

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
July 19, 2007**

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

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

Others Present: Liz Allard (LUB Admin), Judith Smith, Peter Davies, Brent McConnell (for Bill & Dorene Lewis), Pete Jackson, Laura Peterson, Bruce Ringwall (GPR, Inc.) and Mark Hastings

Herbicide Application along Interstate 495 & Route 2

The Commission has been informed that herbicide application will be conducted during the month of August and September along Interstate 495 and Route 2. The members would like a letter sent to the State explaining that Harvard does not use herbicides on local byways and we do not want to see it used on the State roads.

Proposed Redevelopment of St. Theresa's Church, Still River Road

Wendy Sisson attended a meeting at St. Theresa's Church recently, in which they discussed the need for an additional 600 parking spaces to aid in the combining of three local Churches. The plan would require filling approximately an acre of wetlands. The current site has no available location for replication. Bruce Leicher was also present at this meeting and spoke about stormwater management and piggy backing on to this project with available grant money for Bare Hill Pond. Paul Willard stated the short answer is that filling that amount of wetlands is quite problematic and it is highly unlikely that it would be approved.

Public Lands Preservation Act Endorsement

The members discussed the Public Lands Preservation Act, a bill which would make it a policy of the Commonwealth to approve change in use or disposition of land acquired for natural resources purposes, which is protected by Article 97 of the constitution, only if there is no feasible alternative and if equivalent replacement land is provide with no net loss. The act would cover all land under the Commission's jurisdiction.

Massachusetts Association of Conservation Commissions (MACC) has asked local Conservation Commission's to send letters to their Senators and Representatives urging them to support this bill.

Liz Allard has prepared a letter for Senator Pam Resor and Representative James Eldridge for the Commission's approval and signature. George Watkins made a motion to endorse the letters as written. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Notice of Intent Hearing, Massachusetts Housing Opportunities Corporation, 15 Littleton Road, DEP#177-535, Harvard#307-1. Opened at 7:33pm

Community Preservation Committee Representative

Wendy Sisson made a motion to have George Watkins represent the Commission on the Community Preservation Committee. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Request for a Certificate of Compliance – DEP#177-476 and 177-477

The Commission had received a Request for a Certificate of Compliance filed by GPR, Inc. on behalf of Louis Hadad and John Oskirko for repairs made to private pond on 5 and 9 Haskell Lane. After a review of the approved plan and the ‘as built’ plan discrepancies were noted. Don Ritchie took the plans to review for discussion at the next meeting.

Request for a Certificate of Compliance – DEP#177-502

Paul Willard stated the work required at 48 Prospect Hill Road has been completed. Jim Breslauer made a motion to issue a Certificate of Compliance. George Watkins seconded the motion. The vote was unanimously in favor of the motion.
JB/GW

Notice of Intent Hearing – Theodore Shasta, 50 Westcott Road, DEP#177-540, Harvard#707-1. Opened at 7:45pm

Review Driveway Covenant – 110 Warren Avenue

Mark Hastings was present to discuss the driveway covenant as required by a recent ZBA decision. Mr. Hastings stated if the Commission is happy with the existing covenant then he is all set, but if there are changes we need to work those out. Wendy Sisson stated that access is limited to the Commission to three times a year for maintenance. Ms. Sisson argued that the Commission should stay with the current status, because the problem with maintaining Thurston’s Cove are far greater than first thought. If the Conservation Commission wants public access it would have to take a share of the maintenance of the road. Ms. Sisson thinks the snow removal requirement should be removed from the covenant. Paul Willard does not like the gate being locked and would like it taken away. Mr. Willard has a real problem with a physical barrier to Conservation Land. Mr. Hastings has spoken with Police Chief Denmark he as well does not like the barrier. Mr. Hastings is willing to take on the 100% of the plowing if the Conservation Commission is willing to take on the maintenance of the driveway. George Watkins asked what the driveway is constructed of currently. Mr. Hastings stated dirt; maintenance would consist of re-grading essentially. Mr. Willard can see problems occurring without a gate, and asked if Mr. Hastings could install a gate on or at his property line.

Chief Denmark suggested the driveway be widened and guardrails be installed since there is a blind corner. If the drive is not widened Chief Denmark would not want to see any parking there, maybe a 15 minute load and unload area could be established. Chief Denmark stated the Police Department would enforce no parking. Mr. Willard asked if

Chief Denmark had any ideas about signage in the area that states pedestrian traffic only and no parking. Mr. Hasting would prefer signage over a gate. Chief Denmark also recommended a convex mirror on the curve to aid in the sight of pedestrian.

Mr. Hastings requested that someone from the Commission talk to the Park & Recreation Department to have the life guards stop informing individuals to use Tahanto Cove. Mr. Willard stated he would speak with someone from the Park & Recreation Department. Mr. Willard will also visit the site with the Public Works Director, Rich Nota. Mr. Hastings has spoken with Mr. Nota who has stated he is willing to do what ever the Commission asks as far as maintenance is concerned.

Wendy Sisson made a motion to revise the covenant to state the snow plowing will be the complete and total responsibility of Mark Hasting and maintenance of the driveway will be the Conservation Commission's responsibility. Also no vehicles shall be allowed to park on the driveway. Signage shall be installed stating that is a loading and unloading zone only. There was no second to Ms. Sisson's motion.

Mr. Watkins asked if there are any no trespassing signs. Mr. Hastings stated there is one, but vegetation has grown around it making it difficult to identify.

A letter will be sent to the ZBA informing them that this issue has been discussed with Mr. Hastings and the Commission.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:27pm. 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
Massachusetts Housing Opportunities Corporation
15 Littleton Road, DEP#177-535, Harvard#307-1
July 19, 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

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

Others Present: Liz Allard

This hearing was continued from June 21, 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.

This hearing was continued to give the members the opportunity to review the peer review conducted by Nitsch Engineering in regards to the drainage report. George Watkins has reviewed the letter and the plans and had several questions in regards to them. With no one present to answer the questions the Commission decided to send a written request for answers to the questions.

Jim Breslauer made a motion to continue the hearing until August 2, 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
Theodore Shasta, 50 Westcott Road, Harvard#707-1
July 19, 2007

The public hearing was opened at 7:45pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act M.G.L. ch. 131 S40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard

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

Others Present: Liz Allard, Judith Smith, Peter Davies, Brent McConnell (for Bill & Dorene Lewis), Pete Jackson, Laura Peterson and Bruce Ringwall (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of Theodore Shasta for the creation of a pond, construction of a garage, associated infrastructure and site landscaping all within the upland area at 50 Westcott Road, Harvard.

Bruce Ringwall stated several things have occurred on this property. An Emergency Certificate was issued in June after the construction caused siltation to occur in a local stream. The area has since been contained and as far as Mr. Ringwall knows no new occurrences have taken place.

A Request for Determination of Applicability (RDA) had been previously filed, in which the Commission determined the area had no wetlands associated with it. Mr. Ringwall explained the area and how the spring thaw would create a swale of water that disappeared into the ground. Once the RDA was issued a test hole was dug, in which rock and organic debris was discovered. Mr. Ringwall stated they had no idea where the water was breaking out. Mr. Ringwall's concern is the bylaw applies to any pond of any size. This pond does not meet any of the guidelines under the Act or the bylaw except for the "any size" relative to the Bylaw. Ground water can be found beneath the rocks and hydric soils. Mr. Ringwall stated 95% of all ponds are spring or stream feed; in this case we are creating a pond above the ground water. An impermeable barrier was proposed for the bottom of this pond. Excavated material has been taken out and new fill put in its place. A berm was created with good material that will deter seepage. Filter fabric has been put in place beyond the berm to reduce the creation of any sink holes. A structure at the headwall will remove turbidity and circulate back into the pond. A hydrant will be installed per the Harvard Fire Department regulations to enable this pond to be used for fire protection.

George Watkins asked if the dry well has been reconstructed. Mr. Ringwall stated a basin has been put in for that and another dry well will be installed as shown on the plan. That water will not be going into the pond. An additional dry well will be installed in order to maintain the water level of the pond. If the other dry well feed into the pond it could over whelm the spillway.

Don Ritchie stated the plan calls for a lot of planting and landscaping, will you be using a lot of fertilizers. Mr. Ringwall stated the slope is not going to be what you would typically think it is going to be, it will be an open meadow with pine trees around the edges. The path around the pond would be the only portion mowed. Mr. Watkins asked if the manufacture of the hard surface that will be installed into the ponds bottom and sides have any documentation about root penetration. Mr. Ringwall stated Aqua seal is the manufacture and he would get the Commission the information requested.

Paul Willard asked if he is to understand this will only flow out during spring thaw and heavy rains. Mr. Ringwall stated that is correct. Don Ritchie is concerned a new owner made obtain the property and not maintain the pond, what would happen. Mr. Ringwall stated it would dry up. Wendy Sisson asked about the water that use to flow under ground. Mr. Ringwall explained large rain events and spring thaw will now flow out of the pond.

Brent McConnell is present on behalf of Bill Lewis, who was unable to attend. Mr. Lewis is concerned about how the creation of this pond will affect the use of his property. According to the Wetland Protection Act Regulations, 310 CMR 10.00, a pond is defined as any open body of fresh water with a surface area observed or recorded within the last ten years of at least 10,000 square feet.

An abutter to the property asked what would happen if the pond breached the berm and if there is a reclassification of that area how would it affect the way we use our property. Mr. Ringwall stated the berm is constructed of a material that will not saturate. Mr. Ringwall was on site for the compaction testing of the material and an additional impermeable layer was installed. Mr. Ringwall also explained the pump is only to re-circulate the water to aid in keeping it clean.

Laura Peterson stated it was dishearten to have a very large body of water that has affected the down stream wetlands. The brook has been affected by the addition of sediment. Mr. Ringwall stated if a location can be determined as to where sediment has collected the applicant will be willing to clean that area. Jim Breslauer asked Ms. Peterson if she agrees that no silt is coming down now. Ms. Peterson stated the water is clear now.

Mr. Watkins asked for more information on the impermeable layer that will be used and how weed control will be cared for around the edges of the pond.

Wendy Sission made a motion to continue until August 2nd at 8:30pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard, Administrative Assistant