

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
July 17, 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, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joshua Gould (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Matt Bellisle (Pare Corporation), Michael & Debbie Golden, Paul Wood, Mary Wood, Chris DeMoranville (GPR, Inc.), Jude Gauvin (GPR, Inc.), Steve & Kathy Kimball, Fred Hanna and Neil Gorman (Ross Assoc.)

**Enforcement Order – Willard Shores**

Paul and Mary Wood were present to discuss a recent Enforcement Order issued to Willard Shores Association for activity within 200' of Bare Hill Pond without an Order of Conditions. On a recent visit to the area the Commission noticed several areas of activity that had not been permitted by the Commission. It was explained to the Wood's that any activity within 200' will require a filing with the Conservation Commission. The area around Ed Gaw's pump house will need to be stabilized. A plan should be submitted to the Commission once Mr. Gaw and the Association can agree upon a design. No further work in the area is to take place in the meantime.

**Informal Discussion – Dam Repair, Golden Pond Old Mill Road**

Matt Bellisle, of Pare Corporation, as well as Michael and Debbie Golden were present to discuss an application for work to an existing earthen dam at Golden Pond on Old Mill Road. Mr. Bellisle stated the earthen dam has started to deteriorate. The proposal is to repair the slew structure and repair the embankment. There will be no change in the level of the pond. This activity is considered a Limited Project under 310 CMR 10.53. The Commission agreed this could be permitted under a Request for a Determination of Applicability. An application will be submitted within the next week.

**Planning Board Request for Comments**

Liz Allard informed the members that the Planning Board has requested comments on two Special Permit applications filed on behalf of Metro PCS Massachusetts. The application's are for co-location to existing cell towers at 47 Poor Farm Road and 0 Brown Road. There will be no disturbance to the area for the installation of the new antennas. The Commission has no comments to either application.

**Open Space & Recreation Plan Maps**

Liz Allard informed the Commission that draft maps have been received from Montachusets Regional Planning Commission (MRPC) for the Open Space and Recreation Plan. The Open Space map had a number of errors and omissions, which have been submitted to MRPC for correction. Final maps will be completed by August 1<sup>st</sup>.

**Restoration Update – Mace 38 Peninsula Road, DEP#177-549**

Liz Allard informed the members that she conducted a weekly inspection of the property at 38 Peninsula Road. All work has been completed as directed by the Order of Conditions. Mrs. Allard suggested the hay bales be removed and the silt fence remains in order to allow the vegetation to establish on the edge of Bare Hill Pond. Jim Breslauer made a motion to allow the removal of the hay bales only at 38 Peninsula Road to allow for re-vegetation of the area. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**Notice of Intent Hearing – David & Karen Cruise, 12 Cove Road, Harvard#0708-01.**

Opened at 7:30pm

**Land Stewardship Subcommittee**

Wendy Sisson stated a site walk was scheduled for tomorrow on Dean's Hill for a baseline plan. Tom Cotton is acting as chair in Michele Girard's absence.

**Continuation of a Notice of Intent Hearing – Steve Kimball, 29 Littleton Road, Harvard#0608-02.** Opened at 8:00pm

**Certificate of Compliance – Morris, 14 Lovers Lane, DEP#177-529**

Liz Allard informed the members that she reviewed the site at 14 Lovers Lane for a Certificate of Compliance. All work has been completed according to the Order of Conditions and the area has been stabilized. Jim Breslauer made a motion to issue the Certificate of Compliance for 14 Lovers Lane, DEP#177-529. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**ZBA Request for Comments**

The ZBA has requested comments for a request for a variance filed on behalf of Steve Nizus for a sewer line within 100' of a wetland. The Commission believes what was built was not what the Commission had permitted and because of that an Enforcement Order was issued to stabilize the area and no further work until a new application was submitted and approved by the Commission.

**Adjournment**

Jim Breslauer made a motion at 8:42pm to adjourn the meeting. 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  
David & Karen Cruise, 12 Cove Road, Harvard#0708-01  
July 17, 2008**

The public hearing was opened at by 7:30pm Chairman Paul Willard under 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, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joshua Gould (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Chris DeMoranville (GPR, Inc.) and Jude Gauvin (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of David & Karen Cruise for the expansion of an existing on site subsurface sewage disposal system within 200' of Bare Hill Pond at 12 Cove Road, Harvard.

A site walk was conducted on July 16, 2008. Chris DeMoranville presented the plan to the Commission. The area is outside of the 100' buffer zone, but within 200' of Bare Hill Pond, which requires the filing of a Notice of Intent under the Harvard Wetland Protection Bylaw. The hay bale line will be pursuant to the plan dated 7/17/08. The path shown on the plan was previously permitted with a drainage swale. The trench is going to be reconstructed to further defer the possibility of erosion. There was no evidence of erosion seen on the site walk. Wendy Sisson asked if the dry well was still functioning. Jude Gauvin stated if the dry well was not to function we would see erosion around the well. It was requested that the leaf pile at the bottom of the slope be put some where else to allow that area to re-vegetate natural. The hay bales and silt fence are still present from the pervious filing.

Charlie Gorss made a motion to close the hearing and write an Order of Conditions to include the leaf pile be re-located to allow for the area at the bottom of the slope to re-vegetate naturally and the hay bale and silt fence from the previous filing be removed prior to the commencement of work, as well as the other standard special conditions. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Steve Kimball, 29 Littleton Road, DEP#177-550, Harvard#0608-02**  
**July 17, 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, Charlie Gorss, Don Ritchie, Wendy Sisson and Josh Gould (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Steve & Kathy Kimball, Fred Hanna and Neil Gorman (Ross Assoc.)

This hearing was continued from July 3, 2008 for a Notice of Intent filed on behalf of Steve Kimball for the addition to an existing single family dwelling within the 100' wetland buffer zone at 29 Littleton Road, Harvard.

Charlie Gorss has certified that he has listen to a recording of the last hearing, in which he was absent. Under the Mullin Rule he is able to participate and vote on this application.

Neil Gorman, of Ross Associates, was present and explained to the Commission that as discussed at the pervious hearing an error was made when the request was made for an exemption under the Harvard Wetland Bylaw, §119-3(B). Mr. Gorman stated he did not realize that it was talking about a structure that is in support of utility. Mr. Gorman stated some of the Towns Ross works with have exemptions for existing homes and assumed this was similar. Mr. Gorman asked that the request for that exemption be withdrawn. The Commission was agreeable to his request.

A revised plan was submitted showing the removal of the patio. A new Form C was submitted asking for an exemption to §147-15 Setbacks. The house was pre-existing structure to the wetland bylaw. Mr. Gorman found the original plan for the septic system from 1977. This plan does not show a wetland in the area in question. Paul Willard stated under today's rules and regulations the house would not be built at all. There was discussion at the previous hearing of the patio causing a deterrent to access the rear of the house. Corner of new addition will be 12' from the wetland the existing house is 14'.

Wendy Sisson stated the problem is putting the foundation in next to a wetland it affects the hydrology of the wetland and that is why there is a Wetland Protection Act and the Bylaw. It affects where the soils are a sponge for the water.

Jim Breslauer stated the Bylaw allows for a waiver for an extraordinary circumstance, this is not an extraordinary circumstance. Fred Hanna stated the addition will not have a

basement and will just be a frost wall. The wetland is all up hill of the area in question. Mr. Hanna feel there will be no impact to the wetland.

Wendy Sisson would like to see some indication of the wetland line, such as granite post so that who ever lives there knows where the wetland line. Jaye Waldron is concerned with the wetland area and that it will be mowed and disappearing entirely. Charlie Gorss stated the addition is too close and he does not see any justification for allowing it. Mr. Gorss asked if the application is denied what will happen to the existing footings. Mr. Willard stated the hole can just be filled in.

Mr. Gorman asked if fact that the wetland meandered its way on to the property holds any weight with the Commission. The Commission stated it did not and there was no issue with the line when the septic system was approved in 2006. Mr. Breslauer agreed with Ms. Sisson that markers are needed along the wetland line.

Steve Kimball asked how the Commission knows this is going to affect the wetland at all. The Wetland Protection Act and the eight interest of the Act were discussed. Mr. Breslauer stated the Commission has to look at the cumulative impact this project may have on a wetland.

Charlie Gorss made a motion to close the hearing and deny the application and instruct the applicant to fill in the hole and re-stabilize the area. Jim Breslauer seconded the motion. The vote was 4-0 in favor of the motion. Wendy Sisson did not vote as she had not attended the initial meeting.

A permanent barrier should be established to avoid lawn creep. This can be addressed under the Enforcement Order.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent