

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
APRIL 21, 2011  
APPROVED: October 20, 2011**

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 Janet (Jaye) Waldron

**Others Present:** Liz Allard (LUB Admin), Tony Shaw (Harvard Snowmobile Club), Mark Adams (Harvard Snowmobile Club) and Matt Bombaci (GPR, Inc.)

**Discuss End of Season Procedure with Harvard Snowmobile Club**

Wendy Sisson explained that with the flurry of emotions at the end of this snowmobile season that the Commission should consider a procedure for ending the season for snowmobiling on trails. In addition to putting the word out to the club that the season is over, signage should be installed in places where individuals enter the system stating that the season is over and potentially the signs signifying snowmobile trails should be removed at the same time. This same method should be used should there be a thaw during the season to alert riders that care should be taken when using the trails in such conditions. Tony Shaw, President of the Harvard Snowmobile Club, stated that he that he would leave the signs up on the off chance that others are still using the trails as part of a safety precaution. His specific concern is for trails that cross roads, removing signs could endanger both the rider and car occupants. Paul Willard wondered if there have been any specific problems that have created this concern. Ms. Sisson stated that if a trail itself is not passable, then a rider may go off trail and may cause more damage. Mr. Shaw stated that riders do not like to ride in mud or on bare ground. Mr. Shaw added that 90% of the trails were still in good shape when he closed the season this year. Mr. Shaw stated it is common sense as to when and where to ride. Mr. Shaw feels the signs need to stay as the public has become use to them, not to mention the safety aspect.

Ms. Sisson stated that this is allowing the riders when to decide when the season is done. Mr. Willard asked what would be the standards of determining that the season is done or that a trail should be closed to use during the season. Ms. Sisson stated the trails would need to reviewed in the weakest links of the system and then determine if it is suitable to continue to ride on those trails. Mr. Shaw agreed to install signs that indicate that the trails are closed due to conditions during the season. Members requested that the Agent forward any information on trail closing notification on to them so that they too are aware as to the status of the trails during the season.

Ms. Sisson asked about the signs that are removed each year from the trees along the trail. Ms. Sisson believes it would be better for the tree if the Club could install a board onto the tree and seasonally put the sign on the board. As well there are individuals in

Town that do not like seeing the snowmobile signs up year round and this method would aid in that, as well as the health of the tree.

Mark Adams asked if the Club could replace some of the sign posts that are rotting on Conservation Land. The Commission had no issue with this request and thanked him for the offer

Ms. Sisson stated that previously the Club and the Commission discussed the re-routing of the Small Nature Trail. At the time of the discussion the Commission asked that the new route be flagged for their review prior to any work taking place. It seems as if the work was completed by the Club without review of the Commission. Mr. Shaw apologized and stated the new trail was kept away from the wetlands in the area.

**Notice of Intent Hearing – Department of Public Works, Bare Hill Pond Dam, Willow Road, DEP#177-591, Harvard#0411-01.** Opened at 7:37pm

#### **Land Stewardship Subcommittee Update**

Wendy Sisson stated the Land Stewardship Subcommittee (LSS) is focusing on trail work once again. Phil Knoettner is coordinating three senior citizens who will be doing work under the tax relief program. Projects will include the repair of Conservation Land signage, painting the fence at Holy Hill dancing grounds, the removal of downed trees and limbs and repairing bridges. Mr. Knoettner had requested the use of funds for material to repair bridges that are not snowmobile bridges. The Commission agreed that that funds dedicated to the maintenance of conservation lands under the Department of Public (DPW) works could be used for these repairs.

The topic of clearing the Herman Orchard was discussed. Members agreed that Paul Willard should obtain estimates for the clearing of the Orchard to create a hay field. Ms. Sisson stated that the LSS has developed a draft of rules for the use of Conservation Land. Ms. Sisson will send them around to the members of the Commission for comments.

The members discussed the recent discussion between the Town Administrator and Phil Knoettner in regards to the required waiver form for the use of chain saws on Conservation Land. As written, the waiver must be completed each time an individual would like to go out and do work on Conservation Land. To both Mr. Knoettner and Ms. Sisson this seems cumbersome for the volunteers; they question whether a waiver could just be submitted once for the season. The Town Administrator has stated that the insurance company for the Town requires a waiver each time the work is being performed. Jim Breslauer stated he would review the waiver form to see if the process could be simplified.

Ms. Sisson mentioned that there is a bridge in Shaker Village on Conservation Land that is a hazard and should be dealt with. Mr. Willard will discuss with the DPW Director to see if they can repair it.

### **Flooding at Ryan Playing Fields on Depot Road by Beavers**

Paul Willard explained that the area at rear of the Ryan playing fields is flooded due to a dam that has been constructed by beavers. Mr. Willard has an objection to the water causing as much flooding as it is currently. Some of the members saw no immediate threat to public health and safety. The Commission would only be involved if the Board of Health (BOH) issues a permit to breach the dam. At that point the Commission would need to issue an Emergency Certification with specific conditions on how the dam should be breached as to not affect the adjacent wetlands. Liz Allard stated that no application has been submitted to the BOH as of yet.

### **Proposed Chapter 147 Amendments**

Jim Breslauer stated that he has received no further comments from the Commission members in regards to amending Chapter 147. Members present stated they had no further additions or correction. A public hearing will be scheduled for the May 19<sup>th</sup> meeting to approve the amendments to Chapter 147 of the Code of the Town of Harvard.

### **Enforcement Order Follow Up– McEvoy, 115 Prospect Hill Road**

Liz Allard had discussed with Maryann DiPinto, of the Department of Environmental Protection, the concern of the Commission for invasive species taking root in the exposed wetland area along Madigan Lane. Ms. DiPinto agreed and suggested Ms. Allard contact Dave Anderson at New England Wetland Plants in Amherst to determine the best planting mix for the area. Wendy Sisson stated that the area once functioned as a woody vegetated wetland and to only seed it with a seed mix would then change it to a grassy area. The members agreed that they want to see the area restored rather than waiting for it to grow back itself, which would take several years.

The Commission agreed that a new Enforcement Order should be issued requiring the submittal of a restoration plan of the area along Madigan Lane, as well as the area near the pond. The Order should indicate that the area along Madigan Lane should be immediately seeded with a New England Wetland mix in the areas where there is no standing water. Once the area is dry enough to be re-graded it shall be and then re-seeded again. The restoration plan shall be submitted to the Commission within the next four weeks. The restoration plan shall be completed by a professional consultant.

### **Update on Proposals for Drainage at Transfer Station**

A proposal has been received from David E. Ross Associates in the amount of \$3,700 for the design work for drainage at the rear of the Department of Public Works (DPW) facility. The Commission requested that additional estimates be obtained. Members discussed how the work itself, once designed and permitted, will be paid for now that the DPW Director has stated that he does not have the time available to complete the project.

### **Update on Stow Road Flooding Issue**

Liz Allard stated that as requested, Mark Vitale has submitted photos of both sides of the stream crossing that in on his property at 189 Stow Road. The Commission discussed the situation and how the flooding that takes place on Stow Road can be remedied. Mr. Vitale has stated to Ms. Allard that he has no documentation of the Commission giving

him permission to access the upland area for fire wood some 20 years ago. Mr. Vitale has stated that permission was verbal. Charlie Gorss stated that when he moved to Town some 40 years ago and would travel that end of Stow Road for work, the road would be flooded during large rain events. The Commission is not certain that the crossing that Mr. Vitale has installed and improved over the years is the only issue when it comes to flooding in that area. Town Counsel has stated that if any action were to take place then it should be initiated by the Commission, as this is work within a resource area without the proper permits. The members decided to further discuss the issue with the Director of the Department of Public Works when he is at the meeting in May.

### **Executive Session**

Wendy Sisson made a motion to go into executive session under MGL Chapter 39 §23B to discuss matters of a sensitive nature, and to come out of executive session only to adjourn the meeting. Don Ritchie seconded the motion. A roll call vote was taken, Paul Willard, aye, Wendy Sisson, aye, Don Ritchie, aye, Charlie Gorss, aye, Jim Breslauer, aye, and Janet Waldron, aye.

### **Adjournment**

After executive session Don Ritchie made a motion to adjourn the meeting at 9:42pm. 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  
Notice of Intent Hearing Meeting Minutes  
Department of Public Works, Bare Hill Pond Dam, Willow Road  
DEP#177-591, Harvard#0411-01  
April 21, 2011**

The public hearing was opened at 7:37pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 in the Town Hall Meeting Room

**Members Present:** Paul Willard, Wendy Sisson, Don Ritchie, Charlie Gorss, Jim Breslauer and Janet (Jaye) Waldron

**Others Present:** Liz Allard (LUB Admin) and Matt Bombaci (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of the Department of Public Works for maintenance and repairs to the dam on Bare Hill Pond within a resource area, Bare Hill Pond.

Matt Bombaci, of GPR, Inc., was present to represent the Harvard Department of Public Works for repairs to the dam on Bare Hill Pond. Mr. Bombaci stated that the Town, under the purview of Dam Safety, conducted an evaluation of the dam in which there were recommendations made. This Notice of Intent addresses some of those recommendations. The report calls for routine maintenance to the dam by removing brush along the down stream slope of the dam to the toe of the slope, and stabilizing the area with grassy seed; the removal of mature trees, stumps to remain and treated with herbicide to prohibit further growth; repair and rehabilitation of upstream masonry walls to include re-cementing the wall over exposed aggregate; and remove brush to rear of upstream walls and filling low spots at back of upstream walls. Work is to occur when pond is drawn down. Members questioned the removal of woody vegetation replacing it with a grassy slope. Members believe that the down stream slope would have more stability with a woody cover. Mr. Bombaci stated that the thought is that if vegetation were allowed it could increase to a size that could fall and cause damage to the dam. Additionally, the Commission will not allow for the use of an herbicide within a resource area. The Commission agreed that they do not want to have any roots removed or to have any digging take place along the down stream slope of the dam. Member felt strongly that transforming the down stream slope would be detrimental to the dam. The Commission would prefer that vegetation be left and maintained at two feet rather than completely removed. Mr. Bombaci stated that it is his understanding that a grassy slope is what is recommended by the State. The Commission asked for information to that regards for their review. Liz Allard asked that the time be allowed for comments to be received by the Bare Hill Pond Watershed Management Committee on this application.

With additional information and time for comments requested, Jim Breslauer made a motion to continue the hearing to May 5, 2011 at 7:15pm. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## **Documents & Other Exhibits**

### **Notice of Intent Hearing – Department of Public Works, Bare Hill Pond Dam, Willow Road, DEP#177-591, Harvard#0411-01**

- WPA Form 3 Notice of Intent, Town of Harvard, dated April 2011
- Notice of Intent Dam Maintenance & Repairs Site Plan, dated April 2011

### **Flooding at Ryan Playing Fields on Depot Road by Beavers**

- Photos of beaver dam and flood areas at Ryan Playing Fields, dated 4/21/2011

### **Update on Proposals for Drainage at Transfer Station**

- Proposal for Professional Services, submitted by David E. Ross Associates, Inc., dated April 15, 2011

### **Update on Stow Road Flooding Issue**

- Photos 1 -8 and letter submitted by Mark Vitale, dated 4-19-2011