

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
January 18, 2007**

Chairman Paul Willard called the meeting to order at 7:08pm in the Town Hall Meeting Room.

**Members Present:** Paul Willard, Wendy Sisson, Jim Breslauer, Charlie Gorss and Otto Solbrig

**Others Present:** Robert Stone, Michael Molinan, William McCurdy, David Crossman (B&C Assoc.), George Dimakarakos (Stamski & McNary, Inc.), Don Provencher (Provencher Engineering), Keith Cheveralls, Mike Ivas (MHOC), Terry Gensel (Ross Assoc.), Gary Shepard (Ross Assoc.), Gerry Welch (MHOC), Mark Saganich, Bill Johnson (BHPWMC), Bruce Leicher (BHPWMC), Chris Ashley (BHPWMC), Paul Lierhaus (Bare Hill Rowing), Steve Kimball and Jeff Ritter (BHPWMC).

**Introduction of the new Town Administrator – Tim Bragan**

Tim Bragan was present at the start of the meeting to introduce himself to the members of the Commission.

**Warrant Article**

The Administrative Assistant informed the members minor changes need to be made to the Wetland Bylaw. The word “may” needs to be added after the word “Police” in Section 11D of Chapter 119, the Code of the Town of Harvard. A miss print needs to be corrected in Section 11F in which it refers to Section 199-8, should refer to 119-8. Jim Breslauer made a motion to submit these changes as a warrant article to the Board of Selectmen for the Annual Town Meeting. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**Harvard Land Trust Committee**

Wendy Sisson reminded the members the Conservation Restrictions need to be written for Dean’s Hill, Hosking Point, the Stone land and Locke. Paul Willard thinks the Commission needs to hire someone and get them done. Ms. Sisson will take the next two weeks to determine what needed to be done to finish them or get them started. This will be an item to discuss further at the February 1<sup>st</sup> meeting.

Ms. Sisson informed the members she has joined Nashaway trackers. They are hoping to be able to do tracking in the Dean’s Hill area.

**Maka Chapter61A Land**

The Commission has been notified of the sale of Chapter 61A land on Stow Road by Stephen Maka. Wendy Sisson stated she would like access to Delaney land in the back of the property. The Commission would need to discuss this with the new owners once the sale is complete.

The Commission has no interest in purchasing this parcel. A letter will be sent to the owner's representative

**Woodside Road Lot Map 30 Parcel 14**

The Administrative Assistant informed the members of an available parcel of land on Woodside Road which abuts Conservation Land. The parcel is 2.69 acres and is essentially unbuildable. The selling price is \$75,000. Wendy Sisson stated this would be a nice lot. Paul Willard suggested offering \$50,000. The members agreed and asked the Admin to look into the purchase of this parcel.

**Notice of Intent Hearing – Massachusetts Housing Opportunity Corporation, 262/264 Ayer Road, DEP#177-530, Harvard# 1206-2.** Opened at 7:30pm

**Notice of Intent Hearing – Arthur Turner, 14 Lovers Lane, DEP#177-529, Harvard#107-1.** Opened at 8:14pm

**Continuation of a Request to Amend the Order of Conditions Hearing – Mark Saganich 21 Depot Road, DEP#177-452.** Opened at 8:30pm

**Continuation of Amendments to the Rules & Regulations for the Administration of the Harvard Wetland Bylaws Hearing.** Opened at 8:50pm

**Request to Amend the Order of Conditions Hearing – Donell Corporation, 38 Peninsula Road, DEP#177- 474.** Opened at 9:20pm

**Notice of Intent Hearing – Steven Kimball, 29 Littleton Road, DEP#177-531, Harvard#107-2.** Opened at 9:30pm

**Bare Hill Pond Committee – Refill Update**

Bruce Leicher explained to the members during the first year of the draw down the committee decided to do the refill on February 1<sup>st</sup>. The delaying in later years came about when concerns in regards to the habitat arose. Mr. Leicher stated the committee believes they are taking a risk not starting on February 1<sup>st</sup>, not filling the outer wetlands. If we have a heavy rainfall during the refill it is going to make the ice unsafe. Mr. Leicher explained the refill needs to be started before the dormant period ends. Mr. Leicher stated George Watkins comments are opposite as to what ENSR had said. Paul Willard asked if Jack Whelan could write a recommendation for our records in regards to the critters and what is best for them.

As for going to a draw down every other year the ENSR report says to do it every year until you see an impact and then go to ever other year. Otto Solbrig asked how not having any snow affects the refill. Mr. Leicher stated this is why we are looking to do the refill on February 1<sup>st</sup> because we will not have the snowmelt. Mr. Leicher added the problem with the Fire Chief's comment is we would never be able to refill if we waited for the ice to melt. The Fire Chief is looking at the public safety issues. Wendy Sisson believes there is a responsibility to notify the public as much as possible and would

recommend adding the snowmobile club to the individuals notified. It will be the responsibilities of the snowmobile club to let all of their members know the refill is going to take place.

Bill Johnson informed the members the pump is working well with the exception of the sensor modules. A flow sensor has been put in place. At lower flows the pump efficiency falls off. To maintain the level they are running the pump at night and shutting off in the morning.

Mr. Willard still is not convinced of the safety of the critters on the pond. The objections of the Fire Chief or the snowmobile club may be moot. Charlie Gorss stated we probably should have already started the refill due to the weather conditions. Ms. Sisson suggested we set it in motion to start the refill and if we hear differently on the animals we will stop it. Jim Breslauer is leaning toward people have not been using the pond and want to protect the animals as much as possible.

Otto Solbrig made a motion to allow draw down to begin on February 1, 2007. Jim Breslauer seconded the motion. The vote was 4-1 with Paul Willard opposing. The committee will submit the recommendation for the next meeting.

### **Adjournment**

Jim Breslauer made a motion to adjourn the meeting at 10:08pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission  
Notice of Intent Hearing Meeting Minutes  
Massachusetts Housing Opportunity Corporation, 262/264 Ayer Road,  
DEP#177-530 Harvard #1206-2  
January 18, 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, Jim Breslauer, Charlie Gorss and Otto Solbrig.

**Others Present:** Robert Stone, Michael Molinan, William McCurdy, David Crossman (B&C Assoc.), George Dimakarakos (Stamski & McNary, Inc.), Don Provencher (Provencher Engineering), Keith Cheveralls, Mike Ivas (MHOC), Terry Gensel (Ross Assoc.), Gary Shepard (Ross Assoc.) and Gerry Welch (MHOC)

This hearing is for a Notice of Intent filed on behalf of Massachusetts Housing Opportunity Corporation for site preparation, well installation and pump testing within the bordering vegetated wetland at 262/264 Ayer Road, Harvard.

George Dimakarakos explained a letter has been sent to DEP explaining the site constraints in regards to the DEP comments in the letter issuing the File Number. The well permit has also been submitted to DEP. The plan calls for the construction of a Public Water Supply (PWS) which involves a long permitting process with DEP. This NOI filing is for the well only and not the construction of the development. Mr. Dimakarakos explained a PWS Zone 1 well has to have a radius of 218 feet around it that is contained to the property and does not have any other structure within it. The portion of the wetland which will be filled will be replicated. The well will require the construction of two stilling basins. A 20 foot wide access road will be constructed and will require replication.

Due to the constraints on the property, the radius needed for the well was contained to the rear of the property. Perk testing was done to determine where the septic system can be constructed; leaving the only available area for the well within the bordering vegetated wetland.

Don Provencher, of Provencher Engineering, was present to explain to the members the installation of the well. The well will be a bedrock well, capable of producing 6,100 gallons per day. The well will be dug until they get a yield of 6 gallons per minute. In order for this work to be preformed you need a drilling rig and a support truck. On this site they plan to line the trucks up one behind the other to minimize the disturbance. The stilling basin will be used to make the grout that will be need initially and then used to settle out particles from the water removed. The PWS permit allows for the pump test for DEP. A five-day pump test will need to be conducted. A generator will be needed for

this, and they will place hay bales around it. Water pumped out will be discharged to the northern portion of the site.

Paul Willard asked how confident they are this site will work. Mr. Provencher stated he was pretty confident the site located on the plan will work. Wendy Sisson asked how deep the well would be. Mr. Provencher stated they have done shallow wells at 300 feet and deep well at 1,400 feet. Mr. Willard asked if essentially they would do the pump testing and then do the replication. David Crossman stated the plan is to do the replication in sequence with the work. Mr. Crossman stated as the soil is removed it can be placed in the replication area and be prepared for planting in the spring. Otto Solbrig stated there are problems with radon in the area, have you tested for that? It was explained to the members the testing will be done once the well is complete. If the water quality is not ok they would have to get a permit for treatment.

Jim Breslauer is skeptical of replication because he has seen it failed in many instances. Many communities require the replication be done prior to other work. Also they require the top 12 inches be taken off the area being disturbed to keep with the natural fauna along with additional replication area above a 1:1 replication. Mr. Crossman explained the plan is to bring the existing wetland soils into the replication area. He said they had the options of removing the wetland plants, but had a lot of shallow rooted plants that will not survive this time of year. A wetland scientist will be on site to supervise the movement of the soils and will be qualified to make the decisions of accepting the soils as useable. Also, they have any addition 50 square feet of replication with an aggressive planting schedule. Mr. Crossman is confident the replication as planned will take. Mr. Solbrig agrees with the failure of replication, the key is not so much the plantings but the soil and its irrigation, which is not a simple task. Mr. Crossman stated that is why the wetland scientist will be on site to be certain enough organic soil is used. Mr. Crossman further explained if the size of replication is increased the amount of original organic soil available to replicate is reduced. Also, he needs to establish 75% of the replication area for two growing seasons per DEP to be considered complete. If within two years it is not achieved then plantings will be added and another year of monitoring would be required. Ms. Sisson asked why that area was chosen for the replication. Mr. Crossman explained he wanted to be close to the proposed work and it is further away from the main construction site.

A resident asked what the water usage will be within the households. Mr. Provencher explained a storage tank will hold 12,000 gallon and will be recharged each day. The average use will be about 60% of the storage tank.

Mr. Willard would like to know what DEP response is to the letter sent to them explaining as to why the well was located where it was.

Mr. Breslauer will recommend a bond be posted to be certain the wetland replication takes. The Commission will also need a detail of the Harvard hay bale barrier on the plan. A detail of the water recharge area will be needed. It is recommended using just

silt fence within the replication area to minimize the introduction of invasive species from the hay bales.

Otto Solbrig made a motion to continue the hearing until February 1, 2007 at 8:00pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Notice of Intent Hearing Meeting Minutes**  
**Arthur Turner, 14 Lovers Lane, DEP#177-529 Harvard#107-1**  
**January 18, 2007**

The public hearing was opened at 8:14pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 S40 and the Harvard Wetlands Bylaw.

**Members Present:** Paul Willard, Wendy Sisson, Jim Breslauer, Charlie Gorss and Otto Solbrig.

**Others Present:** Terry Gensel (Ross Assoc.)

This is for a Notice of Intent filed on behalf of Arthur Turner for a septic system repair to a single-family home within the 100' wetland buffer zone at 14 Lovers Lane, Harvard.

A site walk was conducted on January 17th. There is ledge all over the site; the system is proposed for the only place it can go. Paul Willard asked if any of the trees will be saved. Mr. Gensel explained trees within the grading will need to go, no others are planned to be removed. Otto Solbrig asked if the walls would be preserved. Mr. Gensel stated the grading comes right up to them, the tank however will require a small portion of the wall to be removed.

Charlie Gorss made a motion to close the hearing and write a standard Order of Conditions. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Continuation of an Amendment to the Order of Conditions**  
**Meeting Minutes**  
**Mark Saganich, 21 Depot Road, DEP#177-452**  
**January 18, 2007**

The public hearing was opened at 8:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 S40 and the Harvard Wetlands Bylaw.

**Members Present:** Paul Willard, Wendy Sisson, Jim Breslauer, Charlie Gorss and Otto Solbrig.

**Others Present:** Mark Saganich

This hearing was continued from January 4, 2007 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.

Mark Saganich explained the engineering has not been done for the out building nor does he have the money to build the out building currently. Mr. Saganich would like permission granted to build a garden shed on blocks in the size of 10 x 12 with dry wells to contain the roof run off and then down the road when potential feasible the carriage will be constructed by permit. Paul Willard asked if he was planning on putting a shed smaller than the size of the carriage house. Mr. Saganich stated yes. Jim Breslauer asked if the shed would be one tubes. Mr. Saganich stated no, concrete blocks. The plan currently shows a 24 x 26 carriage house. Wendy Sisson asked if we are just talking about a shed do we need dry wells. Otto Solbrig stated for the shed you would need an engineered plan for the building inspector. Mr. Solbrig stated when Mr. Saganich builds the shed he can come back and amend the Order. Charlie Gorss stated we need to know what you are going to sit the shed on because it will be on the ground; we need to see it on a plan. Mr. Saganich was told to get a plan that show where the shed will be within the foot print of the carriage house. He will not need dry wells for the shed. Jim Breslauer explained technically he has a site that is out of compliance, since what has been done on the site is not in conjunction with the approved plan.

At the request of the applicant, Jim Breslauer made a motion to continue the hearing until March 15, 2007 at 7:30pm. Wendy Sisson 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 18, 2007**

The public hearing was opened at 8:50pm 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, Jim Breslauer, Charlie Gorss and Otto Solbrig.

**Others Present:** Liz Allard

This hearing was continued from January 4, 2007 for Amendments to the Rules and Regulations for the Administration of the Harvard Wetland Bylaw.

Wendy Sisson has not written the section on vernal pools as of yet, but will write something up within the next week. Otto Solbrig has concerns over the number of colors being used on the plans. Ms. Sisson explained it makes it easier to grasp things on a plan which can have a lot going on. Paul Willard agrees the plans in color makes it easy to look at them quickly, there are many things to do and this will aid in expediting the process. Charlie Gorss further explained where the color plans came from, many engineers bring in the colored plan and we tend to focus on. Jim Breslauer thinks the colors will help members of the public to review a plan. Changes were made to the number of and types of colors required on a plan.

In Section 6 – Setbacks, within the introduction paragraph it states “beyond a reasonable doubt”, Mr. Breslauer feels this is a high standard that would be challenged by legal representation. Mr. Breslauer will make a change to preponderance.

The members discussed the Setbacks. Ms Sisson proposed to keep the setbacks as established and the commission can review projects on a site by site basis, which is addressed in the introduction of this section. Mr. Solbrig thinks vernal pools should be in its own section

Mr. Breslauer asked the members to get him any comments so he can put them into a final document by next Thursday. He will then distribute it to the members for final approval at the February 1<sup>st</sup> meeting.

Wendy Sisson made a motion to continue the hearing until February 1, 2007 at 8:30pm. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion. Respectfully submitted,

Liz Allard, Administrative Assistant

**Harvard Conservation Commission**  
**Request to Amend the Order of Conditions Meeting Minutes**  
**Donell Corporation, 38 Peninsula Road, DEP#177- 474**  
**January 18, 2007**

The public hearing was opened at 9:20pm 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, Jim Breslauer, Charlie Gorss and Otto Solbrig.

**Others Present:** Gary Shepard (Ross Assoc.)

This hearing is for a Request to Amend the Order of Conditions 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 doing renovations to the existing house. A new deck will be built on tubes outside the 50-foot buffer zone. Stairs at the rear of the house will be reconfigured. Dry wells were added to the plan as requested by the members. Dry wells are not proposed in the back of the house because it would cause additional disturbance within the buffer zone.

Wendy Sisson made a motion to close the hearing and issue an amended Order of Conditions referencing the revised plan date 1-11-07. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission  
Notice of Intent Hearing Meeting Minutes  
Steve Kimball, 29 Littleton Road, DEP#177- Harvard#107-2  
January 18, 2007**

The public hearing was opened at 9:30pm 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, Jim Breslauer, Charlie Gorss and Otto Solbrig.

**Others Present:** Terry Gensel

This hearing is for a Notice of Intent filed on behalf of Steven Kimball for a septic system repair to a single-family home within the 100' wetland buffer zone at 29 Littleton Road, Harvard.

A site walk was conducted on January 17<sup>th</sup>. As discussed on the site walk a plan will be submitted showing the stream. The site was such that the system could only be just outside the 50 foot buffer zone. The hay bale will be extended on the plan as discussed on the site walk.

Otto Solbrig made a motion to close the hearing and write a standard Order of Conditions to be signed once the revised plan is received. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant