

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
December 4, 2008
Approved: January 15, 2009**

Vice Chair Wendy Sisson called the meeting to order at 7:00pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), David and Karen Cruise, Nick Pauling (GPR, Inc.) and Mark Saganich

Minutes

George Watkins made a motion to accept the minutes of November 20, 2008 as written. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Rules and Regulations

Jim Breslauer has incorporated the recommended changes from Jaye Waldron. Mr. Breslauer reviewed those changes. Mr. Breslauer will incorporate all changes into one document for the members review at the next meeting.

Continuation of a Request to Amend an Order of Conditions – Mark Saganich, 21 Depot Road, DEP#177-452. Opened at 7:32pm

Notice of Intent Hearing – David and Karen Cruise, 12 Cove Road, Harvard#1108-01. Opened at 7:45pm

Stow Road Conservation Restriction

It has come to the attention of the Commission that Sean Bilodeau has constructed a barn on his property at the corner of Stow Road and Murray Lane. This property has a Conservation Restriction on it that may not allow for a structure in the dimensions it was built. Paul Willard was not present, so the Agent will check with him to determine if he may have allowed this activity.

Certificates of Compliance – DEP#177-523

The Agent informed the members that a Request for a Certificate of Compliance was received from David and Julie Planchet at 335 Stow Road. As part of the Order of Conditions that applicant was to install non-biodegradable markers on the fifty foot buffer zone line. When asked, David Planchet stated the markers were not cemented in, rather just placed into the ground at a suitable depth. It is the understanding of the Agent that markers are meant to be permanent and that a new homeowner could easily remove these markers as installed. The members agreed and decided not to issue the Certificate

of Compliance until the markers are installed in a manner that makes them permanent. A letter to this affect will be sent to the Planchets.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:21pm. 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
Continuation of a Request to Amend an Order of Conditions Hearing
Meeting Minutes
Mark Saganich, 21 Depot Road, DEP#177-452
December 4, 2008

The public hearing was opened at 7:32pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw.

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

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

This hearing was continued from November 20, 2008 on a Request to Amend the Order of Conditions filed on behalf of Mark Saganich for the revised placement of a proposed garage within the 100' wetland buffer zone.

Mark Saganich was present and explained the history of the site. The proposed change to the existing plan moves the structure 68' from the wetlands edge. Wendy Sisson stated that Paul Willard has stated that the Commission should close out this Order of Conditions (OOC) and require the filing of a new Notice of Intent (NOI) for the construction of the garage. This would be clearer and cleaner and would stop tagging onto this original OOC. Mr. Saganich explained that the Board of Health has required a deed restrictions, limiting the number of bedrooms connected to the septic system. Jim Breslauer stated that the garage would be within the 75' setback, if this were a garage and storage area as it was first presented then that would be ok, but to make it an apartment would increase the activity around it the garage. Mr. Saganich contended that he was going to use the space as an office. Don Ritchie stated he had no problem permitting a garage, but this is now a different use. Wendy Sisson agreed with both Mr. Breslauer and Mr. Ritchie. Charlie Gorss agrees with Mr. Willard, that a new NOI should be filed.

With another hearing to open Don Ritchie made a motion to continue this hearing to 8:30pm with consent of the proponent. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

The hearing was reopened at 8:39pm.

Josh Gould stated the installation of the sewer line is what has caused the structure to move further away from the wetland, otherwise Mr. Saganich would have needed a Variance from the ZBA. Mr. Breslauer suggested that Mr. Saganich could either move the structure to meet the 75' setback or remove the kitchen from the plan and the structure could remain at 68' in the Commissioners opinion.

Mr. Saganich was informed that the OOC will expire in January and if wishes to extend it another year he would have to do so this evening. Mr. Saganich requested that the OOC be extended for one year. George Watkins made a motion to extend the OOC for one year to expire on January 15, 2010. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Mr. Saganich requested the hearing be continued so that he may have time to decide what steps he would like to take. Jim Breslauer made a motion to continue the hearing to December 18, 2008 at 8:45pm. 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 and Karen Cruise, 12 Cove Road, Harvard# 1108-01
December 4, 2008**

The public hearing was opened at 7:53pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw

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

Others Present: Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), David and Karen Cruise and Nick Pauling (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of David and Karen Cruise for the construction of a four bedroom dwelling, gazebo, docks and driveway with the removal of the existing dwelling within 200' of Bare Hill Pond at 12 Cove Road, Harvard.

Nick Pauling, from GPR, Inc., was present to represent the applicants. Mr. Pauling gave the members an overview of the site. A new four bedroom septic system has been installed under a previous Order of Conditions. The application before the Commission is for a proposed four bedroom dwelling located outside the 50' and 75' setbacks. The design uses the existing gravel drive and swings it into the property with a turn around just outside the three stall garage. Grading has been kept outside the 50' setback. A gazebo has been proposed in the location of the existing dwelling. The applicant is planning on keeping the existing building intact until the construction is complete. Two docks will be installed on the ponds edge. Due to grading of Cove Road there is, on the up gradient side of the driveway, a proposed interceptor drain connected to a basin. This will help with the existing erosion in that area. A landscape plan has also been proposed, which will remove invasive species and replace them with species that will aid in controlling runoff. The applicants would like to install a rain barrel system that will aid in the irrigation of that landscaped area.

George Watkins asked how the applicant plans to control debris from the removal of the existing structure. Mr. Pauling stated erosion sediment control barriers will be installed and the house will be taken out piece by piece. Charlie Gorss wanted to know what is meant by invasive species as it pertains to the landscape plan. Mr. Pauling stated he is not a wetland scientist so he would assume species that are not native to the area. Mr. Gorss would like to know what is being removed and what specific replacement plants are being proposed, as does Jim Breslauer. Wendy Sisson is concerned with the work that will take place near the road. Mr. Pauling explained that the design not only meets the Wetland Protection Bylaw setbacks, but the Zoning setbacks as well. Concerns in regards to the driveway and the turn around were expressed and discussed. The members requested the applicant to look into moving the turn around. The Commission would also like to see a planting plan. It was also discussed that a turn around, under the Protective

Bylaw, is required so that no vehicles back out onto a public way. Cove Road is a private way, so there is no requirement for the turn around. The Commission wants to see the amount of fill and the grade for the turn around reduced or removed from the plan.

Jim Breslauer made a motion to continue the hearing to December 18, 2008 at 8:15pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent