

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
November 20, 2008
Approved: December 4, 2008**

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

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

Others Present: Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Paul & Hillary Kavanagh, Bruce Ringwall (GPR, Inc.), Lou Russo, David Cruise, Ken MacDonald and Jodi MacDonald

Informal Discussion – Ken MacDonald, 46 Warren Avenue

Ken and Jodi MacDonald were present to discuss with the Commission the potential uses available to them if they were to purchase the property at 46 Warren Avenue. Mr. MacDonald stated the house is so far from the water and there is a dense forest between the water and the house, he would want to remove the existing structure and build one closer to the pond. Paul Willard stated the Commission would not be too excited about putting anything closer to the pond. Wendy Sisson stated that although the pond has a number of properties that have open spaces leading directly to the pond with dwellings in close proximity to the waters edge those types of activities are no longer allowed. Mr. MacDonald wanted to know if this is something that is doable or should he pass on the lot. The Commission explained that he would not be allowed to clear cut from the house to the pond. The Commission suggested that if a water view property is what they are looking for then they should look for a site on the pond that will have already been cleared. The MacDonald's thanked the Commission for their time and in returned the Commission thanked the MacDonalds for coming to them first to discuss the available uses of the property.

Certificates of Compliance – Smith, 47 Pine Ridge Road, DEP#177-541

Liz Allard informed the members that the site at 47 Pine Rindge Road, DEP#177-541, has been reviewed and all work has been completed in accordance with the Order of Conditions. Jim Breslauer made a motion to issue a Certificate of Compliance. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Minutes

Wendy Sission made a motion to accept the minutes of March 3, 2008 as amended. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Don Ritchie made a motion to accept the minutes of October 16, 2008 and November 6, 2008 as amended. The vote was unanimously in favor of the motion.

Informal Discussion – Wheeler Realty Trust, 196/198/200 Ayer Road

Lou Russo was present to discuss the project he is proposing on Ayer Road under the Planning Boards (PB) Ayer Road Village Special Permit (ARV-SP), which allows mix use development. Mr. Russo explained he was originally going to develop the entire lot as commercial use, but then the ARV-SP was established and he figured this was a good location for that type of project. The entire site currently contains a commercial building and a retail building adjacent to Ayer Road. The additional structures to be added to the property would be a 42-unit elderly affordable housing complex and a commercial/retail building. The site current contains a Public Water Supply (PWS), but the additional structure will require additional water. The current PWS consists of three wells. The Department of Environmental Protection (DEP) requires that the well radius of a PWS contain no structures or impervious surface. The proposed locations of the new wells would place a portion of the radius onto the adjoining Conservation Land (Ayer Road Meadows). Mr. Russo is requesting an easement be granted by the Commission for that portion of the Conservation Land.

George Watkins suggested Mr. Russo take a look at Foxglove Apartments and the Village Nursery School (VNS) to determine how this similar situation was handled. Mr. Watkins asked if the area for the nitrogen loading would need a Conservation Restriction as well. Mr. Russo stated no, but it would be look upon favorably if there was one. Mr. Watkins was not sure the Commission can just vote on this or if it would need to go to Town Meeting. Josh Gould asked if the request would require the changing of the use of that land. Mr. Russo stated no.

Mr. Russo will do some research and come back to discuss this with Commission at the December 4, 2008 meeting.

Open Space and Recreation Plan Comments

Liz Allard informed the members that once comments from Wendy Sisson are incorporated into the draft Open Space and Recreation Plan she will send it out for comments from Town official, surrounding towns, the general public, Harvard Conservation Trust, Montachusett Regional Planning, Nashua River Watershed Association and the Executive Office of Energy and Environmental Affairs. A public hearing will be held on December 18, 2008.

Request to Amend an Order of Conditions – Mark Saganich, 21 Depot Road, DEP#177-452. Opened at 7:44pm

Request to Amend an Order of Conditions – Paul & Hillary Kavanagh, 339 Stow Road, DEP#177-522. Opened at 7:45pm

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:45pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted, Liz Allard Land Use Administrator/Conservation Agent

Harvard Conservation Commission
Request to Amend an Order of Conditions Hearing Meeting Minutes
Mark Saganich, 21 Depot Road, DEP#177-452
November 20, 2007

The public hearing was opened at 7:44pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw, Chapter 119 of the Code of the Town of Harvard.

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

Others Present: Liz Allard (LUB Admin) and Richard Breyer (Harvard Hillside)

This hearing was for a Request to Amend the Order of Conditions filed on behalf of Mark Saganich for the revised placement for the proposed garage within the 100' wetland buffer zone at 21 Depot Road, Harvard.

The applicant has requested a continuation of the hearing. George Watkins made a motion to continue the hearing to December 4, 2008 at 7:30pm. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Request to Amend an Order of Conditions Hearing Meeting Minutes
Paul & Hillary Kavanagh, 339 Stow Road, DEP#177-522
November 20, 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 Chapter 119 of the Code of the Town of Harvard.

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

Others Present: Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Paul & Hillary Kavanagh and Bruce Ringwall (GPR, Inc.)

This hearing is for a Request to Amend the Order of Conditions filed on behalf of Paul and Hillary Kavanagh for the installation of fencing within the 100' wetland buffer zone at 339 Stow Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicants. Mr. Ringwall explained the fencing and its installation, which has already taken place. Mr. Ringwall stated areas of the fence are not right to the ground and has cut outs for wildlife to move through. The fence was installed for safety of the dogs, privacy of the neighbors, and safety of the surrounding wildlife. There was an issue raised on the site walk of mowing, Mr. Ringwall reminded the Commission that property was previously a Christmas tree farm that was mowed regularly. Mr. Ringwall feels the installation of the fence was within the guidelines as to what is allowed under both State Act and the Bylaw.

Wendy Sisson stated her concerns are not about the installation, but movement of wildlife. Ms. Sisson does not know if it would be workable to allow a small space at the bottom of fence to allow small wildlife to move freely. Paul Willard stated if he read the law right the fence can not impede movement, has that happened? Hillary Kavanagh stated no. Ms. Sisson stated having visited the site she is still concerned about animals getting out of the fencing once they get in. Mr. Ringwall explained that the problem is that if you start raising the fence you are giving the dogs more opportunity to leave the confined area. Jim Breslauer is concerned with grass growing up and entwining in the fence, could serve to be a blocker, it is possible to weed whack that once a year. Ms. Sisson stated the area along the ditch is an avenue for wildlife and would like to see the fence moved up. Mr. Ringwall stated the fence is not right up along the ditch. Ms. Sisson stated the fencing acts as netting for birds, could ribbons be put in the fencing. Paul Kavanagh stated that he could do so.

George Watkins made a motion to close the hearing and amend the Order of Conditions to include the conditions that the parts of the fence that are lose be kept cleared of grass

and ribbons be placed on the fencing. Jim Breslauer seconded the motion. The vote was 5-1 with Wendy Sisson opposing.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent