

HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
May 17, 2007
Approved: March 5, 2009

Chairman Paul Willard called the meeting to order at 7:01 pm in the Town Hall Meeting Room.

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

Others Present: Kevin Hardiman (Ross Assoc.), Larry Finnegan, Bevlyn Quinn, (Ross Assoc.), Mark & Shiohwoei Hastings, Gerald Welch (MHOC), George Dimakarakos (Stamski & McNary) and Brad Taylor.

Harvard Conservation Trust – Conservation Restriction Signature

Larry Finnegan, of the Harvard Conservation Trust, informed the members that Erhart Muller will be putting a Conservation Restriction on his land on Shaker Road to keep land protected in perpetuity. The Trust is waiting for the Conservation Restriction to be written by Mr. Muller's attorney. Wendy Sisson mentioned it would be nice to put up some type of notice to thank the donor.

James Dunlap, of Old Littleton Road, is donating 3 lots of land to the Town of Harvard, (Map 19 Parcels 14, 69 and 70) totaling about 40 acres. An agreement was signed last week. Five acres might be used for agriculture; much of the rest is forested, so it could be used for tree management and/or trails. The Conservation Restriction is quite expensive and needs IRS approved appraisers and attorneys to draft it. Mr. Finnegan stated the Trust is always looking for individuals and firms to partner with to reduce costs. The members signed the Conservation Restriction for these parcels. George Watkins stated he wants to make sure that public access is included in the Conservation Restriction.

Agricultural use of land might appreciate in value as people become more aware of the value of locally grown produce. The Commission needs to be aware of the need to preserve land for agriculture. Ms. Sisson stated this is a fantastic donation and the Commission is most appreciative

Paul Willard thanked Mr. Finnegan for his efforts on this donation and for his efforts over the years.

Review Legal Notice Procedure

Wendy Sisson stated that the Harvard Press would publish all notices for hearings, but some items weren't being published and fees were high. The Conservation Commission's new bylaws allow publication in any of the three local papers, and practice is for the proponent's engineer to choose the paper in which to advertise. Issues may be that some hearings are listed in one paper and others in another paper leading to possible confusion, should it not all be in one paper? Paul Willard agreed. Otto Solbrig also agreed that

notices should be in at least one paper. The Harvard Press has agreed to reduce costs and has the widest circulation. George Watkins stated the Harvard Press has had some growing pains and we should be consistent in where we advertise with other boards. Mr. Willard stated the administrator is involved with other boards so she can coordinate. Mr. Willard will contact other boards and try to coordinate with them to decide on one paper. The consensus is to use the Harvard Press if other boards concur.

Woodside Road Land Purchase

The Assessors office shows \$51,000 owed in back taxes on a parcel of land offered to the Commission by the current owner. Paul Willard suggested the Town investigate instituting procedures to take the land for taxes owed. The owner may agree to deed to the Town in lieu of taxes owed. Mr. Willard will pursue this option with the Town Administrator.

Land Stewardship Sub-Committee Appointments

Wendy Sisson made a motion to re-appoint Tom Cotton to the Land Stewardship Sub-Committee for three years. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Notice of Intent Hearing- Bryce Larrabee, 15 Under Pin Hill Road, DEP#177-536, Harvard#407-1. Opened at 7:32pm

Notice of Intent Hearing – Mark & Shiohwoei Hastings, 110 Warren Avenue, DEP#177-537, Harvard#407-3. Opened at 7:45pm

Notice of Intent Hearing, Massachusetts Housing Opportunities Corporation, 262-264 Ayer Road, Harvard#407-4. Opened at 8:18pm

Continuation of a Notice of Intent Hearing, Massachusetts Housing Opportunities Corporation, 15 Littleton Road, DEP#177-535, Harvard#307-1. Opened at 9:20pm

Adjournment

George Watkins made a motion to adjourn the hearing at 9:32pm. Otto Solbrig seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Jim Breslauer
Acting Admin

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Bryce Larrabee, 15 Under Pin Hill Road, DEP#177-536, Harvard#407-1
May 17, 2007

The public hearing was opened at 7:32pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw.

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

Others Present: Kevin Hardiman (Ross Assoc.),

This hearing is was continued from April 19, 2007 on a Notice of Intent filed on behalf Bryce Larrabee for a septic system replacement within the 100' wetland buffer zone at 15 Under Pin Hill Road, Harvard.

Paul Willard apologized for comments regarding the garage at a previous meeting. It has been determined the proper papers had been filed with the Zoning Board of Appeals and at the time of the application the Commission submitted a "No Comment" letter in regards to garage. Comments made at the previous meeting in regards to the septic system being installed under the driveway have addressed on the new plan by the Board of Health. Structural fill will be placed over the leach field so vehicles can drive over the system. The driveway will be constructed of gravel. Otto Solbrig asked how high the leach field would be. Kevin Hardiman stated about two (2) feet. A Presby system has been designed to allow for the system to be shallow and reduce the impacts.

Mr. Willard stated that the current slope funnels water through the stone wall into wetlands. Mr. Hardiman stated that alleviating that would require raising the current grades. Mr. Willard asked if the stonewall could be repaired. The applicant was amenable to doing so.

Wendy Sisson made a motion to close hearing and issue an Order of Conditions to include the special conditions the stone wall will be repaired and the owner remove debris on conservation land on far side of wall. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Jim Breslauer
Acting Admin

Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Mark & Shiowwoei Hastings, 110 Warren Avenue, DEP#177-534, Harvard#407-3
May 17, 2007

The public hearing was opened at 7:45pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw.

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

Others Present: Bevlyn Quinn, (Ross Assoc.) and Mark & Shiowwoei Hastings

This hearing is for a Notice of Intent filed on behalf of Mark & Shiowwoei Hastings for the demolition and replacement of an existing single family dwelling with addition of a garage and driveway improvements within the 100' wetland buffer zone at 110 Warren Avenue, Harvard.

A revised plan was submitted as result of the site walk on May 10, 2007. The proposed plan is to demolish the present house. The owners would like to maintain the concrete patio if it is structural sound, otherwise a deck is planned for that location. The wall on west side of the property will have drainage through it. A drip edge on the front of house with water going to a northeast splash pad will be installed. Wendy Sission asked if the new construction would be two (2) stories. She was informed it would. Otto Solbrig asked if there is a basement. He was told there is crawl space now; the new construction will propose a full basement. The basement will depend on what is found once excavation starts. There will be no blasting of ledge, once the contactor reaches ledge they will stop. Ms. Sisson asked if excavated soils will be stockpiled outside the 100 foot wetland buffer.

The wall on the western side will be installed in manner to try to preserve the trees, as long as the trees aren't damaged during construction. Ms. Sisson asked if the concrete slab needs to come out, how it will be done. Bevlyn Quinn stated all work will be done on the side away from the pond. Paul Willard stated wherever the stockpile is; it needs to be protected by hay bales. The representative and applicants agreed with Mr. Willard.

The driveway is shared with an easement for Conservation Land; the upkeep of this drive is the owner's responsibility. Jim Breslauer asked if material needs to be stockpiled, how long will it be there. Mr. Willard stated the Commission would want stockpiled material to be in a container or a truck right away. No stockpile material shall be on the ground. Dirt from excavation will be removed as soon as possible, unless needed for backfill.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to contain the special conditions:

1. Fill not to be used will be removed from site, kept in stockpile and protected as per the plan,
2. demolition debris not remain on site at all and be properly disposed,
3. concrete pad if need to be removed, is not remain on site, removed as soon as possible,
4. hay bale line is limit of work, and
5. no blasting permitted.

George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Jim Breslauer
Acting Admin

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Massachusetts Housing Opportunities Corporation
262-264 Ayer Road, Harvard#407-4
May 17, 2007**

The public hearing was opened at 8:18pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40

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

Others Present: Gerald Welch (MHOC), George Dimakarakos (Stamski & McNary) and Brad Taylor.

This hearing is for a Notice of Intent filed on behalf of Massachusetts Housing Opportunities Corporation for the construction of a 6-bedroom building, detention basin, retaining wall and associated utilities within the 100' wetland buffer zone at 262/264 Ayer Road, Harvard.

George Dimakarakos, from Stamski and McNary, stated the well house, tank and gravel road are not within the narrative submitted by error. They are however on the plan. The plan shows a four (4) unit building within the 100' wetland buffer zone. Details of the plan were reviewed. The bottom of detention basin will have a wetland mix planted within it. The water supply building will have cistern under it, water will be clean and potable. A mix of trees will be planted from the well area towards the detention basin. The slope towards the building will be meadow grass that will be mowed annually. The building will have a small yard in the back. All drainage from the rest of project will be treated. The applicant still needs an additional perk test for the septic system. This testing will be done in June, weather permitting.

Paul Willard asked if the Zoning Board of Appeals (ZBA) granted a waiver from the local wetland bylaw. Mr. Dimakarakos stated the applicant has not asked for relief from local wetland bylaw since, Mr. Dimakarakos stated, the Conservation Commission is considered advisory to ZBA. Mr. Dimakarakos stated the application had been filed with the ZBA prior to adoption of new bylaw.

Wendy Sisson asked what the setback of the building from the wetland is. Mr. Dimakarakos stated about 54 feet with a deck at another 5 feet. The decks will have gravel below them. The proposed retaining wall will be another twenty (20) or so feet. Mr. Willard would like to see the retaining wall and slope in detail on the plan. Mr. Willard is worried about kids getting into the wetlands. George Watkins asked how high the retaining wall would be. Mr. Dimakarakos stated about 5 feet. Mr. Willard stated it seems as a potential to danger for kids. A barrier that is uninviting at edge of slope and

that would act as a deterrent to keep kids from hurting themselves on the wall would work. Thorny plantings were discussed.

Ms. Sisson stated the Commission has issues with backyard creep; we want to avoid that to protect the buffer and wetlands. Mr. Dimakarakos suggested a second terrace be installed to prevent lawn creep.

Brad Taylor, an abutter, stated the Department of Environmental Protection (DEP) has a notice on their website which has concerns over the density and impact on wetland. Mr. Willard stated the Commission cannot take any action until official comments and a file number is issued by DEP.

Jim Breslauer asked what the distance of back yard is from the wetland. Mr. Dimakarakos stated about thirty-five (35) to forty (40) feet. Mr. Dimakarakos added the first fifteen (15) feet from the building is relatively flat, the rest is about a four (4) to one (1) slope. Mr. Willard asked where Mr. Dimakarakos would propose a thorny barrier be in relation to the deck. Mr. Dimakarakos stated about forty (40) feet from the wetland.

Mr. Willard asked if a cost analysis has been done if the building within the buffer zone is not constructed. Mr. Dimakarakos stated the ZBA is having a financial analysis done in great detail.

George Watkins asked for details in regards to the catch basins. Mr. Dimakarakos explained them and noted where the detail was on the plan. Ms. Sisson asked if the detention basin would be dug down from grade. Mr. Dimakarakos stated it would be essentially at grade and going up. Ms. Sisson asked if it would be mounded up on the wetland side. Mr. Dimakarakos stated yes, it would be ten (10) feet higher than existing grade at one point in back and twelve (12) feet at other spot. Shrubs will be installed at the toe of the slope. Slope will be compacted till. Ms. Sisson asked what happens to contaminants in water get to the basin. Mr. Dimakarakos stated, treatment will take care of that before it gets to detention basin, the system as designed is in excess of the 80% requirement. Ms. Sisson stated the Commission has seen detention ponds not work, and asked how is this better. Mr. Dimakarakos stated the pond contains a built in overflow protection. Most storms are small and will not affect the system. Catch basin will contain larger storms, such as the one-hundred (100) year storm. The last resort is a stone spillway, six (6) feet wide that spreads out to fifteen (15) feet long, with a four (4) foot wide stone spreader to continually spread out the water. Nitsch Engineering, the ZBA's general engineering consultant, has approved this design. Mr. Dimakarakos stated there is a lot of redundancy built into the system.

Ms. Sisson expressed concern over hemlocks to be planted in the rear of the property. Ms. Sisson stated deer love to eat hemlock, and asked if there is a maintenance/replacement plan. Mr. Watkins suggested rethinking hemlock, which do not like wet feet and insects will attack it. Mr. Dimakarakos will reconsider other options that are water tolerant. Ms. Sisson suggested considering a mix of shrubs with trees. Mr. Willard stated the Commission is looking for physical barrier on one side and a visual

barrier on the other. Mr. Willard suggested a condition be included in the Order of Conditions which would require inspections and success of plantings. Ms. Sisson would want that in perpetuity, so maybe it can be incorporated into the condo plan. Mr. Dimakarakos stated trees and shrubs will generally survive three (3) years. Ms. Sisson wants to be certain a new condo owner does not remove the trees, defeating the purpose of the barrier.

Mr. Watkins asked if the Commission has a copy of condo operating documents. Mr. Dimakarakos stated not yet, a sample that the boards can comment on can be submitted, but they cannot do a final document until the buildings are completed. Ms. Sisson stated the Commission would want maintenance as part of the document.

Mr. Willard asked Mr. Dimakarakos to discuss the Stormceptor and why this is the product of choice. Mr. Dimakarakos stated generally you would not need a Stormceptor as part of the plan, because other parts of plan cover the required 80% minimum standard, but because of proximity to wetland and wells, an additional step was added, which has been demonstrated by itself to achieve the 80% removal. The whole system exceeds minimum requirements as it should remove up to 90% of suspended solids. The Stormceptor has its own maintenance requirements by the manufacturer.

Mr. Willard stated the bottom of detention basin will eventually have some other vegetation growing within it, how it will affect the entire system if a trees or woody shrubs gets into it. Mr. Dimakarakos stated it might be better as more nutrients will be absorbed, but system is not dependent on the detention basin to meet minimum requirements; so much is taken out upstream of that.

Mr. Watkins requested for next hearing a blow up of the area behind the building, the retaining wall and the area from the detention basin to the well side of the building. Mr. Breslauer asked if it is feasible to move the reserve area closer to the detention basin and then move the building out of the buffer zone. Mr. Dimakarakos stated no, the other area does not perk for septic.

Ms. Sisson asked what the projected lifespan for the septic system is. Mr. Dimakarakos stated it can not be projected because of the pre-treatment built into the system. Without that pre-treatment Mr. Dimakarakos could say about twenty-five (25) years, but this system should be longer. Ms. Sisson asked why a treatment plant is not required for this site. Mr. Dimakarakos stated the site is too small.

Mr. Watkins asked if the Commission has seen the final Nitsch Engineering report. Mr. Dimakarakos stated no. Ms. Sisson asked if the building could be moved further away from wetland. Mr. Dimakarakos stated maybe two (2) feet, but the impact on wetland would not be not affected by that two (2) foot change.

Otto Solbrig made a motion to continue the hearing until June 7, 2007 at 7:30pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Jim Breslauer
Acting Admin

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Massachusetts Housing Opportunities Corporation
15 Littleton Road, DEP#177-535, Harvard#307-1
May 17, 2007

The public hearing was opened at 9:20pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act M.G.L. ch. 131 §40

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

Others Present: Gerald Welch (MHOC), George Dimakarakos (Stamski & McNary) and Brad Taylor.

This hearing was continued from May 3, 2007 on 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.

With no new information from the applicant's representative a continuance was requested. Wendy Sisson made a motion to continue until June 7, 2007 at 7:45pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Jim Breslauer
Acting Admin