

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
July 3, 2008
Approved: August 7, 2008**

Chair Paul Willard called the meeting to order at 7:00m in the Town Hall Meeting Room

Members Present: Paul Willard, Jim Breslauer, Jaye Waldron, George Watkins and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Fred Hanna, Steve & Kathy Kimball, Scott Evans, Max Flaton, Ken Flaton, Eric Broadbent and Susie McCrae

Boy Scout Project – Bower Springs Conservation Land

Max Flaton stated that he and Charlie Gorss reviewed the site for a boardwalk on the Bower Spring trail. Mr. Gorss had stated to Mr. Flaton that the location was suitable for the boardwalk. Mr. Flaton stated the cost to install the boardwalk would be \$870.00. Paul Willard stated Mr. Flaton should arrange with Rich Nota at the DPW to have the materials ordered and delivered. Jaye Waldron made a motion to allow Max Flaton to construct a boardwalk on the Bower Spring Trail. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing – Steve Kimball, 29 Littleton Road, Harvard#0608-02.
Opened at 7:30pm

Extension Permit – Vanwormer, 62 Old Mill Road, DEP#177-506

Liz Allard informed the members that a request has been by Ken Vanwormer for an extension to his Order of Resource Area Delineation for 62 Old Mill Road, DEP#177-506. Jim Breslauer made a motion to issue a one year extension for DEP#177-506. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Certificate of Compliance – Finkelparl, 78 Shaker Road, DEP#177-511

Liz Allard informed the members that she has reviewed 78 Shaker Road for a Certificate of Compliance. The work has been completed in accordance with the Order of Conditions. Jaye Waldron made a motion to issue a Certificate of Compliance for 78 Shaker Road, DEP#177-511. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Mace – 38 Peninsula Road, Tree Cutting on Abutting Property

Wendy Sisson and Liz Allard met with the abutter of 38 Peninsula Road to discuss the removal of tree on their property by Richard and Roxanne Mace. The abutters, Eric Broadbent and Susie McCrae, were present to discuss the issue with the Commission. There were twelve (12) trees cut on the Broadbent/McCrae property without permission. The Broadbent/McCrae's would like to re-establish the area and set a distinguishing property line. The Commission stated that once the Broadbent/McCrae's have a plan in

place they should come back to the Commission for an opinion as what they should apply for.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:42. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Steve Kimball, 29 Littleton Road, Harvard#0608-02
July 3, 2008

The public hearing was opened at by 7:30pm 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 in the Town Hall meeting room

Members Present: Paul Willard, Jim Breslauer, Jaye Waldron, George Watkins and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Fred Hanna, Steve & Kathy Kimball and Scott Evans,

This hearing is for a Notice of Intent filed on behalf of Steve Kimball for an addition to an existing single dwelling within the 100' wetland buffer zone at 29 Littleton Road, Harvard.

The application was submitted after an Enforcement Order was issued for work within 100' of a wetland without a permit. Fred Hanna explained to the Commission that the plan is for an addition is for a master bathroom 16' from the wetland line. Any where an addition would be proposed would be within the 100' wetland buffer zone. Mr. Hanna stated he was not informed when he applied for a building permit that he needed Conservation approval as well. Paul Willard stated the Harvard Wetland Protection Bylaw states no structure is allowed within 75' of the wetland. Mr. Willard stated the 75' is arbitrary potentially modifiable, but 16' is too close. Mr. Hanna stated he thought the Commission was concerned with the wetland itself and that when the Enforcement Order was issued no erosion controls were requested. Jim Breslauer asked when the wetland was flagged. It was stated the wetland was flagged in 2006 for the installation of a new septic system. Mr. Breslauer asked if the wetland flags were still in place. Mr. Hanna stated that they are. Mr. Breslauer asked how he could say you did not know of the proximity to the wetlands?. Mr. Hanna was informed that the Building Inspector can issue a Building Permit without speaking with other boards and/or commissions.

Mr. Breslauer asked who wrote Attachment A of the application. Mr. Hanna stated that Ross Engineering submitted the application. Mr. Breslauer stated that a large portion of the Harvard Wetland Bylaw that is referenced, §119-3(B), is missing from the statement that is being made. That section refers to structure or facilities used in the service of the public. This application is for a single family dwelling and this exemption would not apply. Mr. Hanna stated that no one from Ross Engineering was present because there is no grade change.

Mr. Hanna further explained to the Commission that the addition started with a master bathroom above with an open porch under it. It was then decided to enclose the porch to make it an enclosed sunroom with a patio off of that. Mr. Hanna is wondering if the patio

is the closest point and the addition itself is further from the wetland, could the patio be eliminated. The removal of the patio was not acceptable to the members.

An abutter to the property was not at the hearing to challenge the application, but challenges the Commission and other boards to make the process more understanding for the applicant.

Josh Gould stated the application would hold more water if there was not an Order of Conditions issued for the septic system in 2006.

A DEP file number has not been received. The members are not agreeable with the plan as submitted. With no file number received, Jim Breslauer made a motion to continue the hearing until July 17, 2008 at 8:00pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent