

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
May 5, 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), Matthew Bombaci (GPR, Inc.), Mike & Barb Griesbach, Warren Henderson, Karen & Don Green, Deborah Skauen-Hichliffe, Judy Gustafson, Jeff Richards (Transformations, Inc.), Sally Carrona, Jim Lee and Al Combs (Ag. Comm.)

Request for Determination of Applicability Hearing – Michael & Barbara Griesbach, 32 & 33 Turner Lane, Harvard#0411-02. Opened at 7:01pm

Continuation of a Notice of Intent Hearing – Department of Public Works, Bare Hill Pond Dam, Willow Road, DEP#177-591, Harvard#0411-01. Opened at 7:18pm

Continuation of a Notice of Intent Hearing – Transformations, Inc., Stow Road (Map 36 Parcels 85 & 86.1), DEP#177-586, Harvard#1010-01. Opened at 7:34pm

Discuss Agricultural Policy

Don and Karen Green were present to express their concern on how agricultural has been looked at in Town as of lately. Last fall the Green's sold their property on Prospect Hill Road to Earl McEvoy, who has kept the parcel in agricultural. In March of this year Mr. McEvoy was issued an Enforcement Order (EO) for the clearing of a wetland on the property without the proper permits. Both Mr. Green and Mr. McEvoy attended the April 7, 2011 meeting to discuss the violation as required by the EO. At that time the Commission had concerns about invasive species moving into the exposed area and had requested that the Conservation Agent investigate the idea of plantings to speed up re-vegetation rather than letting it come back naturally as recommended by the Department of Environmental Protection.

At the April 21, 2011 meeting the Agent stated that she had spoken to DEP who agreed with the invasive species concern and advised her to contact Dave Anderson at New England Wetland Plants in Amherst to determine the best planting mix for the area. At that time the Commission decided to re-issue the EO and require the submittal of a restoration plan of the area along Madigan Lane, as well as the area near the pond that had been cleared the previous fall.

Mr. Green can not understand how an individual could be given a cease and desist order that they were not aware of (the re-issuance of the EO). Mr. Green thinks this is a new

policy of the Commission then the Agricultural Committee should be aware of this policy. Mr. Green expressed that as a parcel in agricultural, that the activity should be allowed. Liz Allard explained that the Commission does not take into account the type or use of a parcel when it comes to enforcing not only the State Wetland Protection Act, but the Town of Harvard's Wetland Protection Bylaw. The fact that the violation took place on a parcel under agricultural had nothing to do with the issuance of the EO, but was issued solely as a violation of the Act and the Bylaw. The request of the Commission for guidance from DEP was done to be certain that there in fact was a violation and that the fact that the property is under agricultural was not a factor. Ms. Allard further stated that contacting the chairman, Paul Willard, outside of a meeting is fine; however Mr. Green has to realize that he is only getting Mr. Willard's opinion and not a decision on a matter. For that you need a quorum of the Commission to agree at a public hearing.

Paul Willard was surprised by the additional requirements within the re-issued EO, as he was not at the April 21st meeting. Jim Breslauer stated that under the Act and the Bylaw land in agricultural use means land presently in use, the land cleared was not in use and that is why the Commission had issued an EO. Don Ritchie stated that this type of problem arises when property owners do not notify the Commission.

Deborah Skauen-Hichliffe stated that she has heard a lot of chatter about this and is concerned as a property owner with land in agricultural. Ms. Skauen-Hichliffe suggested that a cover letter should be sent with EO explaining why it is being sent. Al Combs recommended that notification should be given to the Ag Committee when there is an issue that involves farming so that they could be of assistance.

Issue Emergency Certification for Beavers Activity at Ryan Playing Field, Depot Road

Liz Allard explained that the Board of Health has issued an emergency permit that allows for the breaching of the beaver dam at the Ryan playing field on Depot Road. The State recommends that the Conservation Commission issue an Emergency Certification for this activity with conditions. An Emergency Certification has been drafted that includes the recommended conditions from the State. The dam shall be lowered in a manner that will not affect the down stream wetlands from flooding or erosion.

Wendy Sisson made a motion to issue the Emergency Certification as drafted. Don Ritchie seconded the motion. Jim Breslauer abstained from voting. The vote was 5-0 in favor of the motion.

Bare Hill Pond Watershed Management Committee Update

Jaye Waldron attended the recent meeting of the Bare Hill Pond Watershed Management Committee and had the following to share with the Commission. The Committee is still confused about the netting that was used to stabilize the area around the constructed wetland. The Committee is looking at three additional Stormwater management facilities around the pond. The Committee further discussed the proposed dredging project for the swim area. The Committee agrees with the Commission that no herbicides should be

used on the tree stumps during the repairs to the dam. An Operation and Maintenance Plan for the Stormwater Management facilities has been drafted.

Invasive Species Workshop Request

Liz Allard requested that she be allowed to attend the Invasive Species Workshop being offered by Bay State Roads Program on May 11th in Concord. Wendy Sisson made a motion to allocate the appropriate fee for said event for Liz Allard to attend. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Update on Proposals for Drainage at Transfer Station

The members reviewed the proposals submitted for the drainage project at the transfer station. After a brief discussion, Jim Breslauer made a motion to accept the proposal from Ducharme & Dillis, limited to items 2.1 & 2.4 and not to exceed \$2500. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Update Chainsaw Waiver

No response from Tim Bragan on Wendy Sisson's last email in regards to the use of chainsaws on by volunteers on Conservation Land. With that Ms. Sisson will proceed with the method outlined in that email and let the Land Stewardship Subcommittee know what steps to follow.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:33pm. 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
Request for Determination of Applicability Hearing Meeting Minutes
Michael & Barbara Griesbach, 32 & 33 Turner Lane, Harvard#0411-02
May 5, 2011

The public hearing was opened at 7:01pm 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, Janet Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Mike & Barb Griesbach

This hearing on Request for Determination filed on behalf of Michael & Barbara Griesbach for the removal of trees that pose a treat to human safety within 200' of Bare Hill Pond at 32 & 33 Turner Lane, Harvard.

Barb Griesbach stated that the trees closest to pond on her property keep dropping limbs, causing a safety issue, along with damage to property. The trees in question consist of white pines and two red oaks. A site walk with member Jim Breslauer and the Agent, Liz Allard took place on April 26, 2011. Mr. Breslauer stated that there are trees with obvious insect infestation that should be taken down. However, the trees with dead branches should be trimmed rather than removed. Ms. Griesbach stated that she has had them trimmed, but they continue to drop additional limbs. Paul Willard stated that he has no problem with dead and diseased trees being removed. Mr. Willard added that the trees are not part of a forest, but at the edge of human activity. Patrick Doherty asked if this has been issue for some time, why now are they requesting the removal of so many trees. Ms. Griesbach stated that they are in the process of preparing for the construction of a garage and will need to remove trees for that and thought it would be best to get this work done at the same time.

Wendy Sisson stated that the trees by the pond would be worth maintaining as perching areas for eagles and kingfishers. Ms. Griesbach pointed out that the plan only shows trees to be removed, but that there are others such as a sugar maple, red maple and hickory that will remain. Mr. Willard asked how many trees would be left at the pond's edge. Ms. Griesbach stated about half dozen at least. The members agreed that the stumps should be left in place, any shrubs near the pond edge should be encouraged to grow, and no lawn shall be established in cleared areas. It was additionally recommended that the Griesbach allow a 10' area of woody vegetation be established along the ponds edge to deter geese.

Patrick Doherty made a motion to issue a Negative #3 Determination of Applicability to include the conditions referenced above. Charlie Gorss seconded the motion. The vote was 6-0 with Jim Breslauer opposed.

Respectfully submitted, Liz Allard Land Use Administrator/Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Department of Public Works, Bare Hill Pond Dam, Willow Road
DEP#177-591, Harvard#0411-01
May 5, 2011**

The public hearing was opened at 7:18pm 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 Waldron

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

This hearing was continued from April 21, 2011 on 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., submitted the information previously requested by the Commission. The Commission is concerned that the removal of the roots of existing woody vegetation would loosen the soil along the earthen dam. Paul Willard asked what the difference would be between the new information and the proposed plan. Mr. Bombaci stated nothing. Mr. Bombaci added that the proposal is to cut back the woody vegetation, but not remove it. Hay waddles for erosion control are proposed. Mr. Bombaci stated that by keeping the woody vegetation alive would allow for the roots continuing growing and could cause damage to the dam. Charlie Gorss suggested a specified minimum height for the woody vegetation to be allowed to be maintained at, such as 12". Mr. Bombaci explained that the Phase 1 Inspection Plan recommends the removal of wood vegetation. The Commission is requesting that Dam Safety be petitioned to allow the woody vegetation to remain in this case.

With the request to petition Dam Safety Jim Breslauer made a motion to continue the hearing until August 4, 2011 at 7:30pm. Charlie Gorss 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
Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1)
DEP#177-586, Harvard#1010-01
May 5, 2011**

The public hearing was opened at 7:34pm 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 Waldron

Others Present: Liz Allard (LUB Admin)

This hearing was continued from April 7, 2011 on a Notice of Intent filed on behalf Transformations, Inc. for the construction of a roadway, 17 residential buildings, septic system and public water supply source within the 100' wetland buffer zone, to include the installation of a new culvert along an intermittent stream on Stow Road (Map 36 Parcel 85 & 86.1)

Jeff Richards was present to request a continuance of the hearing to June 7, 2011. Wendy Sisson made a motion to continue the hearing to June 7, 2011 at 7:30pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Request for Determination of Applicability Hearing – Michael & Barbara Griesbach, 32 & 33 Turner Lane, Harvard#0411-02

- WPA Form 2 – Determination of Applicability, Michael & Barbara Griesbach, 32 & 33 Turner Lane, undated
- Undated Sketch of area delineating tress to be removed

Continuation of a 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, Bare Hill Pond Dam, dated April 2011
- Notice of Intent Dam Maintenance & Repairs Site Plan, prepared by GPR, Inc., dated April 2011