follow up with Fish & Wildlife.

Reservoir on Bolton Road

Josh Gould asked the Commission if the chain across the driveway to the reservoir could be removed during the winter months to allow ice skating. The Commission explained that the land is maintained by the Water Department and they would be the ones to approve such a request.

Update of Proposed Work behind Town Dump

Rich Nota, the Highway Director, was present and stated that he and Paul Willard will take time in the spring to figure out what really needs to be done to stop the erosion behind the dump. Mr. Nota stated he has installed a swale with crushed stone, which is helping with the issue, but has not resolved it.

Update on DEP Workshop – Enforcement

Jaye Waldron updated the members on the workshop that took place Tuesday evening. Also in attendance at the workshop were Patrick Doherty and Liz Allard. Ms. Waldron stated the overall presentation was very informative. When issuing an Enforcement Order the Commission needs to be certain they are clear and specific as to what it is they want to accomplish. Educating the public on the Wetland Protection Act and the Town Bylaw is the key to compliance.

Ms. Waldron did speak to Jennifer Gensel from DEP after the workshop about the term “alter”. Mrs. Gensel stated that removal of vegetation (such as brush trimming) is not considered alteration by DEP. The Commission will want to further discuss its use of alter within the required setbacks.

Fiscal Year 2011 Budget

Liz Allard explained the Fiscal Year 2011 (FY11) budget requirement to the members. The Finance Committee is requiring the submittal of two budgets for FY11. The first is a level funded budget and the second should reflect a 5% decrease of the overall budget for each department. In order to reach the 5%, staff hours will need to be reduced from 40 to 38. A letter has been drafted and circulated among the three boards chairmen explaining what services may be affected by this reduction. Budgets are due by January 4, 2010.

Flavin Architects Request – 92 Tahanto Trail

Liz Allard recently met with representatives from Flavin Architects out of Boston who are working with a client who has purchased 92 Tahanto Trail. The existing site has a cottage and garage. The new owner would like to move the structure back approximately five feet onto a new foundation. Mrs. Allard asked if the Commission would view this as new construction, which would be required to meet the setbacks within the Regulations. The members agreed that it would be up to the Building Commissioner if it is considered new construction or not. Mrs. Allard will follow up with the Building Commissioner.

New Conflict of Interest Law Requirements

Liz Allard handed out the new conflict of interest documents received from the Town Clerk and explained that the back page confirming receipt of the new requirements needs to be returned to the Town Clerk by December 28, 2009. The online test has to be completed and the certificate returned to the Town Clerk by April 4, 2010.

Request for Abatement Approval

The Commission received a request from John De Rose of 86 Ayer Road asking for a determination on his property as to suitable land for building. Mr. De Rose submitted a letter from Ross Engineering, which concluded that due to the proximity of Bowers Brook and the significant amount of wetlands on the property any additional building lots were not feasible on the property. The members familiar with the site agreed. A letter will be sent to the Assessor's office confirming the conclusion of Ross Associates.

Member Resignation

Josh Gould submitted his letter of resignation from the Conservation Commission. Mr. Gould explained that as an elected official of the Water Commission he does not have the time for both duties. Mr. Gould will however remain as the liaison from the Water Commission to the Conservation Commission.

Adjournment

Josh Gould made a motion to adjourn the meeting at 9:55pm. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Matt Little, 10 Madigan Lane, DEP#177-569, Harvard#0909-04
December 17, 2009

The public hearing was opened at 7:33pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Josh Gould, Jaye Waldron, Jim Breslauer and Patrick Doherty (Associate Member)

Others Present: Liz Allard (LUB Admin), Matt Little and Dan Wolfe (Ross Assoc.)

This hearing was continued from November 19, 2009 on a Notice of Intent filed on behalf of Matt Little for the replacement of a sewage disposal system within the 100' wetland buffer zone at 10 Madigan Lane, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant. Mr. Wolfe is aware that the project has raised concerns with the Commission in regards to the process and the details. Mr. Wolfe explained that SoilSmith was the original representative who may not been aware of the Harvard Regulations. The previously requested Department of Environmental Protection (DEP) data sheets have been submitted. The zoning issue of the Protective Bylaw, Chapter 125-32 was discussed. It has been determined that there was a functioning system prior to the March 31, 1984 date referenced in the Protective Bylaw, so that particular provision would not apply to this septic system installation. Mr. Wolfe further explained that there are inherent risks with the use of tight tanks, so DEP prefers that a tight tank be used only as a last resort.

Paul Willard asked what is different between now and when the tight tank was approved. Mr. Wolfe explained that an area was found that meets the standards of today's technology, which includes more enhancement of the treatment than existed at the time the tight tank was installed.

Mr. Wolfe understands that Commission members had questions in regards to the retaining wall, whether there would be a concrete block or a poured concrete wall. Mr. Wolfe explained that a poured wall needs a footing and is a much more invasive installation. The proposed retaining wall will be a block wall with a height of 3 ½' at the highest point. The wall will be constructed of interlocking blocks. A 6" course of material gravel base is laid down below grade and then the blocks are placed on top of the gravel, with the first layer of blocks being partially below grade. Wendy Sisson asked if the base is in the groundwater and would there be a potential freezing problem. Josh Gould does not believe so.

It is Mr. Little's intention to only maintain a lawn area up to the retaining wall and will allow for natural growth to move in beyond that in the area close to the wetland. Ms. Sisson feels it would be wise to plant woody shrubbery rather than allowing for the potential of invasive species taking over. The Commission and applicant agreed that native species will be planted at the toe of the wall.

Mr. Willard stated he has heard that this type of system has had some failures. Mr. Wolfe stated that most failures come from either the installation or home owner neglect. Mr. Wolfe noted that the applicant has requested that Ross Associates follow through with the installation of the system to ensure proper installation. This is a geo-flow system, which has been around for a while, but is new to Massachusetts. Yearly inspections are required by the State as part of the process, as well as yearly pumping. The State will eventually discontinue these requirements once they feel the system is running without any potential issues. Mr. Gould explained his knowledge of this type of system and stated they have a super clean effluent.

Mr. Willard is having a tough time with the Conservation hat and the homeowner hat on this application. As a Commissioner he loves the tight tank, in this case it is a good system that nothing can go wrong with, short of someone making a hole in the side of the system and the increased disturbance within the buffer zone. As a homeowner there are the expenses, inconvenience of pumping, and smells associated with the pumping. Ms. Sisson concurred with Mr. Willard, adding that DEP trumps the Commission and they feel the system will not be detrimental to the wetlands. Mr. Wolfe added that the Harvard Board of Health has also approved the installation of this system.

Jim Breslauer asked how close the retaining wall will be to the wetland. Mr. Wolfe stated approximately 15'. Mr. Breslauer asked if the system could be rotated 90 degrees. Mr. Wolfe stated no because of ledge. Jaye Waldron asked if this would require a large amount of fill. Mr. Wolfe stated that it would. Ms. Waldron then asked if fill is required why can't it be built it over the ledge. Mr. Wolfe explained that the required filtering would not occur.

The Commission would prefer that sock hay bales and silt fence be used rather than the traditional hay bales.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the following additional conditions, sock hay bales are to be used rather than the traditional hay bales along with silt fence in the Harvard method, addition of woody native vegetation not to exceed three feet from the wall, the Commission shall be copied on all required reports to the State and the Board of Health, whether Nashoba or Harvard, and the area between the retaining wall and the wetland will not be further disturbed after the planting of the woody vegetation. Josh Gould seconded the motion. Both Jaye Waldron and Jim Breslauer abstained from voting as they were not at the first hearing for this application.

Respectfully submitted, Liz Allard Land Use Administrator/Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Peter Del Tredici, 24 Mill Road, DEP#177-572, Harvard#1109-05
December 17, 2009**

The public hearing was opened at 8:10pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Josh Gould, Jaye Waldron, Jim Breslauer and Patrick Doherty (Associate Member)

Others Present: Liz Allard (LUB Admin), Steve Sears (Ross Associates) and Peter Del Tredici

This hearing is for a Notice of Intent filed on behalf of Peter Del Tredici for the replacement of the existing failing cesspool with a new sewage disposal system and related grading within the 100' wetland buffer zone at 24 Mill Road, Harvard.

Steve Sears, of Ross Associates, explained that the existing cess pool is 40' from vegetated wetlands. The new location for the septic system is the furthest from Bowers Brook as allowed by the site. All disturbed areas will be loamed and seeded immediately. Wooded areas will remain untouched. The system installation will be accessed from the roadway. The tanks and pump chamber installation will be accessed from the driveway. There will be no work within the 50' buffer zone. A retaining wall will be installed during construction. Josh Gould requested that the erosion controls be tied into the back of the garage and that a revised plan showing that be submitted. The Commission would also like the applicant to use hay bale socks rather than the traditional hay bales.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the condition that hay bale socks and erosion barrier be used rather than the traditional hay bales. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent