

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 5, 2013
APPROVED: NOVEMBER 7, 2013**

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall Meeting Room

Members Present: Paul Willard, Jim Breslauer, Charlie Gorss, Don Ritchie, Wendy Sisson, Joanne Ward and Jim Saalfeld (associate member)

Others Present: Liz Allard (LUB Admin), Greg Hochmuth (Hancock Assoc.), Bruce Leicher (BHPWMC), Wendy Gendron (ARC, Inc.) and Peter Von Loesecke

Board of Selectmen Agenda for next week

Jim Breslauer stated the Commission is on the Board of Selectmen agenda for September 10th to review the use outside counsel. Information on fees paid out to Judy Pickett and Town Counsel, Mark Lanza has been gathered for that meeting. Anyone interested in attending with Mr. Breslauer is encouraged to do so.

Issue Certificate of Compliance

Liz Allard stated there were no Certificates of Compliance for issuance at this time.

Approve Bills

Liz Allard stated the Commission had no bills for approval.

Discuss Response from the Mace's, 38 Peninsula Road

Liz Allard stated she had reviewed the site at 38 Peninsula Road for any wetland violations and found there to be none. The owners, Rick and Roxanne Mace, sent a letter in response to the Commission's letter of August 7, 2013, which requested a restoration plan for areas within the buffer zone that had been reported as having unpermitted activity conducted. Wendy Sisson stated the reports of clearing along the edge of Bare Hill Pond came from members of the Bare Hill Pond Watershed Management Committee; she wanted to stress the Commission's concern with the maintaining a vegetated edge to the pond, especially within the 50' buffer zone.

After a brief discussion of the matter the members agreed that a letter retracting the request for a restoration plan should be sent to the Mace's. It was noted that the allowed exemption under the Wetland Protection Act for vista pruning does not require any permission from the Commission.

Discuss Graffiti at Hosking's Point

Wendy Sisson stated she has found fire pits and trash at Hosking's Point as well as the graffiti on some of the ledge outcroppings. Ms. Sisson stated this location is still in need of proper signage detailing the allowed and non-allowed uses of the property, including no trespassing dusk to dawn. Ms. Sisson also noted a cable across the cart road on the Clapp-Scorgie-Tufts Trail is needed.

Invasive Weed Control Training

Wendy Sisson stated the invasive Japanese knotweed along roadways is causing sight line issues for vehicular traffic. Ms. Sisson stated Chris Polatin, of Polatin Ecological Services has offered to work with the Department of Public Works to train them in the removal of the invasive plant species to aid in its elimination. Typically a five year plan, with annual reporting would be required, but for spot treatments such detail is not required.

After a brief discussion, Jim Breslauer made a motion to authorize the spending of up to \$200.00 for the training of the Department of Public Works employees for invasive species control along the Town's roadsides. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Abbreviated Notice of Resource Area Delineation Hearing – CHOICE, Inc., 105 Stow Road, DEP#177-642, Harvard#0813-01. Opened at 7:30pm

Bare Hill Pond Watershed Management Committee Request for Annual Draw Down, DEP#177-551
Members of the Commission had previously received the 2013 annual report from the Bare Hill Pond Watershed Committee, along with a report from Aquatic Restoration Consulting (ARC). Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee (BHPWMC), was present to review the current state of Bare Hill Pond. Wendy Gendron, of ARC, reviewed her report with the members as well.

Paul Willard asked about the notion of taking a year off from the draw down. Mr. Leicher stated the year off would allow for competition of invasive plant species. Mr. Leicher stated the BHPWMC has seen a significant phosphorus reduction over the years, which in part is the result of annual draw downs. By taking a year off from the draw downs there is the risk of not maintaining the reduction of phosphorus. Ms. Gendron stated it would be hard to prove cause and effect by taking only one year off from the draw downs. Wendy Sisson asked why it would not be suggested to try every other year for a draw down or some other regime other than every year. Mr. Leicher stated the mussels would not re-colonize with a year off; in addition to the potential loss of the restoration of native vegetation within the pond. Ms. Sisson agreed there are excellent positive affects of the draw down, however there are negative effects as well, such as predation and the changing of the down stream wetland. Mr. Willard stated he is convinced now more than ever to take a year off from the draw down. Ms. Sisson stated for her it would be an experiment of taking a number years off to see what happens, rather than one year. Liz Allard asked if the storm water management facilities were aiding in the removal of phosphorus in addition to the draw down. Mr. Leicher stated they were.

A letter received from Diane Rayla was read into the record. The letter expressed a concern over the wildlife that does not survive the draw down each year. Mr. Leicher stated some portion of wildlife will die off due to the draw down, however as long as the over all population is surviving it is not a bad thing. Jim Breslauer questioned the request to complete a five and half foot draw down; why the request for the draw down is 6" lower than last year. Mr. Leicher explained the previous years' incremental increase process and that the BHPWMC is just reversing that process. Mr. Breslauer suggested doing a larger increment. Mr. Leicher agreed to a five foot draw down for this season. Ms. Sisson asked Ms. Gendron to provide a map with the data of depths for the bathymetric maps provide in her report.

With no further comments or questions, Wendy Sisson made a motion to approve a five foot draw down of Bare Hill Pond for the 2013 season. Jim Breslauer seconded the motion. The vote was 3 ayes and 3 nays, with Paul Willard, Charlie Gorss and Don Ritchie opposing the motion. Motion failed. There will be no draw down this year.

67 Finn Road Possible Wetland Violation

At the request of a Commission member, Liz Allard viewed the site at 67 Finn Road for a possible wetland violation. After review of property maps and the site itself, Ms. Allard has concluded that the tree cutting that has taken place is in fact on the property of 67 Finn Road and not on the State property known as Delaney. The activity may be within 100' of the existing resource area, but Ms. Allard reported she saw no evidence of any adverse impacts to that resource area due to the activity. Wendy Sisson questioned the removal of the State boundary markers. Ms. Allard stated she would contact Pay Huckery at the Division of Fish & Wildlife and let her know of the infraction as it would be their jurisdiction.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:25pm. 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
Abbreviated Notice of Resource Area Delineation Hearing Meeting Minutes
CHOICE, Inc., 105 Stow Road, DEP#177-624, Harvard#0813-01
September 5, 2013

The public hearing was opened at 7:30pm by Chairman Paul Willard 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: Paul Willard, Jim Breslauer, Charlie Gorss, Don Ritchie, Wendy Sisson, Joanne Ward, and Jim Saalfield (associate member)

Others Present: Liz Allard (LUB Admin) and Greg Hochmuth (Hancock Assoc.)

This hearing is for an Abbreviated Notice of Resource Area Delineation filed on behalf of CHOICE, Inc., for the approval of a delineated wetland boundary at 105 Stow Road, Harvard.

Greg Hochmuth, of Hancock Associates, was present to represent the applicant. A site walk with members of the Commission, the agent and Mr. Hochmuth was conducted on August 28, 2013. During that visit the line was adjusted by eliminating wetland flag #3. The application made the request to reduce the filing fee of \$1,035.00 as CHOICE, Inc. is a non-profit entity. Don Ritchie made a motion to reduce the filing to half of its original cost. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

With no further questions or comments Wendy Sisson made a motion to close the hearing and issue an Order of Resource Area Delineation for CHOICE, Inc., at 105 Stow Road. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Bare Hill Pond Watershed Management Committee Request for Annual Draw Down, DEP#177-551

- ❖ Letter from Diane Rayla, dated September 4, 2013
- ❖ 2013 report and Fall 2013 Drawdown Plans, dated August 10, 2013
- ❖ Aquatic Restoration Consulting, LLC Report dated September 4, 2013

Abbreviated Notice of Resource Area Delineation Hearing – CHOICE, Inc., 105 Stow Road, DEP#177-642, Harvard#0813-01

- ❖ Existing Conditions of Land in Harvard, Massachusetts, Site Address: 105 Stow Road; Prepared for: CHOICE, Inc.; Prepared by: Hancock Associates, dated September 3, 2013