

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
January 4, 2007**

Chairman Paul Willard called the meeting to order 7:03pm at pm in the Town Hall Meeting Room.

**Members Present:** Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer, Charlie Gorss, George Watkins and George Moberly (Associate Member).

**Others Present:** Richard Breyer (Harvard Hillside), Leon & Mary Ann Piasecki, Bob & Theresa Ledoux, Alison Piasecki, Al Barbieri, Don Walter and Gary Shepard (Ross Assoc.).

**Update – Zhong, 210 Littleton County Road, DEP#177-524**

Paul Willard informed the members that shortly after the letter was sent out requiring work be done before January 1, 2007, work began. Fred Hamwey has been out to inspect the site on two occasions. Progress has been made to stabilize the slopes. The silt is being removed as work is being done.

**Town Report**

George Moberly is writing the town report for us again this year. He requested any additional information that should be included in the report from the members. Members gave Mr. Moberly several items for the report.

**Master Plan Implementation Committee (MPIC)**

George Moberly is representing the Commission on the MPIC. At their last meeting members were given a list of goals that pertain to their respective boards from the Master Plan. Mr. Moberly needs to determine the priorities of the goals on his list. The Open Space and Recreation Plan is current through 2009. This would have a medium priority. Under Conservation Fund and Land Acquisition Policy there is the FY 2008 Bound Fund, members feels this is highly unlikely. Money for the Conservation Fund has been requested yearly at Annual Town Meeting with no luck. The only money as of late has come from CPA. As for the Wetlands and Water Resource Protection, Paul Willard stated this is something difficult to do because wetlands are in a large number of locations within town. This item is a low priority. Bare Hill Pond Watershed should be discussed with the pond committee. Agricultural and Historical Landscape Districts would be a low priority.

**Continuation of a Notice of Intent Hearing – Donald Walter, 20 Lovers Lane, DEP#177-525, Harvard#1006-2.** Opened at 7:30pm

**ZBA Request – Walter 20 Lovers Lane**

The ZBA has requested comments in regards to an application for a variance for Donald Walter at 20 Lovers Lane. Jim Breslauer made a motion to send a letter to ZBA in favor

of allowing the common driveway. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**Continuation of an Amendment to the Order of Conditions – Mark Saganich, 21 Depot Road, DEP#177-452.** Opened at 8:20pm

**Continuation of Amendments to the Rules and Regulations for the Administration to the Rules and Regulations of the Harvard Wetland Bylaws Hearing.** Opened at 8:23pm

**Request for a Determination of Applicability – Donell Corporation, 38 Peninsula Road, Harvard#1206-1.** Opened at 8:54pm

**Review Enforcement Order – 46 Prospect Hill Road**  
Jim O'Brien did not show for this meeting.

### **Clapp Land**

George Watkins informed the members that beavers have flood a path on the Clapp land. Also, the cottage on that property was demolished last year, the debris remain, causing a safety hazard. Paul Willard stated he would remind DPW of these issues.

### **Adjournment**

George Watkins made a motion to adjourn the meeting at 9:33pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Donald Walter, 20 Lovers Lane, DEP#177-525, Harvard#1006-2**  
**January 4, 2007**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 S40 and the Harvard Wetlands Bylaw.

**Members Present:** Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer, Charlie Gorss, George Watkins and George Moberly (Associate Member).

**Others Present:** Richard Breyer (Harvard Hillside), Leon & Mary Ann Piasecki, Bob & Theresa Ledoux, Alison Piasecki, Al Barbieri, Don Walter and Gary Shepard (Ross Assoc.).

This hearing was continued from November 16, 2006 for a Notice of Intent filed on behalf of Donald Walter for the construction of a single family dwelling within the 100' wetland buffer zone at 20 Lovers Lane, Harvard.

Gary Shepard was present to discuss with the Commission the update version of the plan. The original plan has the driveway entirely outside of the 50 foot buffer zone, with a portion within the 100 foot buffer zone. Mr. Shepard explained the first thing they looked at when designing the driveway was to come off the existing common driveway. The Protective Bylaw, Chapter 125-31B (1) does not allow for more than two hammerheads lots on a common driveway. So the next question was how we can get around the zoning regulations. Does the zoning regulation create a hardship; it really did not because the driveway could be installed with minimal disturbance to the wetlands buffer zone. The Planning Boards first question was why it was not designed to come off the common driveway. It was explained to them it was not allowed under the Protective Bylaw. The Planning Board prefers the driveway to be off the existing common drive. The Planning Board approved the special permit application with conditions, in which the applicant must seek a waiver from ZBA or wait until Annual Town Meeting for a change to the bylaw. The Planning Board would support the applicant when they applied to the ZBA.

Wendy Sisson feels it is a waste of time to go through this process since everyone is in agreement that the driveway as shown on the original plan is not acceptable due to the flooding that occurs in the area of the driveway. Paul Willard stated this is a good opportunity to amend that portion of the bylaw that prohibits the type of lots allowed off of a common driveway. Mr. Willard stated the Commission will be in support of the amendment for Annual Town Meeting. Jim Breslauer asked if there has been consent of the other users of the common driveway.

Bob Ledoux, an abutter and user of the common driveway, thinks the Walters are doing a disservice to the Commission and the Boards of the town. We have never been told what is going on. Mr. Breslauer stated the reason he raised the question is that the

Commission does not want to go out on a limb to do this if the abutter do not want this. Leon Piasecki, an abutter and user of the common driveway, stated they are not opposed to this. Mr. Ledoux would like a proposal in writing to be able to discuss and make a decision on. Mr. Breslauer explained to Mr. Ledoux there is no requirement by the applicant to show you where they are going to put the driveway, but you can ask you can see the plan before the ZBA meeting. Ms. Sisson further explained the process as all documents are public record and plans, if available, can be reviewed in the office during normal office hours.

George Watkins objects because under the Act they are required to find an alternative that is less intrusive.

Don Walter stated the lot has never flooded since he has owned it. In the spring time water does pool near the culvert that drains and there is standing water in the adjacent field. Ms. Sisson stated the Commission has not received any information in regards to the flooding that occurs. Mr. Willard stated the Commission has verbal confirmation from the property owner.

Mr. Shepard feels enough information has been submitted for a decision to be made with the driveway connecting to the Lovers Lane.

Charlie Gorss made a motion to close the hearing and write an Order of Conditions to include language requiring the culvert to be installed during dry conditions and if the common drive is allowed by ZBA or the bylaw is changed at the Annual Town Meeting this Order of Conditions is null and void. Jim Breslauer seconded the motion. The vote was 4-1 with Wendy Sission opposed.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Continuation of an Amendment to the Order of Conditions**  
**Mark Saganich, 21 Depot Road, DEP#177-452**  
**January 4, 2007**

The public hearing was opened at 8:20pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 S40 and the Harvard Wetlands Bylaw.

**Members Present:** Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer, Charlie Gorss, George Watkins and George Moberly

**Others Present:** Richard Breyer (Harvard Hillside)

This hearing was continued from November 16, 2006 for an Amendment to the Order of Conditions for Mark Saganich for a proposed out building that will serve as a three car garage with access off the existing driveway within the 100' wetland buffer zone at 21 Depot Road, Harvard.

The applicant did not show for the meeting. Jim Breslauer made a motion to continue the hearing until January 18, 2007 at 8:30pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Continuation of Amendments to the Rules and Regulations for the Administration**  
**of the Harvard Wetland Bylaw Meeting Minutes**  
**January 4, 2007**

The public hearing was opened at 8:23pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act M.G.L. ch. 131 S40 and the Harvard Wetlands Bylaw.

**Members Present:** Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer, Charlie Gorss, George Watkins and George Moberly

**Others Present:** Richard Breyer (Harvard Hillside)

This hearing was continued from December 7, 2006 for Amendments to the Rules and Regulations for the Administration of the Harvard Wetland Bylaw.

A change was made to the date of the NHESP map to October 2006. Wendy Sisson has made changes to Section I B 3. The importance of vernal pools should be included in this section. George Watkins suggested that Section III F be its own section and not a subset of section III. There were other minor changes made to the document. Jim Breslauer will make the suggested changes for the next meeting.

George Watkins made a motion to continue the hearing until January 18, 2007 at 8:45pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Request for Determination of Applicability Meeting Minutes**  
**Donell Corporation, 38 Peninsula Road, Harvard#1206-1**  
**January 4, 2007**

The public hearing was opened at 8:54pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act M.G.L. ch. 131 S40 and the Harvard Wetlands Bylaw.

**Members Present:** Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer, Charlie Gorss, George Watkins and George Moberly

**Others Present:** Richard Breyer (Harvard Hillside) and Gary Shepard (Ross Assoc.)

This hearing is for a Request for Determination of Applicability filed on behalf of Donell Corporation for a proposed deck within 200' of Bare Hill Pond at 38 Peninsula Road, Harvard.

Gary Shepard explained to the members the new owners are renovating the existing house, which include the addition of a second floor. Renovations include expanding front porch and addition of a new porch 75feet from pond on far side of house from pond. A new deck on the side of the house will require disturbance for three footings, no mechanical equipment will be used. Charlie Gorss feels this should require the filing of a Notice of Intent (NOI). The project is within 50 feet of the pond and with conditions under a Request for Determination of Applicability (RDA) it would not be recorded. George Moberly asked if the deck will be covered. Mr. Shepard stated it would not. Jim Breslauer would have problems if angles on the roof change, changing drainage and runoff patterns. Mr. Moberly asked if runoff patterns would change. Mr. Shepard is not sure. George Watkins asked if it could be conditioned under the RDA to contain any runoff be directed to drywells. Mr. Shepard stated it could. Mr. Shepard asked if it his understanding that the Commission would like a full NOI on situations like this. The Commission was agreement to that statement due to the proximity to Bare Hill Pond.

The Admin asked Mr. Shepard if he was aware there is an existing Order of Conditions on the property for the septic system. Mr. Shepard was not aware of the Order. It was recommended the RDA be withdrawn and a request for an amended order was submitted. Members requested the new plan contain dry wells to contain the roof runoff.

Mr. Shepard requested the application be withdrawn without prejudice. The commission agreed to his request.

Respectfully submitted,

Liz Allard  
Administrative Assistant