

HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
March 18, 2010
APPROVED: April 15, 2010

Chairman Paul Willard called the meeting to order at 7:01pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Don Ritchie, Jim Breslauer and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Al Combs, Bill Johnson, Lou Russo, Matt Little, Carter Scott (Transformations, Inc.), Jeff Richards (Transformations, Inc.), Bob LaPierre, Sally Carrona, Barbara Henderson, Sherlie LaPierre and Lewis Beilman

Discuss Bare Hill Pond Watershed Management Committee Dredging Project, DEP#177-546

Bill Johnson was present to discuss recent activity at Bare Hill Pond. Wendy Sisson stated that none of the Commission members watched the excavation project over the course of the winter and not until it had been brought to the attention of some of the members had there been any concern. Charlie Gorss stated he has been approached by fisherman in regards to the disturbance of fish habitat by the removal of the boulders. Ms. Sisson stated that the members did not think that the dredging would be as extensive as it was and would extend all the way over to Barba's Point; nor would there be boulders taken out of the pond. Mr. Johnson stated the boulders were removed from an area that was all peat and not fish habitat and that the removal of the boulders was not disruption of habitat. Mr. Johnson stated in terms of where excavation took place, the original intent was to start at the beach and move over to the boat area, however the volume of storm water entering the pond was remarkable, along with an area that was discovered that had been previously excavated. Mr. Johnson stated this year was a learning curve for all involved.

Ms. Sisson stated that what needs to be decided is how to clean up the area. Mr. Johnson stated that the peat has dried and is being moved to the gravel pit outside any buffer areas. Paul Willard stated there would be no hosing off of the parking lot allowed and it should be swept. Mr. Willard stated this might be a good time for a time-out on draw downs and dredging. It's time for a review on how the pond is to be used and its continued maintenance, as well as to collect and review the data from the previous years drawdowns.

Mr. Willard stated it is his point of view that there will be no dredging next year. Some of the boulders have been moved to the Ryan Playing Fields. Mr. Johnson stated the Pond Committee would like to pave the area down to the boat ramp. This work will require a filing with the Commission.

With no further questions the Commission thanked Mr. Johnson for attending this evening.

Review & Approve Planting Plan – Little, 10 Madigan Lane, DEP#177-569

Matt Little was present to submit his planting plan along with a revised plan showing the location of the under ground utility lines. The Commission stated that the area should be reasonably dry prior to the start of work. A stone façade has also been added to the proposed retaining wall, as detailed on the plan. It was recommended that the planting be done in the fall. Members were satisfied with the plan as revised this evening.

Review & Discuss Wheeler Realty Trust, 196 – 200 Ayer Road “Grant of Title V Nitrogen Loading Restriction & Easement on Nitrogen Credit Land

Lou Russo was present to discuss the requirements from the Department of Environmental Protection (DEP) in regards to the restriction and easement on the Ayer Road Meadow. Mr. Russo stated the document he is asking to be approved is verbatim from DEP. Paul Willard stated the only item in the document that stood out to him is the right to pass and re-pass over the Conservation Land. Mr. Russo did not think they would need to access the site other than the possibility of installing monitoring wells. Mr. Russo added that in many ways some of the language in the document may not be necessary for this type of land. Mr. Russo explained that adding the housing component to the site increases the use and need of the nitrogen credit land. Mr. Russo explained that the easement needs 2/3 vote of Town Meeting to be approved. Mr. Russo was here this evening to ask the Commission to support this restriction and easement.

Jim Breslauer had questions in regards to some of the language. After a complete review of the document Mr. Breslauer stated he would attempt to re-draft the document taking out some unnecessary verbiage and clarifying some aspects. He will try to do this without changing the basic document so that DEP will still approve it. Wendy Sisson asked about using flood zone for nitrogen credit land and if you can not use that type of land. If that type of land is not useable can the nitrogen credit land be reconfigured? Mr. Russo does not know all of the ramifications but knows that the land has to be down gradient from the sewage disposal system.

Mr. Breslauer made a motion to endorse the Warrant Article that would place a Title V Nitrogen Loading Restriction & Easement on the Conservation Land known as Ayer Road Meadow, as presented this evening with the addition of language indicating that the housing would be for 42 units. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion. The Warrant Article does not specify the actual language in the Restriction & Easement so the Commission can take some time reviewing and improving the version he will circulate.

Review & Discuss Enforcement Order – Transformations, Inc., Stow Road, DEP#177-568

Jeff Richard and Cater Scott were both present this evening to discuss the possibility of continuing with the well test on Stow Road. Mr. Richard explained there are two more stages in the well testing in order to comply with Department of Environmental

Protection requirements; a step draw down and a five day draw test. Mr. Richard further explained that the frost has come out of the ground early this year making access to the site difficult. In December and January they were successful in bringing equipment in and out of the site, which is no longer the case.

Members of the Commission were surprised by the amount of stone that was brought in to the site. Wendy Sisson stated that the thought of the Commission was that what was permitted was going to be done in winter conditions. Had the Commission realized the work would not be done in winter, they would have permitted it differently.

Mr. Richard explained that the plan now is to utilize the materials that are already there (stones that were removed from the existing wall) and cross the area without bringing in more material (stone) to the site. Paul Willard asked how this road and the definitive road compare. Ms. Sisson believes this road should be handled as a temporary road that can be reclaimed to as close to original condition as possible if the project should fail to go forward.

Mr. Richard was clear that no additional rocks, other than those that have already been dug up or removed from the existing stone wall, will be brought into the site. Ms. Sisson mentioned the use of mats to transverse the site. Mr. Richard stated the contractor does not think the mats will work. Ms. Sisson questioned the timing of this and the wheels of a trailer not being able to traverse the area.

Jim Breslauer stated there is a lot more stone on the site currently than is shown on the final plan; he is afraid that other adjustments made on the fly would not be made wisely. Mr. Breslauer would like the project to wait until the ground is frozen again. Mr. Richards stated he did not want to wait; he would like to keep moving and work with the Commission to find a solution to get the required equipment on to the site. The Commission would not allow any wheeled vehicles through the buffer zone beyond the culvert, tracked vehicle would be doable in dry conditions.

The members asked Mr. Richard to come up with other considerations to get the equipment onto the site other than a wheeled trailer. Ms. Sisson added that the work must wait until the area is dry. Mr. Willard added the end of April or maybe beyond. Mr. Richards was told to contact the Conservation Agent to determine if work could begin before starting the project up again and a site visit would be conducted.

Bare Hill Pond Draw Downs

Al Combs was present to discuss with the Commission the required monitoring of the down stream vegetation, which had been privately funded. Mr. Combs believes there is a real threat is to the wetland upstream; he suggests that area be monitored as well on a long term basis. Mr. Combs would like the Commission to address this issue the next time they are permitting a draw down on Bare Hill Pond. The Commission thanked Mr. Combs for his advice and will keep it under advisement.

Harvard Conservation Trust Membership

Wendy Sisson stated she met with Mary Lynn Gentry, the Director for the Harvard Conservation Trust, in an effort to open up the lines of communication between the Commission and the Trust again. Ms. Sisson would like the Commission to join the Trust as a member enabling the Commission to be informed of the Trust activities through their newsletter. Liz Allard stated she was informed by the Finance Director that the funds the Commission has are not able to be used for membership of a private organization.

Enforcement Order – Bare Hill Pond Watershed Management Committee, DEP#177-546

After a discussion about the recent activities at the Town beach (see above) the Commission agreed in order to be certain that the work needed to clean up the beach area is done properly an Enforcement Order should be issued detailing the process. Charlie Gorss made a motion to issue an Enforcement Order to Bare Hill Pond Watershed Management Committee, DEP#177-546, requiring that the materials being stock piled are to be removed from the buffer zone immediately and the area is to be swept clean with no hosing of material back into the pond. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Charlie Gorss made a motion to adjourn the meeting at 9:30pm. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent