

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
May 19, 2011
APPROVED: January 19, 2012**

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, Jim Breslauer, Patrick Doherty and Janet (Jaye) Waldron

Others Present: Liz Allard (LUB Admin), Dan Malec, Michelle Bush, Nick Browse, Lori Granville, Bill Johnson, Rich Nota (DPW Director) and Pat Huckery (DFW)

Recommendations for Reappointments to the Commission

Jim Breslauer, Jaye Waldron and Charlie Gorss are all up for re-appointment this year. All three indicated that they would like to be re-appointed to another three year term. Patrick Doherty made a motion to recommend to the Board of Selectmen that Jim Breslauer, Jaye Waldron and Charlie Gorss each be re-appointed for an additional three year term. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Review status of drainage culvert on Still River Road

Rich Nota stated he has reviewed the site and sand has not gone past the first check dam and is easily removable by hand to maintain the culvert. Paul Willard stated that the area has re-vegetated with jewelweed. Charlie Gorss looked at the site as well and it looks good to him. Mr. Nota stated that the reduction in sand use during the winter months has helped with reducing siltation problems around town. The Commission thanked Mr. Nota for following up on the matter.

Discuss Flooding on Stow Road near Codman Hill Road with DPW Director

Rich Nota, Harvard Department of Public Works Director, was present to discuss with the Commission the existing conditions along Stow Road during large rain events. Mr. Nota stated that the culvert under Stow Road is 2/3 full currently with recent rain events. Mr. Nota believes that the culvert under Stow Road will not function properly as long as the water is being restricted at the crossing on the Vitale's property at 189 Stow Road. Paul Willard asked if the pipe at the crossing is causing less or more water to flow. Mr. Nota stated probably less. Mr. Willard stated that for years flooding has been taking place on Stow Road in this area, and that Mr. Vitale has made improvements to the crossing, but he has not changed the elevation. Mr. Nota stated that he can only account for the last five years, and it seems as if the culvert is being backed up because of the activities at 189 Stow Road.

Mr. Willard wanted to know if there is more flooding in the last ten years; how long does it take for the culvert to catch up; and is it a question of height or volume? Mr. Nota thinks that water is restricted by both height and volume. Wendy Sisson thinks that the

natural esker has narrowed over the years. Charlie Gorss stated it has been flooding for 41 years. Patrick Doherty wanted to know if there have been any other activities done by Mr. Vitale to cause damming of water. Mr. Nota stated he believes the making of improvements to the crossing is causing more flooding.

Mr. Nota believes the activity at 189 Stow Road is having a direct issue with the property at 162 Stow Road. Ms. Sisson stated the area flooded before the septic system was installed at 162 Stow Road. Mr. Nota thinks that the problems have been increased by the activity done at 189 Stow Road. Mr. Nota thinks that anything that is impacting the flow of water should be removed. Mr. Willard thinks if the Town and a resident feel they have a legal right to action against Mr. Vitale then maybe the Town should pursue it, however the Commission has no desire to be the lead on this matter. Mr. Doherty asked Mr. Nota what he would like to see done. Mr. Nota stated improvements to 189 Stow Road that would not impact the flow of water.

Jim Breslauer stated that to be successful, the Commission would have to get a subpoena to get on site since Mr. Vitale has not granted permission, prove the work was done recently, and bring legal action against Mr. Vitale. However if this has been happening over forty years how is the Commission going to prove that the crossing on the Vitale property is causing the flooding? Mr. Willard concluded that what is happening has been happening over a long period of time and that it is not clear that legal action would improve the situation, it may, in fact, worsen it.

Amendments to the Wetland Protection Bylaw Regulations, Chapter 147, Code of the Town of Harvard. Opened at 7:30pm

Request for Determination of Applicability Hearing – MA Division of Fisheries & Wildlife, 48 Finn Road, Harvard#0511-01. Opened at 7:35pm

Discuss Proposed Dredging Project for Town Beach

Nick Browse, of the Bare Hill Pond Watershed Management Committee, was present to discuss the proposed dredging of the swimming area at the Town Beach. Mr. Browse explained that due to the depth of the swim area, the area to be dredged does not dry out during draw down. In order to keep the area dry during dredging, a pump system has been designed to pump water that flows into the pond and fills the swim area, around the swim area and back out into the pond. The plan calls for the removal of 750,000 cubic yards of material. Paul Willard asked how clean is the water going to be that is going back into the pond. Mr. Browse stated the water is existing pond water. Wendy Sisson stated that the oak tree should be preserved and addressed in the proposal. Mr. Willard stated that he wants a plan that shows the treatment of the runoff from Pond Road and improve the situation with the boat launch before he will sign off on the dredging project. The Commission thanked Mr. Browse for his attendance this evening and that they look forward to the review of the proposed plans.

Discuss Funding Opportunities for Drainage Project at DPW with FinCom Liaison

Lori Granville, of the Town of Harvard Finance Committee, was present to discuss the drainage project at Department of Public Works. It was explained to Ms. Granville that the cost for the project has been estimated to be \$3000 for engineering and \$5000 - \$8000 for construction. Ms. Granville asked why the Commission is not using Conservation Funds to design and construct this drainage. It was explained to Ms. Granville that the water that is causing erosion into the wetland on the Tully Land comes from the DPW property and not the Conservation Land itself. Ms. Granville did not think the request for funds as an unforeseen expense was appropriate. Members explained to Ms. Granville that earlier in the year the matter had been discussed with Finance Committee member Steve Colwell, who recommended the Commission seek funds towards the end of the fiscal year in this manner. Additionally, Finance Director Lorraine Leonard had stated to the Agent that there were funds available for such a project. Ms. Granville suggested that the Commission make a request for a Reserve Fund Transfer and a representative from the Commission attend the June 1st meeting of the Finance Committee to explain the reason for the request.

Review and Approve Land Use Regulations for Conservation Land

Wendy Sisson stated that the Land Stewardship Committee has developed a set of regulations for Conservation Land (see Attachment 1). With no additional comments from the members, Ms. Sisson made a motion to accept the Regulations as written. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Discuss & Approve Restoration Plan for Earl McEvoy, 115 Prospect Hill Road

A restoration plan has been received from Oxbow Associates in regards to the Enforcement Order at 115 Prospect Hill Road. The Commission agreed that rather than waiting for the re-growth of Area 1 along Madigan Lane, they would like to have woody vegetation planted, as it would take years for the vegetation to re-grow and re-establish on its own. Adjustments were made to the letter dated May 2, 2011 from Oxbow Associates under "Proposed Conceptual Restoration Plan Elements" for Area 1. In Area 2 the Commission is requesting woody vegetation that would shade the stream and its bank. These plantings should be staggered within ten feet of the bank. The Commission requested the Agent check with the Tree Warden as to what type of tree would be suitable to achieve shading within two – three years.

Appoint Master Plan Steering Committee Representative

Liz Allard stated that the Planning Board (PB) is in the process of establishing a Steering Committee for the 2012 update of Harvard's Master Plan. The PB is requesting a representative from Commission to serve on this Committee. Jaye Waldron had previously stated she would be interested in serving on this Committee. Wendy Sisson made a motion to appoint Jaye Waldron as the Conservation Commission representative to the Master Plan Steering Committee. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Request for Altaeros Energies Test Site

Liz Allard explained to the Commission that she had been contacted by Altaeros Energies, which is a MIT startup company developing an inflatable airborne wind turbine. They are currently in the prototyping phase and are looking for a piece of land to do some testing on this summer. The ideal piece of property would be 5-10 private acres with 2-3 of that cleared and level. Altaeros would be bringing in a small amount of equipment, including one or two shipping containers and a 20' trailer with the device attached to it. They would be looking to set up around mid July and probably stay through the middle of September. There would be no cutting down any trees or altering the landscape in any way. A typical test day would be sending an helium filled shroud up into the air around 150 feet for a few hours, and reeling it back in at night to adocking station. The shroud is completely tethered to the base station so there is no risk of the thing floating away.

Altaeros is looking for a parcel of Conservation Land to conduct their study. After a brief discussion the members determined that there are no suitable areas under Conservation control. However, they suggested Altaeros contact the Fruitland's Museum as they have large open areas that are easily accessible.

Historical Commission Request for Comments – 25 Fairbanks Street

The Commission received a legal notice for improvements to be made to the exterior structure at 25 Fairbanks Street. The work proposed is not within any jurisdiction of the Commission. A letter stating that the Commission has no issue with the project as proposed shall be sent to the Historical Commission.

Proposed Drainage Work at the Department of Public Works

Liz Allard explained that the revised proposal from Ducharme & Dillis by the Commission can be completed for \$2750 rather than the previously approved \$2500. Jim Breslauer made a motion to increase the appropriation for the design plans for the drainage at the Department of Public Works from \$2500 to \$2800. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Patrick Doherty made a motion to adjourn the meeting at 10:15pm. 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
Amendments to the Wetland Protection Bylaw Regulations, Chapter 147 of the
Code of the Town of Harvard Hearing Meeting Minutes
May 19, 2011**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard, in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Janet Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin)

Jim Breslauer reviewed the changes made to Chapter 147, which includes the addition of 147-15 Notification of Watercourse Alteration; additional language to 147-25 Plan Requirements, in regards to revised plans being submitted a week in advance of a scheduled hearing and the changing of 147-33A1 from hay bales to filter sock. Wendy Sisson made a motion to accept the amendments to Chapter 147. 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
MA Division of Fisheries & Wildlife, 48 Finn Road, Harvard#0511-01
May 19, 2011

The public hearing was opened at 7:35pm by Chairman Paul Willard under the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard, 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) and Pat Huckery (DFW)

This hearing is on a Request for Determination filed on behalf of MA Division of Fisheries & Wildlife for the demolition of the existing structure within the 100' wetland buffer zone at 48 Finn Road, Harvard.

Pat Huckery, of the MA Division of Fisheries & Wildlife, was present this evening. The Commission conducted a site walk on May 16th. Ms. Huckery explained that the driveway would be left in place; the foundation will be filled until flush to ground and then seeded with native mix. Wendy Sisson requested that a siltation barrier be used to protect the vernal pool on the northern side of the driveway. Additionally any exposed areas shall be seeded as soon as possible to avoid the introduction of invasive species.

With no further comments or questions, Wendy Sisson made a motion to issue a Negative 3 Determination of Applicability including the above mentioned conditions. Jim Breslauer 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 – MA Division of Fisheries & Wildlife, 48 Finn Road, Harvard#0511-01

- WPA Form 1 Determination of Applicability, received May 3, 2011

Discuss & Approve Restoration Plan for Earl McEvoy, 115 Prospect Hill Road

- Oxbow Associates Inc., letter dated May 2, 2011

Proposed Drainage Work at the Department of Public Works

- Ducharme & Dillis Civil Design Group, Inc., letter dated April 28, 2011

ATTACHMENT 1

Town of Harvard Conservation Land Use Rules draft 5/10/11

The Town manages over 1,700 acres of conservation land that has been set aside by the foresight and generosity of past and present residents of Harvard. Protected land preserves historical New England landscapes, indigenous flora, wildlife and supporting habitat, and the quality of water at the headlands of three watersheds. Conservation land is open to the public for their enjoyment and subject to the following rules to protect the land and the safety of visitors.

Town of Harvard Conservation Land is open to the public from dawn to dusk.

Permitted uses:

- Walking, trail running
- Pet walking -- under direct control of a person
- Nature study
- Picnicking
- Snowshoeing and cross-country skiing
- Sledding
- Fishing
- Bicycling—on primary (yellow) trails only
- Horseback riding—on primary (yellow) trails only

Please abide by these rules to preserve the natural state of our conservation land:

- No motorized vehicles
- No camping or fires
- No hunting or trapping
- No removal or alteration of flora, fauna, earth, rock or wood
- No trail alteration or posting of signs
- No littering—carry-in/carry-out
- No commercial or organized group activities
- No horseback riding or bicycle riding in mud season (typically March & April)
- Minimize off-trail travel (by persons or pets) to avoid wildlife disruption/damage

Activities in exception to the above require written permission from the Harvard Conservation Commission, 13 Ayer Rd., Harvard, MA 01451. Call 978-456-4106.