

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
AUGUST 1, 2013  
APPROVED: AUGUST 15, 2013**

Vice Chairman Jim Breslauer called the meeting to order at 7:00pm in the Town Hall Meeting Room

**Members Present:** Jim Breslauer, Charlie Gorss, Wendy Sisson, Don Ritchie, Jaye Waldron, Joanne Ward, and Jim Saalfield (associate member)

**Others Present:** Liz Allard (LUB Admin), JP Connolly (GPR) and Bruce Griffin (NEE)

**Approve Minutes**

Joanne Ward made a motion to approve the minutes of July 18, 2013 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**Continuation of a Notice of Intent Hearing- Fairway Partners, LLC, Trail Ridge Way, DEP#177-621, Harvard#0613-02.** Open at 7:05pm

**Issue Certificate of Compliance**

Liz Allard informed the Commission they have received a Request for a Certificate of Compliance from the Bare Hill Pond Watershed Management Committee (BHPWMC) for the storm water facilities constructed in 2010, DEP#177-575. Ms. Allard has reviewed the sites under the Order of Conditions and found them to be functioning properly. Don Ritchie made a motion to issue the Certificate of Compliance to the BHPWMC for DEP#177-575. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**Approve Bills**

Liz Allard stated the following bill has been received and need approval to be included on the next bill warrant:

- ❖ Turner Lane Association - \$100.00

Don Ritchie made a motion to approve the above mention bill for inclusion on the bill warrant. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**Bare Hill Pond Watershed Management Committee Update**

Jaye Waldron stated the following items were discussed at the most recent Bare Hill Pond Watershed Management Committee meeting:

- ❖ There is a balance of \$30,000 remaining from the 319 grant the Committee received for improvements to the water quality of Bare Hill Pond
- ❖ Issue with the installation of the boat ramp; the portion in water is too low which does not allow for boats to be off loaded; it has been raised by adding sand
- ❖ Issue with rowing club using pond during boating activities
- ❖ Storage of sculls is conflicting with canoes and kayaks; looking to move the sculls to the dam for storage

Wendy Sisson noted the storage of boats was a big issue when the improvements to the beach area were all being vetted. The members were clear that any decisions made as to the movement of the location of storage of any boats will need to be reviewed and possibly permitted by the Conservation Commission.

Ms. Sisson stated she had attended the tour of the pond last week with members of the Pond Committee and their biologist, Wendy Gendron. Ms. Gendron will be back to do more evaluations in the Bower Spring area as there are home owners in that area who feel the draw-down has made matters worse. Ms. Sisson explained that the draw-down has improved the

growing of natural vegetation, thereby making the area denser in vegetation, leading home owners to believe the area looks worse than before the draw-downs.

During the tour Ms. Sisson noticed the west side of the Mace's property on Peninsula Road has had the understory removed. Ms. Sisson recommended the Conservation Agent go out and review the site to determine the violations and explain to the Mace's the allowed activities within the buffer zone to Bare Hill Pond. Liz Allard suggested a letter be sent to the Mace's.

Don Ritchie made a motion to send a letter to the Mace's at 38 Peninsula Road explaining the activity is not part of the previously issued Order of Conditions, and asking the Mace's to come in and explain what is being done on the site and what their restoration plan is. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Also during the tour of Bare Hill Pond there was a discussion of using the weed harvester in the south cove to create a path for boaters to access docks in that area. Members of the Commission pondered how the harvester has been allowed to function all these years without any permits from the Conservation Commission. Members requested the Conservation Agent inform the Town Administrator and the Department of Public Works Director that any use of the weed harvester on Bare Hill Pond will require permitting through the Conservation Commission.

**Notice of Intent Hearing – Mary R Schmidt Trust, 12 Mill Road, DEP#177-622, Harvard#0713-02.** Opened at 7:33pm

**Notice of Intent Hearing – Harvard Community Solar Garden, Ayer Road (Map 4 Parcels 24, 25 & 27), DEP#177-623, Harvard#0713-03.** Opened at 8:04pm

#### **Use of Special Counsel**

Jim Breslauer has requested Liz Allard pull together the items and associated costs the Commission spent for special counsel over the past fiscal year for the next meeting, at which point the Commission can make a determination on whether or not to request permission from the Board of Selectmen (BOS) to continue with special counsel. Last year the BOS only permitted the Commission to use the special counsel for one year.

#### **Community Preservation Committee FY15 Applications**

Members had previously discussed the applications for Community Preservation Act funds for fiscal year 2015, which included a request from the Land Stewardship Subcommittee of \$50,000 to continue invasive plant species control on conservation lands. Wendy Sisson stated the Committee is only in the second year of the three year plan and not the third as she had initially thought; therefore they will not need to request additional funding until next year.

#### **Adjournment**

Don Ritchie made a motion to adjourn the meeting at 8:43pm. 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  
Fairway Partners, LLC, Trail Ridge Way, DEP#177-621, Harvard#0613-02  
August 1, 2013**

The public hearing was opened at 7:05pm by Vice Chairman Jim Breslauer under the Massachusetts Wetland Protection Act, Ch. 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:** Jim Breslauer, Charlie Gorss, Wendy Sisson, Don Ritchie, Jaye Waldron, Joanne Ward, and Jim Saalfield (associate member)

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from July 18, 2013 for a Notice of Intent filed on behalf of Fairway Partners, LLC for the construction of six residential buildings, utility connection, final paving and landscaping within the 100' wetland buffer zone at Trail Ridge, Harvard.

A revised plan from Hannigan Engineering had previously been circulated to the members indicating the land to be included with the restricted conservation area #2 at Trail Ridge as agreed upon at the last meeting. There was no discussion in regards to the plan as submitted. The Commission will need to send a letter to Natural Heritage Endangered Species Program (NHESP) stating they are allowing the grading within the restricted area under the condition that additional area as shown on the plan, Sketch Showing....New Area to be added to Conservation Restriction, Aug 01, 2013, is now included in the restricted area.

Jaye Waldron made a motion to close the hearing and issue an Order of Conditions with the condition that the Order is valid upon confirmation from NHESP that they are in agreement with allowing grading within the restricted area and accept the revised plan, as mentioned above, as additional restricted land. Joanne Ward 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  
Mary R Schmidt Trust, 12 Ayer Road, DEP#177-622, Harvard#0713-02  
August 1, 2013**

The public hearing was opened at 7:33pm by Vice Chairman Jim Breslauer under the Massachusetts Wetland Protection Act, Ch. 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:** Jim Breslauer, Charlie Gorss, Wendy Sisson, Don Ritchie, Jaye Waldron, Joanne Ward, and Jim Saalfield (associate member)

**Others Present:** Liz Allard (LUB Admin) and Bruce Griffin (NEE)

This hearing is for a Notice of Intent filed on behalf of Mary R Schmidt Trust for repair of the dam within the resource area, Mill Pond, at 12 Mill Road, Harvard.

Bruce Griffin, New England Environmental (NEE), Inc. was present to represent the applicant. Mr. Griffin explained the area to the members as an impoundment of a major brook that runs through Town. The existing dam consists of two sections with a large rock between them. The western part of the dam has an outlet control structure with flash boards, which allows for control of the pond level. The easterly section of the dam is a spillway that currently has water leaking out below the dam. Mr. Griffin explained the area has no bordering vegetated wetlands due to stone walls along the edges of the impoundment and the existing sandy beach. Essentially the site contains bank and land under water.

To repair the leaks, which are mostly on the east side of the spillway, NEE is proposing to remove flash boards, lower level of pond, and install a turbidity curtain to allow for work on the dam. There is approximately 4 feet of water on the pond side of spillway. Once the face of the dam is exposed it will be repaired with concrete or a membrane material depending in the extent of the leaks. Mr. Griffin stated there will be 23 square feet of permanent alteration to the resource area. There is a possibility that a small excavator will be required for the removal of material. All dewatered material will be trucked off site.

Wendy Sisson asked when the work would take place. Mr. Griffin stated late summer early fall, depending on weather and clients ability to mobilize resources. Ms. Sisson is concerned with the timing of this activity and the draw-down of Bare Hill Pond, which starts typically mid-September. Ms. Sisson stated the Order may include a condition that the work is done during a low flow point. Don Ritchie asked if there would be any large truck used within the resource area for the hauling of dewatered material. Mr. Griffin stated there would not, as the plan calls for a location to dewater material outside of the pond prior to removal from the site. Mr. Ritchie asked how the silt was going to be maintained when the flash boards are removed. Mr. Griffin stated it would just be allowed to flow over the dam. Mr. Gorss asked if they have considered removing the dam. Mr. Griffin stated the owners enjoy having the use of the pond. It was agreed upon that some type of filter shall be used to retain as much silt as possible when the flash boards are removed from the dam.

Mr. Ritchie stated during the site walk he noticed the bubbling up of water on the easterly section of the dam, are you concerned that water is penetrating up from under the dam. Mr. Griffin stated it maybe fractured bedrock and can be determined once the area dewatered.

Time frames of activity were discussed. Mr. Griffin expects the work to take no longer than a week after the area is dewatered. Mr. Griffin stated the dam is too small to be under the purview of Dam Safety, therefore the activity will not require additional permits.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the additional conditions if activity is to take longer than week, the Commission must be notified, prior to start of work to evaluate timing with the draw down of Bare Hill Pond and use sediment trapping filter while removing the flash boards. Don Ritchie 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  
Harvard Community Solar Garden, Ayer Road, DEP#177-623, Harvard#0713-03  
August 1, 2013**

The public hearing was opened at 8:04pm by Vice Chairman Jim Breslauer under the Massachusetts Wetland Protection Act, Ch. 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:** Jim Breslauer, Charlie Gorss, Wendy Sisson, Don Ritchie, Jaye Waldron, Joanne Ward, and Jim Saalfield (associate member)

**Others Present:** Liz Allard (LUB Admin) and JP Connolly (GPR)

This hearing is for a Notice of Intent filed on behalf of Harvard Community Solar Garden for the construction of a gravel access drive and storm drain system and utilities for a solar photovoltaic farm on Ayer Road (Assessor's Map 4 Parcels 24, 25 & 27), Harvard.

JP Connolly, of GPR, Inc., was present to represent the applicant. Mr. Connolly explained the project is solely for the installation of a gravel access drive and utility poles. All activity is taking place at the edge of the 75' buffer zone. The existing abandoned structures will be removed from the site. An existing storm drain will be extended, which is outside any buffer zones, and will maintain existing flows across the site. Don Ritchie asked if there a reason why they could not bring electrical lines down the south side of the access road, which would reduce the removal of trees in the area. Mr. Connolly stated it was designed with the existing poles along the roadway in mind; however he does not see an issue with changing the location of the utility poles on the site as requested.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with a condition that allows for the utility pole to be moved to the south side of the access drive, which will minimize the disturbance of the existing trees. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## DOCUMENTS & OTHER EXHIBITS

### **Continuation of a Notice of Intent Hearing- Fairway Partners, LLC, Trail Ridge Way, DEP#177-621, Harvard#0613-02**

- ❖ Sketch Showing....New Area to be added to Conservation Restriction, prepared by Hannigan Engineering, Inc., dated Aug 01, 2013
- ❖ Sketch Showing....Area of Additional Disturbance within Conservation Restriction, prepared by Hannigan Engineering, Inc., dated Aug 01, 2013

### **Notice of Intent Hearing – Mary R Schmidt Trust, 12 Mill Road, DEP#177-622, Harvard#0713-02**

- ❖ Mill Pond Dam Notice of Intent Plan, Harvard, MA, prepared by New England Environmental, Inc., dated 7-3-2013

### **Notice of Intent Hearing – Harvard Community Solar Garden, Ayer Road (Map 4 Parcels 24, 25 & 27), DEP#177-623, Harvard#0713-03**

- ❖ Solar Photovoltaic Farm Notice of Intent, Gravel Access Site Plan, off of Ayer Road (MA 110 & 111), Harvard, MA, prepared by GPR, Inc., dated July 2013