

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 19, 2010
APPROVED: October 7, 2010**

Chairman Paul Willard called the meeting to order at 7:04pm in the Town Hall Meeting Room

Members Present: Paul Willard, Charlie Gorss, Jaye Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin), Bob Blanck (BHPWMC), Jeff Ritter (BHPWMC), Bill Johnson (BOS), Bizzy Herbolsheimer (Water Front Director), and Mark Hardy (BHPWMC)

Discuss Dredging Project at Town Beach with Bare Hill Pond Watershed Management Committee (BHPWMC)

Bob Blanck, a member of the BHPWMC, presented a power point presentation (See Attachment A) to the Commission. The objective of tonight's meeting was to have an open discussion on the merits of a beach excavation during the 2010/2011 draw down. Is an excavation of sediments the right thing to do? What are the advantages and disadvantages to this type of project? There are environmental and safety issues that should be considered. Mr. Blanck explained that the beach area has a depression in it that does not allow for the freezing of milfoil during the draw down cycles. The excavation would have beneficial environmental effects such as reducing weed load through sediment removal and encourages fish spawning areas. As for safety issues, the build up of sediments has caused shallower diving areas at both dock locations with in the swim area, as well as individuals may become entangled in the existing matting that was installed years ago.

If the BHPWMC is to proceed with this project a contingency plan would include an agreed upon plan of the work, the development of a communication plan to prevent surprises that may arise during the work, a muck management plan accepted by all stakeholders, address run-off issues, address submerged rock issues and the engagement of a engineer firm for a Notice of Intent and associated plan.

Jaye Waldron asked if the material to be removed is sediment or peat. Mr. Blanck stated it is peat, and by minimizing the amount you will minimize the growth of milfoil. Patrick Doherty asked how long the excavation will last and when will it need to be re-done. The BHPWMC hopes to be able to complete the work in one season, with a result that will last ten to fifteen years. The BHPWMC believes that if the dredging is not completed then the situation will become worse. Mr. Blanck stated the only area to be dredged is the swim area. The BHPWMC believes the amount of material removed will depend on how much of the removed material can be stored for de-watering.

Paul Willard asked how the current proposed area compares to the drag line that was done in several decades ago. Charlie Gorss stated he has pictures when the drag lines were done and they were much further out. Mr. Willard asked if the berm created by the drag line would need to be eliminated. Mr. Blanck stated it did not. Mr. Doherty asked what was going to be the depth of the dredging and will the milfoil just grow back. Bill Johnson stated the intent is to scrape down to the glacial till, which should not allow for the re-growing of milfoil. Mr. Doherty believes that as Conservation Commissioners we are concerned about the ecosystem and plant life. Mr. Willard believes the Commission needs more answers. Mr. Gorss stated the Wetland Protection Act states that you should not dredge. Mr. Willard stated if there is a defined volume that will be removed then the design should include sufficient storage for de-watering the material. Mr. Willard is also interested in learning what the Park & Recreation Department point of view is on this project.

Bizzy Herbolsheimer, the Water Front Director at Bare Hill Pond, stated she wants to see a safe waterfront. Ms. Herbolsheimer stated the weeds are continuously growing and are becoming a hazard to swimmers. Ms. Herbolsheimer would like to see some of the area dredged out. Mr. Doherty agrees with Mr. Willard that you should make a determination as to what is good to take out rather than what you have storage for. Mr. Blanck thinks there can be a defined amount to be removed calculated by the engineering firm. Mr. Johnson stated that the Park & Recreation Department stated this week that the weeds are a safety issue. It was determined that the area which is of concern begins approximately 50 yards from the shore line. The mat starts at about six feet but the width is unknown.

Lewis Beilman asked how the berm corresponds to the swim area. The berm is outside the existing swim area. Mr. Beilman asked if you still have milfoil on the outer edges will it just come back. Mr. Johnson stated that is why the BHPWMC wants to take it down to the glacial till. Mr. Doherty asked what the total cost of the project would be. Mr. Johnson stated between \$70,000 and \$80,000. Mr. Johnson explained the current grant that the BHPWMC received, and that the 80/20 match can be cash or an effort, such as the street sweeping to be done by the Highway Department for the Storm Water Management project. Mr. Beilman asked if you included the area up to berm would that reduce the milfoil longer than if you just excavate the swimming area. That idea had not been discussed by the BHPWMC and should be examined.

Mr. Willard is not 100% comfortable with the amount of information before him this evening; if given a precise amount and area then he can go along with the project. Mr. Johnson asked if it is okay to make an area approximately an acre in size that is inhospitable to wildlife or plant species in the 300+ acres area of the pond. Mr. Doherty is not certain that this is the right place to obtain a permit to do such work. Members of the Commission questioned whether an Army Corp of Engineers permit would be required. Mr. Johnson said it would not because the pond is not a navigable water. Mr. Doherty asked what would be the possibility of trucking in sand to put over the clay. Mr. Johnson stated the regulations are far more restrictive on putting things into the pond rather than taking them out. Jaye Waldron wondered if the Commission is only considering this for a recreation purpose or are there other concerns under the Wetland

Protection Act. Mr. Gorss stated that any more boulders that might be found need to be left in place as much as possible. Mr. Beilman asked if there has been any survey done of the area to date. Mr. Blanck stated there had not.

The members suggested that an engineering firm or other business that is familiar with this type of project be contacted in order to go about this in the proper manner. Members of the Commission are in agreement with the project as presented this evening and feel it could be permitted with a well crafted plan and detailed Order of Conditions. The BHPWMC should consider in the process the use of natural based oil for any equipment that would be used in and around the pond. Mr. Doherty stated the presentation this evening was very good.

Minutes

Patrick Doherty made a motion to approve the minutes of August 5, 2010 as amended this evening. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Request to Extend the Order of Conditions – Dzekevich/Lancaster, Slough Road DEP#177-543

Liz Allard informed the members that she had received a Request to Extend the Order of Conditions for the construction of a single family dwelling on Slough Road (Map 22 Parcel 23.2) from Joseph Dzekevich and Rita Lancaster along with the associated filing fee. Construction has not begun on the dwelling. Charlie Gorss made a motion to extend the Order of Conditions for one year. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Review and Discuss Fee Schedule

Liz Allard gave each of the members a copy of Form F Fee Schedule for their review. With a number of the members absent the topic shall be discussed at the next meeting.

Discuss Wetland Violations - 8 Westcott Road & 85 Warren Avenue

Liz Allard explained that she was contacted by Bill & Lynn Currie at 16 Westcott Road about the pond on their property that has been dry for the last two years. Ms. Allard viewed the site walk last week and took photos of the area. From what Ms. Allard could tell it looks as if the abutting neighbor at 8 Westcott Road has been placing fill in the areas that were feeding the pond. Ms. Allard suggested she contact the Department of Environmental Protection (DEP) to request assistance on enforcing the Wetland Protection Act in regards to this violation. Members agreed that the DEP should be involved in such a violation.

Ms. Allard explained that she was informed that a residence on Warren Avenue had recently paved their driveway without any permits from the Commission. Ms. Allard reviewed the site earlier this week and determined that 85 Warren Avenue in fact has paved the driveway and that drainage features have been installed along its edges. From the roadway it looks as if there is clearly a wetland area adjacent to the driveway. The

members agreed that the Enforcement Order drafted by Ms. Allard should be signed and sent to the homeowners.

Adjournment

Jaye Waldron made a motion to adjourn the meeting at 8:53pm. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Beach area excavation

- Objective: An open discussion on the merits of a beach excavation during the 2010/2011 drawdown
 - Is an excavation of sediment the right thing to do?
 - What are the advantages and disadvantages?
 - Environmental issues
 - Safety issues
- If we agree the excavation is needed...
 - How can we accomplish it in a responsible way?
 - How can we develop an agreed upon plan?
 - We do not want to develop a plan tonight
- If we decide to abandon the plan...
 - What is the impact?

Where are we today?

- Stormwater runoff remediation strategy to control phosphorous
 - 3 year, agreed upon, project (in its second year)
 - Designed with essential matching grants to reduce cost to the town
- Drawdown has been effective in reducing Eurasian milfoil, but beach area has a depression that prevents winter freezing
 - Only way to reduce weeds is by excavation
- Excavation would have beneficial environmental effects
 - Reduces weed load through sediment removal
 - Encourages fish spawning areas
- Safety issue identified by Park and Recreation
 - Milfoil impedes swimming area
 - Benthic mat may result in entanglement
 - Shallow diving off rafts is unsafe
- An urgency to decide
 - Window of opportunity will close if not done in the current "funding cycle"



If we proceed....

- Contingent upon the following...
 - Agreed upon plan for execution of the work
 - Development of a communication plan to prevent surprises that may arise during the work
 - A “muck management” plan accepted by all stakeholders
 - Addressing run-off issues
 - Addressing submerged rock issues
 - Engagement of Goldsmith, Prest & Ringwall for a plan