

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
January 17, 2008**

Chairman Paul Willard called the meeting to order at 7:05pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Gregory Barros (Nashoba Publishing), Bob La Pierre, Judy Gustafson, Mark Saganich, Jon Santodoosso, Miriam Bemis, Steve Nigzus, Ed Faneuf, Bill Fateiger, Bruce Leicher (BHPWMC), Bob Blank (BHPWMC), Terry Gensel, Jim Lee (Park & Rec) and Ron Ricci

Minutes

Wendy Sisson made a motion to accept the minutes of October 18, 2007 as amended. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

George Watkins made a motion to accept the minutes of January 3, 2008 as amended. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Bromfield Science Fair

Wendy Sisson and Otto Solbrig volunteered to attend the Bromfield Science Fair to do judging on Friday February 1, 2008. If needed Paul Willard can be a judge as well.

Land Stewardship Committee

The Land Stewardship Committee has not met in some time and needs to be re-grouped. Liz Allard will contact current members to ensure they would like to continue, as well as submit an article for the local newspapers looking for volunteers.

Request for Comments from ZBA – Transformations, Stow Road (Map 36 Parcels 85 & 86.1)

The application submitted for review by the Commission states the Affordable Housing Trust has offered to pay down for additional affordable units. Wendy Sisson stated if groups in Town are giving encouragement to developers the Commission would like to know that before hand, as for this site it is not good as far as wetlands are concerned. The application is scant on details and even though there are many environmentally sound aspects to the buildings, the clustering of the buildings seems very dense. The plan shows a large clear cut area. The letter to the ZBA should note the history of the site and the previous trouble in trying to site only two houses.

Abutters of the property have concerns with drainage, which were brought up during the presentation in the fall. The abutters are also concerned with the size of the project and the percent of land that is going to be developed and would it impact the abutting properties. The site has been a problem for the various owners. How five different septic

systems are going to work on this site with five different condo associations. Repair or replacing the septic system would be a great expense and how will low income housing owners afford this with the rising costs of the work. Sound will be a concern of the abutters as well since there is a big difference in volume from the highway during the fall and the winter.

Judy Gustafson, a direct abutter, is worried about the impact on the abutting wells if the septic systems fail. The developer has claimed this is going to be a Low Impact Development project, but he has been selective under those requirements. Ms. Gustafson believes the clear cutting is going to increase the size of the wetlands and will increase the mosquito population. Paul Willard thanked the abutters in attendance for coming and commenting on the project. The Commission will submit their comments and concerns to the ZBA.

Continuation of a Request to Amend the Order of Conditions – Mark Saganich, 21 Depot Road, DEP#177-452. Opened at 7:34pm

Wetland Violation, 38 Peninsula Road – Letter to Flagg Tree

A letter was drafted to be sent to the company that cut the trees at 38 Peninsula Road. Amendments were made to the letter. Wendy Sisson stated that until the Commission starts fining for violations people are going to continue to make errors and then say sorry later.

Wendy Sisson left the meeting at 8:00pm

Request for a Determination of Applicability – P&E Trust, South Shaker Road (Map 4 Parcel 44). Opened at 8:00pm

Informal Review of Amended Plan – Steve Nigus, 26 Madigan Lane, DEP#177-497
Steve Nigus was present to discuss a potential amendment to the Order of Conditions for his property. Mr. Nigus explained the garage will have a bathroom in it that was not in the original plan. The installation of the bathroom will require connecting to an existing septic system. The installation would require activity within the buffer zone. This activity would be eighty-two feet from the edge of wetland. The Commission explained that although this activity would be outside the seventy-five foot no build zone it would be in violation of the Protective Bylaw §125-32 in which new connections are not allowed within one hundred feet of the wetland. The Order will need to be amended to reference the new plan. The Commission requested a letter be written to the Building Inspector stating the Commission's opinion.

Update from Bare Hill Pond Watershed Management Committee

Jim Lee informed the Commission that the experiment for the dredging of the pond went well. There was a small sheen of oil in first hole and a boom was placed in the water to soak it up. A silt fence was put in the stream to prevent additional silt getting into the pond while dredging was done. Silt was able to get into the pond; therefore the fence will need to be better installed when the full scale project is done. The experiment did aid in

obtaining useful information. Surprisingly the areas dredged were very dry, leading Mr. Lee to believe the dredging should be done sometime during the winter or close to it. Since the material dredged was so dry it could possibly be trucked away rather than dewatered and then trucked. The organic layer was about three to four feet deep before hitting clay. Paul Willard asked if the majority of the sand is from the roadway. Mr. Lee stated yes. Otto Solbrig asked if any invertebrates or seeds were seen. Mr. Lee stated no, leaves were really the only thing seen. Mr. Lee was asked if the dredged material was still there. Mr. Lee stated yes. Dana Fairbank, who had done the dredging, suggested eliminating the filter fabric on the ground and use the sand as a filter. Once the dredged material is removed additional sand can be brought in to replace the sand that was removed. Mr. Willard stated the silt fence would need to be placed in deeper if not using fabric filter underneath. Mr. Fairbank also suggested diverting the stream so that the excavator does not have to go through it each time. George Watkins stated the erosion off the beach needs to be addressed. Bruce Leicher stated that the Storm Water Management 319 grant will cover that.

As for the draw down Mr. Leicher stated the pump is not working currently and the Committee is not sure as to why. Mr. Leicher stated maintaining the downstream flow is the Committee's only concern. Mr. Leicher suggested letting the current melt fill the pond eight or so inches. The Committee is hoping for a cold snap. Mr. Willard asked where the water level is relative to the height of the dam. Mr. Leicher stated it is at eighty inches. Mr. Leicher proposed allowing the water level to rise naturally and do a gravity refill if the Committee is unable to get the pump running. The plan is to start the refill on February 1st.

Powell Land Maintenance

Jim Lee asked the Commission if the Christmas trees that have over grown on the Powell Land can be cut down and plant new trees. Mr. Lee stated there are fifteen rows of trees now; his plan is to cut every other row this year and replant between the stumps and then cut the opposite rows in two years and re-plant. The Commission agreed that the work as suggested would be allowed. George Watkins informed Mr. Lee that the vernal pool area is to keep its canopy when the cutting is done.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:15pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Administrator/Conservation Agent

Harvard Conservation Commission
Continuation of a Request to Amend the Order of Conditions
Mark Saganich, 21 Depot Road, DEP#177-452
January 17, 2008

The public hearing was opened at 7:34pm by Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40 and the Code of the Town of Harvard, Chapter 119 the Wetland Protection Bylaw

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

Others Present: Liz Allard (LUB Admin) and Mark Saganich

This hearing was continued from January 3, 2008 for a Request to Amend the Order of Conditions filed on behalf of 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 informed the Commission the garage has been moved eight more feet away from the wetland. Trenches have been shown around the sides and back of the building on the plan. Mr. Saganich noted the plan now includes a porch on the house. The porch will be built on tubes with no foundation. Wendy Sisson stated this project was started before the setbacks were established and if this was new construction the Commission would not allow it. The applicant has done some remediation to move the garage away from the wetland. The lower level will not be used for any vehicles. Jim Breslauer asked how the door on the west side of the building will be accessed. The amended Order of Condition will state the size of door will be that as noted on the plan and there will no vehicles allowed within the lower level, as well as the use of tubes for the porch. Mr. Breslauer does not like the plan as submitted, but there is not significant impact to the wetlands. He said he'd agree to the plan only because the project was permitted prior to the adoption of the current Harvard Rules and Regulations.

Wendy Sisson made a motion to amend the Order of Condition to reference the revised plan dated January 10, 2008 to include the above number conditions. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Administrator/Conservation Agent

Harvard Conservation Commission
Request for Determination of Applicability Meeting Minutes
P& E Trust, South Shaker Road (Map 4 Parcel 44) Harvard#108-1
January 17, 2008

The public hearing was opened at 8:00pm by Chairman Paul Willard under the Code of the Town of Harvard, Chapter 119 Wetland Protection

Members Present: Paul Willard, Charlie Gorss, Otto Solbrig and George Watkins

Others Present: Liz Allard (LUB Admin), Jim Breslauer, Ed Faneuf, Bill Fateiger and Terry Gensel

This hearing is for a Request for a Determination of Applicability file on behalf of P & E Trust for the construction of a single-family house within 100' of an isolated wetland on South Shaker Road (Map 4 Parcel 44), Harvard.

As an abutter, Jim Breslauer recused himself from the hearing.

Bill Fateiger explained to the Commission he and his client have come back with a new Request for Determination of Applicability. The wet areas have been determined by both Mr. Fateiger and the Commission consultant Terry Gensel. The areas are not large enough to qualify as isolated wetlands under the Harvard Wetland Protection Bylaw. Mr. Fateiger has taken into account the Commissions concern with the water that runs over this property. To help catch any water that is being produced, a swale has been created that provides for a 100 year storm event, as well as an infiltration area has been created. The swale will have six inches removed and re-placed with an organic layer to be planted with the New England wildflower mix. Otto Solbrig asked what is under the infiltration area. Mr. Fateiger stated fine sand in the upland area. George Watkins wanted to know if there was enough space for the swale. Mr. Fateiger stated yes. Mr. Willard asked if the Commission approves this how the Commission can be certain this will be done. The Determination could be issued with conditions. Mr. Solbrig asked how a large storm event would affect the abutters. Mr. Fateiger stated the swale would alleviate the water and the abutters will not see any more water than is already occurring out there now, in fact there may see less.

Ann Marie Michaels, a resident of South Shaker Road, stated there is an incredible amount of water on her property even now. Mr. Fateiger thinks there is a lot of water now from the large amount of precipitation in the last month. Ms. Michaels would like to know that issues the abutters are facing now are addressed now rather than in court. Mr. Fateiger stated that is why we are installing the infiltration trench.

Another abutter stated her grandparents owned the property previously; since the houses were built behind her she has seen water increase on her property. She is surprised there is an issue of wetlands, because there have never been wetlands before. Ed Faneuf does not think he should be expected to solve all of the water issues from the lots behind his lot. Mr. Willard stated that is correct. Mr. Watkins asked that the swale be extended. Mr. Fateiger agreed to run it along the entire property line. Mr. Willard is concerned that if this is built in the spring it may be very wet out there. Mr. Fateiger stated it could be conditioned that work is to take place during the dry weather.

George Watkins made a motion to close the hearing and issue a Negative #3 determination with the above conditions. Charlie Gorss seconded the motion. The vote was 3-0 with Otto Solbrig abstained from voting.

Respectfully submitted,

Liz Allard
Administrator/Conservation Agent