

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
October 6, 2011
APPROVED: October 20, 2011**

Chairman Paul Willard called the meeting to order at 7:14pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Roy Van Cleef, Kathryn Nelson (NRWA), Marty Green (Harvard Press), Amy Ball (Horsley Witten Group), Gary Hedman (Horsley Witten Group), Wayne Perry (Norfolk Ram), Mark Mandozzi (Park & Rec), Mark Hardy (BHPWMC), John Lee (Park & Rec), Ernest Bourque, Jeff Ritter (BHPWMC), Paul Wood and Bill Johnson

Review Final Plans for Town Center Sewer, DEP#177-582

Wayne Perry, of Norfolk Ram, was present to discuss the final plan approval as required by the Order of Conditions. Mr. Perry stated the contract states the work is to be completed within 240 days. The notice to proceed from the Department of Environmental Protection (DEP) has not been received as of yet. Liz Allard had reviewed the final plans and noted that the general notes states the use of calcium chloride for dust control. The Order of Conditions stated calcium chloride was not to be used for dust control. Mr. Perry stated that it has been corrected and the contractor is aware of the condition. Mr. Perry explained that the tie-ins to the system will be completed after the completion of the sewer line and pump station. With no further questions or comments, Charlie Gorss made a motion to approve the final plan with the correction no use of calcium chloride for dust control. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Nashua River Watershed Association (NRWA) Request for potential location to disperse the Galerucella Beetle for the Control of Purple Loosestrife

Kathryn Nelson, of NRWA, was present to discuss the potential for the release of the Galerucella beetle on the Conservation Land known as Barton 3 for the control of purple loosestrife. Ms. Nelson explained that since 2008 NRWA has released beetles around the area and have been monitoring their activity. The release of the beetles has yielded a decrease in purple loosestrife. NRWA is looking for five additional locations to release the beetle. The Barton 3 area has a lot of purple loosestrife and makes an ideal location.

Ms. Nelson explained that in the spring NRWA would bring potted plants that contain the beetle to the area and monitor an area one meter square around a pot. In August they will return to record the damage the beetles have done. It was further explained that the beetle targets purple loosestrife only as food source; they will winter over and will move on to another area once the food source is no longer available. NRWA has received the proper permits from the Department of Agricultural for the release for the beetles. Wendy Sisson asked if there is a possibility of more locations next year. Ms. Nelson stated that is will depend on funding.

Without any further questions or comments, Jim Breslauer made a motion to allow the release of the Galerucella Beetle for the control of purple loosestrife of the Conservation Land known as Barton 3 on Still River Road. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Ms. Nelson will be in contact with Liz Allard over the winter to work out the details.

Continuation of a Request for Determination of Applicability Hearing – Roy Van Cleef, 101 West Bare Hill Road, Harvard#0911-02. Opened at 7:37pm

Request for Endorsement

Liz Allard explained to the members that she had been contacted by John Root who is applying to the Harvard Cultural Council for funding to conduct a presentation on “Edible Perennial Gardening and Landscaping”. Mr. Root has requested the Commissions endorsement for the event, as well as securing a location for the event. Ms. Allard had previously sent the members a link to Mr. Root’s website to obtain additional information. Wendy Sisson made a motion to endorse the presentation by John Root known as “Edible Perennial Gardening and Landscaping”. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Request to Extend Order of Resource Area Delineation – Van Wormer, 62 Old Littleton Road, DEP#177-506

Liz Allard explained that Kenneth Van Wormer is seeking an additional year to his Order of Resource Area Delineation. The Commission has already granted three one year extension. Traditionally the Commission does not grant extensions beyond three years. Wendy Sisson stated she would not have any issues with granting an additional year. Charlie Gorss made a motion to grant a one year extension to Kenneth Van Wormer’s Order of Resource Area Delineation, DEP#177-506. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Bare Hill Pond, Pond Road, DEP#177-600, Harvard#0911-03. Opened at 7:45pm

Review Order of Conditions with New Owner – Ernest Bourque, Lot 3 Old Littleton Road, DEP#177-561

As part of the Order of Conditions any new owners shall appear before the Commission to review the Order. Ernest Bourque recently purchased Lot 3 Old Littleton Road from the Russell’s. Mr. Bourque has changed the location of the house, which will still be outside the buffer zone. The driveway location has not changed from the original plan, which is through the buffer zone for the intermittent stream. Additional grading for the house has been added to the revised plan as well. The well will also be required to be relocated. The Commission requested that additional erosion controls be placed at the toe of the slope of the grading at the rear of the house until grass is established to prevent any erosion from entering the buffer zone or the resource area. Mr. Bourque was agreeable to the request. Wendy Sisson explained to Mr. Bourque the sensitivity of the area and why the Commission is concern with the protection of the 100’ wetland buffer zone. The Order states that the 100’ buffer zone will remain as is in areas that are not disturbed during construction. The Commission thanked Mr. Bourque for attending this evening.

Community Preservation Committee Request for Funding Application

The Community Preservation application for the control of invasive species on several parcels of Conservation Land was completed and submitted by the due date of September 30th. The application and supporting information was distributed to the members this afternoon. Charlie Gorss, the Commission’s liaison to the Community Preservation Committee (CPC) thinks the request may not be allowed under the regulations. Ms. Sisson made a case for the application – which it should be allowed as preservation under the allowable spending purposes of Community Preservation Funds (MGL Chapter 44B §5). Mr. Breslauer agreed. Mr. Gorss stated that the CPC will question whether or not the Commission could apply for grants for this activity. Mr. Breslauer stated that even if grants could be applied for and they were granted, implementation would take at least one year, if not more, worsening the situation. If invasives can be attacked this year under CPC funding the process should be started. Last year the CPC denied the Commission’s request for funds to the Conservation Fund because they were looking for applications that were for a specific project, rather than the stock piling of money for future purchases of open space. Patrick Doherty suggested setting a budget of open space spending to show a good faith effort of the funds the Commission already has. It was suggested that an Inventory of available land be created, along with an inventory of land that the Commission missed out on due to lack of available funds.

Ms. Sisson will obtain additional information, as well as actual quotes prior to the meeting with the CPC. The Commission will further discuss at the next meeting.

Adjournment

Patrick Doherty made a motion to adjourn the meeting at 9:44pm. 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
Continuation of a Request for Determination of Applicability Meeting Minutes
Roy Van Cleef, 101 West Bare Hill Road, Harvard#0911-02
October 6, 2011

The public hearing was open at 7:37pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and 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, Charlie Gorss, Jim Breslauer, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Roy Van Cleef and Marty Green (Harvard Press)

This hearing was continued from September 22, 2011 and is for a Request for Determination of Applicability filed on behalf of Roy Van Cleef for the removal of trees within the 200' buffer zone of an existing pond for the installation of a solar array at 101 West Bare Hill Road, Harvard.

The hearing on September 22nd had to be continued to this evening due to an error in the notification to abutters. The plan calls for the removal of two trees and the topping of another for the installation of a monopole solar array system. A site walk was conducted on September 20th. The Commission had no questions or comments.

Wendy Sisson made a motion to close the hearing and issue a Negative 3 Determination of Applicability with the condition that no heavy equipment shall be used for the removal of the trees. 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
Bare Hill Pond Watershed Management Committee
Bare Hill Pond, Pond Road, DEP#177-600, Harvard#0911-03
October 6, 2011**

The public hearing was open at 7:45pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and 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, Charlie Gorss, Jim Breslauer, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin) Marty Green (Harvard Press), Amy Ball (Horsley Witten Group), Gary Hedman (Horsley Witten Group), Mark Mandozzi (Park & Rec), Mark Hardy (BHPWMC), John Lee (Park & Rec), Jeff Ritter (BHPWMC), Paul Wood and Bill Johnson

This hearing is for a Notice of Intent filed on behalf of the Bare Hill Pond Watershed Management Committee (BHPWMC) for proposed minor excavation/dredging activities with the Town of Harvard's main swimming area at Bare Hill Pond to diminish and prevent the return of invasive species.

Gary Hedman, of Horsley Witten Group, explained that the plan calls for the removal of 6,000 cubic yards of material to improve the resource area, Bare Hill Pond. The main parking lot will be used as the dewatering area. Additional permits required for this activity include:

- Massachusetts Environmental Policy Act (MEPA), Certificate on the Environmental Notification Form (ENF)
- Clean Water Act, Section 404 and Section 10 of the Rivers and Harbors Act, U.S. Army Corps of Engineers Category 2 Programmatic General Permit (PGP) for impacts to navigable waters of the United States
- Clean Water Act Section 401 Water Quality Certification
- Chapter 91 Permit

A MEPA site visit and public consultation was held on September 30th. Mr. Hedman stated that there were no real objections from the State officials during this visit and they are currently awaiting a final decision.

Refinements have been made to the dewatering area that includes leaving gaps in the base course of the containment area and adding silt socks along the northern portion, as well as along both the east and western edges. Horsley Witten has been retained for periodic inspections during the removal and dewatering of the dredged material. There are no plans to cover the material once in place. The dewatered material will be removed from site in March of 2012.

Jim Breslauer asked if only soil and sediment would be removed. Mr. Hedman stated that boulders will be removed and re-used in other locations. It has been estimated that it will take two weeks to remove the material from the pond. Members would want to have the erosion controls inspected and re-placed after rain events to ensure proper function.

Paul Willard wanted to know when the boat ramp area is going to be fixed. Bill Johnson stated that the right time to do that is during the 2012 draw down. Ideally, the Park and Recreation Commission, Conservation Commission and the Bare Hill Pond Watershed Management Committee need to work together on the parking issues, boat ramp and storm water management at the pond. Mr. Johnson stated that funding has been put aside for these projects. Both Mr. Willard and Mr. Breslauer believed that solving those issues this was a condition of doing the dredging project and the Pond Committee had been so told months ago. Mr. Willard and Mr.

Breslauer stated they remember the Pond Committee agreeing that those issues would be addressed prior to or at the same time as this dredging submission. John Lee, of the Park & Rec, stated that the Commission has not had an opportunity to design the boat ramp as of yet.

Mr. Johnson stated that there are tentative plans for additional stormwater facilities not only at the beach area, but along Peninsula Road as well as part of the existing grant. Mr. Willard wanted a definitive answer as to when the other activities (boat ramp and parking lot) would be done. Mr. Johnson stated November/December 2012.

Jaye Waldron stated that she had been unable to update the Commission on the recent BHPWMC meeting, which included a discussion of the storm water management facility at the beach, known as BHP-8, and the parking lot re-design.

Wendy Sisson was curious to know if the erosion of the beach along its southern edge could be addressed during this project. Ms. Sisson stated the trees in the beach area have been preserved and would continue to be so if a terrace was added to deal with the existing slope. Mr. Johnson stated he would be happy to do that.

Ms. Waldron asked about the material that may freeze before actually dewatering. Mr. Hedman stated that he does not expect the entire stock pile to freeze, but that the material will be dewatered enough to be loaded into trucks without slopping out of the trucks when taken off site. The dewatered material will be taken to the existing gravel pit on Stow Road. Ms. Waldron would have issues with reuse of the material due to the contents. Mr. Hedman stated that the required 401 Water Quality report from Department of Environmental Protection (DEP) will state the allowable uses of the dewatered material.

Mr. Willard wanted to know how the Commission would confirm that the oil has been switched out of the machinery as required by the Order of Conditions. It was suggested that a written affidavit from the contract should be a condition of the Order. Mr. Hedman stated that any release of contaminants over ten gallons would have to be removed by DEP standards.

Liz Allard requested that the silt socks be removed from site when activity is complete, rather than cut open and spread out. Ms. Allard reviewed the suggested changes by Horsley Witten to the Commission's standard special conditions and had no additional comments.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the above mentioned conditions. Charlie Gorss seconded the motion. The final vote was Wendy Sisson, Charlie Gorss and Jaye Waldron in favor of the motion, Jim Breslauer opposed and Paul Willard and Patrick Doherty abstained from voting.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Continuation of a Request for Determination of Applicability Hearing – Roy Van Cleef, 101 West Bare Hill Road, Harvard#0911-02

- WPA Form 1 Determination of Applicability for Roy Van Cleef, dated September 7, 2011

Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Bare Hill Pond, Pond Road, DEP#177-600, Harvard#0911-03

- WPA Form 3 Notice of Intent for Bare Hill Pond Watershed Management Committee, dated September 2011
- Proposed Excavation/Dredging Plan, dated September 2011

Review Order of Conditions with New Owner – Ernest Bourque, Lot 3 Old Littleton Road, DEP#177-561

- WPA Form 5 Order of Conditions, Richard & Keyo Russell, DEP#177-561, dated July 27, 2009
- Residential Development Plan, Site Plan Lot 3 Old Littleton Road, Harvard, MA Prepared for Ernest Bourque 90 Grant Street, North Attleboro, MA 02760, dated October 2011