

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
April 5, 2007**

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

Members Present: Paul Willard, Wendy Sisson, Jim Breslauer, Don Ritchie, Otto Solbrig and George Watkins

Others Present: Tom Cotton, Steve Rowse, Terry Gensel (Ross Assoc.), Colin Dangel, Bruce Ringwall (GPR, Inc.), David Haslett (Stamski & McNary), George Dimakarakos (Stamski & McNary), Gerry Welch (MHOC), William McCurdy, Hillary Kavanagh and David Crossman (B&C Assoc.)

Land Stewardship Sub-Committee – WHIP Grant/FSA Application

Steve Rowse and Tom Cotton of the Land Stewardship Sub-Committee were present to explain to the members the subcommittee is seeking grant opportunities for the Herman Orchards. Mr. Rowse explained there is a concern with on going orchards and fungi getting into them from old abandon property. Natural Resources Conservation Services (NRCS) of the US Department of Agriculture (USDA) administers the Wildlife Habitat Incentive Program (WHIP) grant. Funding is available for meadow restoration. Mr. Cotton has gone to the Farm Service Agency (FSA) in Holden to meet with the people there in regards to the grant process.

NRCS is willing to work with the FSA getting the information into their data base to get the grant money out. WHIP typically has two rounds of funding per year.

Mike Whited, of NRCS has recommended cutting the trees as close as you can to the ground, grind the stumps and mowing the field to maintain. It is also possible to chip the entire tree in place. It was generally agreed this would not be preferred as the pile of wood chips would inhibit growth of natural vegetation. Paul Willard asked if NRCS needs to know up front the details of removal. Mr. Cotton stated no, they will take a look at the project and determine how much money would be required to clear the land. The money granted would include money for future maintenance. Mr. Willard asked if the Town could do the mowing or would it have to be contracted out. Mr. Cotton has no idea, but will look into this.

Wendy Sisson thinks more information should be collected in regards to the pathogens. She also thinks the Commission should sell the wood and/or chips. Mr. Rowse agrees with her. Mr. Rowse stated there is more information that still needs to be gathered.

GIS information will need to be collected for the application.

George Watkins made a motion to allow the Land Steward Sub-Committee to move forward with the applications. Otto Solbrig seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Notice of Intent Hearing – Jim O’Brien, Lot 102 Prospect Hill Road, DEP#177-533, Harvard#207-1. Opened at 7:30pm

ZBA Request

The Commission has received a request for comments from the Zoning Board of Appeals for a Special Permit application at 14 Ayer Road. As proposed the Commission had no comments.

The Commission also received a request for a Special Permit at 33 Turner Lane. The Commission stated any work within 200 feet of Bare Hill Pond would require a filing with the Commission.

Request to Amend the Order of Conditions Hearing – Jeffery & Cynthia Tingle, 19 Tahanto Trail, DEP#177-475. Opened at 7:45pm

Notice of Intent Hearing – Colin Dangel, 9 Old Schoolhouse Road, DEP#177-534, Harvard#307-2. Opened at 8:00pm

Notice of Intent Hearing- Massachusetts Housing Opportunity Corporation, 262/264 Ayer Road, DEP#177-535, Harvard#307-1. Opened at 8:30pm

Continuation of a Notice of Intent Hearing – Massachusetts Housing Opportunities Corporation, 15 Littleton Road, DEP#177-535, Harvard#307-1. Opened at 9:00pm

Minutes

Jim Breslauer made a motion to accept the minutes of March 15, 2007 as amended. George Watkins seconded the motion. The vote was unanimously in favor of the motion, with the exception of Don Ritchie who was not at that meeting.

Otto Solbrig left the meeting at 9:30pm.

Request to Amend the Order of Conditions – Paul & Hillary Kavanagh, Lot 2 (Map 38, Parcel 12) Stow Road, DEP#177-522. Opened at 9:45pm

Adjournment

Don Ritchie made a motion to adjourn the meeting at 10:34pm. George Watkins seconded the motion.

Respectfully submitted,

Liz Allard
Administrative Assistant

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Jim O'Brien Lot 102 Prospect Hill Road, DEP#177-533, Harvard#207-1
April 5, 2007

The public hearing was opened at 7:30pm 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, Don Ritchie, Otto Solbrig and George Watkins

Others Present: Terry Gensel (Ross Assoc.)

This hearing was continued from March 15, 2007 on a Notice of Intent filed on behalf of Jim O'Brien for a proposed house within the bordering vegetated wetland at Lot 102 Prospect Hill Road, Harvard.

A site walk was conducted on April 2, 2007. The limit of clearing was the only comment from the site walk. Any work beyond the well would require a new filling since the Commission did not verify the line past that location. A condition will be placed within the Order stating the area parallel to the new retaining wall will be left undisturbed, except to construct and maintain the well. Also, if the size of the house is reduced it will be reduced from the north east side of the lot.

Wendy Sisson made a motion to close the hearing and write an Order of Conditions to include the above mentioned conditions. Don Ritchie 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 Hearing Meeting Minutes
Jeffery & Cynthia Tingle, 19 Tahanto Trail, DEP#177-475
April 5, 2007

The public hearing was opened at 7:45pm 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, Don Ritchie, Otto Solbrig and George Watkins

Others Present: Bruce Ringwall (GPR, Inc.)

This hearing is for a Request to Amend the Order of Conditions, DEP#177-475 filed on behalf of Jeffery & Cynthia Tingle for additional disturbance within the 100' wetland buffer zone at 19 Tahanto Trail, Harvard.

Bruce Ringwall was present to represent the applicant. No abutter's notices were sent for this hearing. Mr. Ringwall wanted to review the plan and then notify the abutters. The members did not want to discuss the matter at all until the abutter had been properly notified.

Jim Breslauer made a motion to continue the hearing until April 19, 2007 at 7:45pm. George Watkins 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
Colin Dangel, 9 Old Schoolhouse Road, DEP#177-534, Harvard#307-2
April 5, 2007

The public hearing was opened at 8:00pm 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, Don Ritchie, Otto Solbrig and George Watkins

Others Present: Bruce Ringwall (GPR, Inc.) and Colin Dangel

This hearing is for a Notice of Intent filed on behalf of Colin Dangel for the partial demolition of an existing single family dwelling and construction of a new addition within the existing footprint and associated landscaping within the 100' wetland buffer zone at 9 Old Schoolhouse Road, Harvard

A site walk was conducted on April 2, 2007. Bruce Ringwall gave a history of the site. In 1999 the former owner, Petrie, was before the Commission for a septic system upgrade. At that time Dave Crossman, of B&C Associates did the wetland flagging. A Request for a Certificate of Compliance was issued last fall for that work. A few months later Mr. Ringwall went out to the site and discovered the site had been altered by filling the wetlands, the addition to the patio and a new trench to mitigate water on the site. The trench created more wetlands. It occurred without any filings with the Commission by the previous owner. That is the situation that Mr. Dangel purchased himself into. Mr. Crossman went out and re-flagged the wetland, which the Commission did not see when the site walk was conducted. Don Ritchie stated the Commission was taken aback when they were on the site. Paul Willard explained that the current owner is stuck with what is there now unfortunately. Mr. Willard added the Commission is asking for some type plan to clean up what has been done. Another site walk will need to be scheduled to determine what needs to be done to stabilize the channel and clean up the area. George Watkins asked what the pipe is that is at the edge of the pond that has some type of iron deposit to it. Mr. Ringwall believes it is a foundation drain.

As for the proposed plan Mr. Ringwall explained there is a series of rooms in the section that would be removed, which is structurally unsound. The area will be demolished and a new foundation will be installed. The good news that the new addition will be within previously disturbed area. Proposed erosion and sedimentation control are on the plan. As for landscaping work, the plan proposes work in the rear of the property that will be impervious when done. Mr. Ringwall explained the closest point from the proposed addition is 43'.

Wendy Sisson stated this is new construction within the buffer zone on a site that is extremely wet. Ms. Sisson added if this was new construction the Commission would say "not a good idea". Mr. Ringwall stated the proposed addition is within the existing

impervious area and they are not disturbing any habitats. George Watkins asked what will happen to the remaining patio. Mr. Dangel stated it will stay as is. Jim Breslauer asked if the plan is to put in a full foundation. Mr. Dangel stated no it will be a craw space. Mr. Ringwall added for frost protection it will need to go down four feet. Mr. Breslauer is concerned with the pipe that drains into the pond, what is feeding it and how will it be maintained. Mr. Dangel stated there is no indication as to where that pipe starts. Mr. Willard suggested running a snake up the pipe to see if there are any obstructions or if it can be determine as to where it goes.

A site walk was scheduled for April 17, 2007 at 5:00pm.

George Watkins made a motion to continue the hearing until April 19, 2007 at 8:00pm. Don Ritchie 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 Opportunities Corporation
15 Littleton Road, DEP#177-535, Harvard#307-1
April 5, 2007**

The public hearing was opened at 8:30pm 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, Don Ritchie, Otto Solbrig and George Watkins

Others Present: David Haskell (Stamski & McNary), Dave Crossman (B&C Assoc.) and Gerry Welch (MHOC) and George Dimakarakos (Stamski & McNary)

This hearing is for a Notice of Intent filed on behalf of Massachusetts Housing Opportunity Corporation for site preparation including removal of vegetation, excavation and grading and construction of a stone retaining wall within the 100' wetland buffer zone at 15 Littleton Road, Harvard.

A site walk was conducted on April 2, 2007. Dave Crossman explained water that comes off the site feeds into a swale on the roadway. There is also a wetland across the street that creates the buffer zone on a small portion of this site. Most of the water in the front swale is street runoff. Don Ritchie stated in some areas it look as if water was coming out of the hillside. Wendy Sisson explained it was dry in the swale on one side of the driveway, but wet on the other side. Mr. Crossman stated ground water seep is not necessary a wetland. Mr. Crossman took a look at the soils in the far corner of the property. Those soils are really nice and bright in color but not your typical wetland soils and will not support wetland planet species. No data sheets were submitted. Mr. Ritchie asked if the far corner is a wetland. Mr. Crossman does not think it is a wetland because it has no wetland characteristics. There are a few wetland plant species, but not enough to classify it as a wetland. Paul Willard asked Mr. Dimakarakos how much it would affect the plan if there was a finger of wetland at the corner of the site. Mr. Dimakarakos stated it would not affect the plan much. Mr. Willard asked what would be the total impact of all of the runoff from the site. Mr. Dimakarakos stated all discharge has been kept out of the buffer zone. The discharge is all draining to the far corner of the site.

Mr. Dimakarakos explained drainage will be maintained by catch basins with hoods to separate Total Suspended Solids and Oil and Grease. A drainage analysis has been submitted. Comments by Nitsch on that report have been received by Stamski & McNary. Nashoba Associated Boards of Health has septic system plans, which they are reviewing. George Watkins asked for the location of the septic system. Mr. Dimakarakos showed the locations on the plan. The site will be serviced by two systems; each one will serve two buildings.

Roof drains for Buildings 3 & 4 will be directed into the catch basins and then into the infiltration trenches. Full Stormwater treatment is taking place on the site. Mr. Willard asked if there is any need to have the treatment of oil. Mr. Dimakarakos stated deep sump catch basins are proposed and Nitsch has requested additional treatment, which we are looking at. Mr. Willard stated the Commission's concern is that the water that leaves the site is clean as possible.

Jim Breslauer asked about driveway drainage and the use of salt for deicing. Mr. Dimakarakos stated all of the driveway runoff will be caught and directed to the catch basins. Mr. Dimakarakos added the use of non-sodium deicers can be part of the Order. In addition the condo documents can contain this requirement.

The retaining walls proposed are to keep the grading to a minimum. The walls will likely be stone. If boulders are found on site they will use them. Mr. Watkins was skeptical as to how the infiltration trench will work and not breakout on to the neighboring property. The hope is that this will infiltrate down and stay on site. The Commission requested Nitsch Engineering be asked to address the issue of water seeping out of the site.

Mr. Dimakarakos stated there is a lot of ground water seepage now all over the place and we are trying to keep the ground water flow as it would naturally. A berm and two catch basins on the driveway for Buildings 1 & 2 will catch all of the drainage. The other driveway is graded to an additional catch basins. Mr. Breslauer asked how the berm on the long driveway will keep snow from being pushed over the edge. Mr. Dimakarakos stated snow storage areas will need to be added to the plan.

Mr. Willard asked when the water comes out, what about dewatering during construction. Mr. Dimakarakos stated a dewatering basin detail is shown on the plan. Check dams will be installed in the swale at the front of the property.

Revised plans need to be reviewed and final comment comments are pending from Nitsch Engineering.

Jim Breslauer made a motion to continue the hearing until April 19, 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 a Notice of Intent Hearing Meeting Minutes
Massachusetts Housing Opportunities Corporation
DEP#177-530, Harvard#1206-2Ayer Road 262/264
April 5, 2007

The public hearing was opened at 9:00pm 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, Don Ritchie, Otto Solbrig and George Watkins

Others Present: David Haskell (Stamski & McNary), Dave Crossman (B&C Assoc.) and Gerry Welch (MHOC) and George Dimakarakos (Stamski & McNary)

This hearing was continued from March 15, 2007 on a Notice of Intent filed on behalf of Massachusetts Housing Opportunities Corporation for the installation of a public water supply well within the bordering vegetated wetland at 262/264 Ayer Road, Harvard.

Due to the absence of Charlie Gorss, one of the four voting members for this hearing, Jim Breslauer made a motion to continue the hearing until May 3, 2007 at 7:30pm. Otto Solbrig 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 Hearing Meeting Minutes
Paul & Hillary Kavanagh, Lot 2 (Map 38 Parcel 12) Stow Road, DEP#177-522
April 5, 2007

The public hearing was opened at 9:45pm 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, Don Ritchie and George Watkins

Others Present: Bruce Ringwall (GPR, Inc.), Paul Kavanagh and Hillary Kavanagh

This hearing is for a Request to Amend the Order of Conditions, DEP#177-522 filed on behalf of Paul & Hillary Kavanagh for additional disturbance within the 100' wetland buffer zone on Lot 2 (Map 38 Parcel 12) Stow Road, Harvard.

Bruce Ringwall explained to the members the potential buyers for the lot would like to build a farm house on the property. This is an area that has been a tree farm and the area has been manipulated in every way. Mr. Ringwall added when designing the new house he tried to make it so there was not more intrusion on the buffer zone. The well location has been moved from 52' to 56' from the edge of the wetland. A Presby System has been designed for sewage disposal, which allows for a smaller construction area. This allowed for the house to be lowered. It also allowed for the house to be pulled back. The corner deck is 75' from the edge of the wetland. The original plan was 68'. The amount of work within the buffer zone has been reduced. The driveway is 20' further from the buffer zone. The grading for the driveway had to be done to contain runoff of a 100 year storm from leaving the site. Wendy Sisson is concerned about the additional impervious surface with the driveway. Ms. Sisson asked what the square footage difference will be between the old house and the new house. Mr. Ringwall stated the new design will be 560 square feet larger.

The driveway is proposed is bituminous concrete. Mr. Ringwall explained if hard pack gravel were to be used you would have erosion leaching into the lawn area. The distance of the driveway has been increased from 40' to 16' to the edge of the wetland. Don Ritchie thinks this is a large amount of intrusion. Mr. Ringwall stated the overall intrusion is not greater. Ms. Sisson has no problem with re-designing the house, but she has a problem with designing the extra portion of the driveway and additional building area on the wetland side of the property. Mr. Ringwall stated he and his clients are up to any suggestions. Ms. Sisson stated that is not our job. Ms. Sisson stated the Commission spent a large amount of time on this project because there was a lot of work in the buffer zone. Mr. Ringwall stated the only thing that is closer is the driveway. Ms. Sisson thinks there is away to design it that would allow everything requested. Mr. Ritchie would like to see the garage on the other side of the house. George Watkins asked if the applicant would be acceptable to not using any chemical deicers on the driveway. Hillary

Kavanagh stated they own dogs and do not use such chemicals as it would damage their paws.

Mr. Willard stated he could live with this plan, but he is sorry to see something like this come to the Commission so soon after the change to the setbacks. Jim Breslauer would like the applicant or his representative to price out the use of porous pavement.

Jim Breslauer made a motion to close the hearing and issue an Amended Order of Conditions that moves the granite markers to approximately five feet off the driveway and the area from the markers to the wetlands is to be left as undisturbed except to mow annually and no chemical deicers shall be used on the driveway. George Watkins seconded the motion with the additional condition of the submittal of a vegetated management plan for the wetland area. The vote was 3-2, with Wendy Sisson and Don Ritchie opposing.

Respectfully submitted,

Liz Allard
Administrative Assistant