

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 20, 2009
APPROVED: September 3, 2009**

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

Members Present: Paul Willard, Don Ritchie, Charlie Gorss, Jim Breslauer, Jaye Waldron and Josh Gould

Others Present: Liz Allard (LUB Admin), Tim Firment (Fruitlands Museum), Brandon Ducharme (Ducharme & Dillis) Dan Wolfe (Ross Assoc.), Christian Bilodeau (Acorn Tree & Landscape), Greg Louis, Alan Zhong, Cindy Zhong, James & Marcia Croyle and Worth Robbins (Harvard Press)

Minutes

Jim Breslauer made a motion to approve the minutes of July 9, July 23 and August 6, 2009 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Land Stewardship Subcommittee Future

The members discussed the future of the Land Stewardship Subcommittee. Membership is down to Pam Durrant, Tony Shaw and Wendy Sisson as the Conservation Commission representative. The members agreed to circulate to the local papers the availability of open positions on this Committee. It was suggested that Wendy Sisson be the interim chairman of this committee.

Review Associate Member Application

The Commission received a volunteer application from Ralph Fehlberg interested in being a part of the Commission. Mr. Fehlberg is currently in Iraq and shall return in October. A letter will be sent to him recommending he attend several meetings to get a sense of the type of activities the Commission is involved in once he returns to Town.

Fruitland Request for Sponsorship of Community Preservation Application

Tim Firment was present to discuss the Commission's decision not to sponsor Fruitland's Museum on an application to the Community Preservation Committee (CPC). Mr. Firment clarified Fruitland's application to the CPC. Mr. Firment stated Fruitland's is working on a Master Plan that would involve a number of projects centering on the environment. Mr. Firment was dismayed that the Commission stated Fruitlands is not a town entity. Mr. Firment handed out information on CPC. Paul Willard personally feels it is not an appropriate use of CPC money, because anyone could apply such as Willard Farm or Harvard Hillside Garage. Mr. Firment explained that CPC funds can be used on private property that is in use for the public. Mr. Firment feels that of all of the Boards and Committees in the town, that the Conservation Commission should be a major supporter. Jim Breslauer asked why Fruitlands needed \$5000 for a wildlife study. Mr.

Firment stated it is important to Fruitland's Master Plan; without a wildlife study on the open space that exists on the site it would be difficult to obtain other funding for improvement of those areas. Mr. Willard asked if those areas have limited access. Mr. Firment stated no, for a fee you can use the trails. Jaye Waldron stated she does not see that as open to the public if you have to pay for access. Mr. Willard stated a possible resolution would be if Fruitland's would place a Conservation Restriction on the existing land. Mr. Breslauer is not ready to reconsider his vote until he has time to review the information received this evening. Mr. Breslauer requested that if there is any additional information that Mr. Firment feels the Commission should have he should send it to them. The Commission will discuss at the next meeting.

Notice of Intent Hearing – Valerie Into, 10 Ann Lees Road, DEP#177-565, Harvard#0809-03. Opened at 7:30pm

Potential Wetland Violation

The Commission was informed that there were wetlands being filled in on Ayer Road behind the Gokey & Quinn property. Both Liz Allard and Josh Gould visited the site and found no detrimental damage to the wetlands on the West & Portis parcel. It does look as if someone has done mowing within a wet area on the property. The Commission requested a letter be sent to the owners reminding them that work within these areas requires a filing with the Commission.

Notice of Intent Hearing – Robert Lerner, 101 West Bare Hill Road, DEP#177-564, Harvard#0809-01. Opened at 8:00pm

Request for Determination of Applicability Hearing – James & Marcia Croyle, 16 Warren Avenue, Harvard#0809-03. Opened at 8:30pm

Paul Willard left the meeting at 8:52pm

Notice of Intent Hearing – Willard Shores, Inc., 5 Highland Avenue, DEP#177-566, Harvard#0809-04. Opened at 9:00pm

Discuss Conditions for a Certificate of Compliance – Zhong 210 Littleton County Road, DEP#177-524

Alan Zhong was present to ask about the requirements within the Order of Conditions. Mr. Zhong has issues with the use of granite posts and the safety of his children. He questioned why these posts were required on his property when they weren't on any of his neighbor's? Mr. Zhong explained that due to the addition of rip rap on the left side of the structure it would now be difficult to install the required posts. Jim Breslauer stated the granite posts are not uncommon and the Commission has required been used on several locations in Town. Don Ritchie stated this lot was the most invasive to the wetland and that is why the Commission required these posts. Josh Gould stated he was not present for the original filing and is certain there was reasoning for granite posts. Mr. Zhong asked what the requirement for installation of the posts is. The Commission explained the posts are to be six feet in length with three feet in the ground and three feet

above ground. The Commission suggested if Mr. Zhong is concerned about his children's safety that a rail fence be created out of the granite posts. Cindy Zhong asked if trees could be planted between each post. The Commission agreed to that. Mr. Zhong also asked if a guardrail at the edge of the driveway really needed to be installed or could they plant a tree there. Liz Allard explained that the guardrail was required to protect the wetland down gradient from the driveway from a vehicle that could accidentally go over the edge and enter the wetland; a tree could be removed by the next owners. The Commission agreed that the guardrail as designed should be installed.

ZBA Request for Comments

The Commission received two applications from the ZBA for comments. The first is for an addition to an existing structure at 79 Finn Road. The Commission would like the site reviewed prior to making an official comment. The second application is for the conversion of an existing home on Bare Hill Pond from seasonal to a year round residence. The work required to convert the home was previously done and completed under an Order of Conditions, the Commission had no comments.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:43pm. Josh Gould 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
Valerie Into, 10 Ann Lees Road, DEP#177-565, Harvard#0809-03
August 20, 2009

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin) and Brandon Ducharme (Ducharme & Dillis)

This hearing is for a Notice of Intent filed on behalf of Valerie Into for additions to an existing single family dwelling and the replacement of existing drains within 100' wetland buffer zone at 10 Ann Lees Road, Harvard.

Brandon Ducharme was present to represent the applicant. Mr. Ducharme reviewed the site and plans with the Commission, explaining that a 25 x 14 bump out of the garage is almost completely outside the 75' off set and that a 15 x 8 bump out in the back for the kitchen is completely within the 75' off set. A perimeter drain was in failure and has been replaced under an Emergency Certification. The plans show a hay bale and silt fence detail and rip rap installed where the drains daylight. An existing deck and a bulkhead had been were in the location of the new kitchen addition and the applicant the bulkhead needs to be relocated. The current plan shows the bulkhead relocated to the west side of the house. Don Ritchie stated the bulkhead on that side of the house will require an extensive amount of work only feet from the wetland. Mr. Ritchie would feel much more comfortable if the bulkhead was located in the back of the house and if the fence was restored, which would limit the traffic on the wetland side of the house. Mr. Ducharme has drafted a plan to show the bulkhead at the rear of the house; he also stated that the homeowner would eventually like to add a patio area between the new kitchen addition and the existing sunroom. Jim Breslauer was concerned about with the amount of disturbance on the site when the Commission was out for the site walk. Mr. Breslauer agreed he would not be happy with the bulkhead on the side of the house. Liz Allard suggested adding the patio to the plan to include it with this filing, rather than having to re-file for it at a later date. Mr. Breslauer's only concern with that would be the impervious surface created by the addition of a patio, which would be minimal in size. Charlie Gorss asked if Mr. Ducharme knew what the surface of the patio would be. Mr. Ducharme stated he did not. Mr. Ducharme was asked if he had any issues with a condition requiring that the patio be made of a porous material. Mr. Ducharme did not. The Commission requested that the hay be removed from the drain areas and be re-placed with jute matting as soon as possible.

Jim Breslauer made a motion to close the hearing and write an Order of Conditions with the additional special conditions that the patio is to be built with a porous material and the

fence is to be reinstalled on the west side of the house to reduce traffic adjacent to the wetland. A revised plan will be submitted showing the relocation of the bulkhead to the rear of the house and patio. Josh Gould 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
Robert Lerner, 101 West Bare Hill Road, DEP#177-564, Harvard#0809-01
August 20, 2009**

The public hearing was opened at 8:00pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin) and Dan Wolfe (Ross Assoc.)

This hearing is for a Notice of Intent filed on behalf of Robert Lerner for the replacement of a sewage disposal system and related grading within the 100' wetland buffer zone at 101 West Bare Hill Road, Harvard.

Dan Wolfe was present to represent the applicant. A site walk was conducted on August 3rd. Mr. Wolfe explained the only logical location on the site for the septic system is close to the roadway due to the riverfront area, the existing well, and the flood plain area on the property. All grading has been kept outside of the 50' buffer zone. Access is very easy off of Woodside Road. The closest point to the resource area is 76'. Josh Gould mentioned an area on the site that has always been used as a stockpile for different materials over the years that is clearly within the wetland area, could this be cleaned up. Mr. Wolfe stated that he is not familiar with that stockpile and would argue that the plan is for this area and would not like to condition something that he is unaware of. The Commission suggested the material be removed.

With no further questions or comments Josh Gould made a motion to close the hearing and issue an Order of Conditions with a special condition that allows for the use of silt fencing only as an erosion control barrier. 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 for Determination of Applicability Hearing Meeting Minutes
James & Marcia Croyle, 16 Warren Avenue, Harvard#0809-03
August 20, 2009

The public hearing was opened at 8:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin), Christian Bilodeau (Acorn Tree & Landscape), James & Marcia Croyle

This hearing is for a Request for Determination of Applicability filed on behalf of James and Marcia Croyle for the replacement of trees damaged in the December 2008 ice storm with new trees and the grinding of tree stumps within the 100' wetland buffer zone at 16 Warren Avenue, Harvard.

Paul Willard asked the Croyle's whether, with the exception of the ice storm damage, anything else has changed in the last year in the area in question. James Croyle stated nothing other than the damage from the storm. Another tree damaged from the ice storm fell the other day across the stream onto the neighbors' property. It is the intention of the Croyle's to only require routine maintenance of the area once everything is planted. Christian Bilodeau explained that trees removed or slated for removal were or are either in decline, damaged or dead. Jim Breslauer does not have a problem with or where things are going to be planted, but does have a problem with getting rid of this many stumps in one swoop. If plantings could be done around those stumps rather than removing them then there would be fewer disturbances. Mr. Croyle stated plantings that would follow would benefit from the removal of the stumps and would be consistent with the Commission's objectives. Jaye Waldron is more concerned with areas where a stump would be removed without additional planting. Mr. Croyle stated nothing is going to be left bare. Mr. Croyle stated they have spent a lot of money and changed a mess into a beautiful area. Paul Willard stated that this area is so heavily altered from its original mess and the Croyle's are on the right track; he may not agree with its look, but it is a created garden that is a better solution to what was there. Mr. Breslauer expressed his concerns about the erosion taking place on the south side of the parcel. The Croyle's would like to do the work to resolve that problem along with additional plantings in an unplanted area under this Request for Determination of Applicability. Liz Allard stated that further work would have to be done under a Notice of Intent (NOI), as the previous work was done. Mr. Willard suggested that a vegetation management plan be submitted with the NOI so that they do not have to file each time they want to replace vegetation.

With no further questions or comments Josh Gould made a motion to close the hearing and issue a Negative 3 Determination. Don Ritchie seconded the motion. The vote was unanimously in favor of the vote.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Willard Shores, Inc. DEP#177-566, Harvard#0809-04
August 20, 2009**

The public hearing was opened at 9:00pm by Jim Breslauer under the Massachusetts Wetland Protection Act, Ch. 131 §40 the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.) and Greg Louis

This hearing is for a Notice of Intent filed on behalf of Willard Shores, Inc. for the restoration of a previously excavated area, renovation of existing dock supports and approval of existing stairways within 200' of Bare Hill Pond at 5 Highland Avenue, Harvard. Paul Willard did not participate as he is an abutter.

This Notice of Intent was filed under an Enforcement Order for stairways and excavation that had been previously done. Dan Wolfe stated the stairway looks very natural to the site. The excavation area has been minimally vegetated naturally and will be stabilized with a retaining wall and new vegetation. Mr. Wolfe further explained that erosion taking place at the shore line under the existing docks is also part of this filing. Jim Breslauer is hesitant about breaking up the concrete that is under the docks now and thereby releasing chemicals. Those blocks should be left as is or removed. Mr. Breslauer noted that the plan was not stamped by a professional engineer and asked if the commission was okay with that. The Commission agreed they were. The work within the NOI has been approved by the Board of Directors of Willard Shores, Inc.. The excavation work will be done this fall and the water front work done next year during the draw down.

Jaye Waldron made a motion to close the hearing and issue an Order of Conditions to include the condition that work adjacent to the pond is to be done during the draw down of Bare Hill Pond and all work is to be done by hand. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent