

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 2, 2010
APPROVED: September 16, 2010**

Chairman Paul Willard called the meeting to order at 6:59pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Don Ritchie, Jim Breslauer, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Kelley Taylor, Phyllis Newman, Chris Ashley, Wayne Perry (NRG) and Jim Manganello (LEC)

Review Order of Conditions with New Owner – Kelley Taylor, 82 Whitney Road, DEP#177-577

The new owner of 82 Whitney Road, Kelley Taylor, was present to review the Order of Conditions with the Commission as required by the Order. Wendy Sisson explained that the site currently contains an invasive plant species that should be removed in order to prevent further spread. Ms. Sisson will send Ms. Taylor information on the species. The Commission thanked Ms. Taylor for attending this evening.

Madigan Lane Access Driveway – Earl McEvoy

Liz Allard explained that she has received a plan from David E. Ross Associates (see Attachment A), which shows an access driveway from Madigan Lane to access the apple orchard that is primarily on Prospect Hill Road. The activity is exempt from the Wetland Protection Act and the local Bylaw. This notification is a courtesy to allow the Commission advance notice of the McEvoy's plan.

Planning Board Request for Comments – Panek, Lot 371 West Bare Hill Road

Liz Allard explained the Planning Board (PB) is requesting comments on an application for Scenic Road Consent filed on behalf of Jessie Panek for the expansion or relocation of an existing opening in an existing stone wall. The location has been reviewed by Ms. Allard and is not within an area of concern for the Commission. Ms. Allard suggested a letter be sent to the PB stating that the Commission has no comments on this application. The members agreed and a letter will be sent.

Bare Hill Pond Watershed Management Committee Update

Jaye Waldron, as liaison to the Bare Hill Pond Watershed Management Committee (BHPWMC), attended their recent meeting. Ms. Waldron stated the phosphorus results from June have been received by the BHPWMC and the results are lower than they were previously. The current level of phosphorus would not classify the pond as a special concern by the State. The BHPWMC is going to trying to obtain more Community Preservation Committee funds for the permitting of the dredging project. The BHPWMC has concerns about the Commission requesting a 3rd party consultant reviewing the results of the previous draw downs and its potential impacts. Ms. Waldron stated the

BHPWMC is willing to have Jane Pierce, from the Department of Environmental Protection, attend a meeting to explain the Generic Environmental Impact Report to the Commission. After a brief discussion of what it is the Commission is looking for, Wendy Sisson volunteered to draft a letter to send to the BHPWMC outlining what it is the Commission is looking for.

BHPWMC also discussed the proposed dredging project, at which it was determined that additional permitting beyond the Conservation Commission will be required. The BHPWMC is hoping to find a company that could do both permitting and the work. The Department of Conservation and Recreation has a list of potential permitting that may be required. And finally, BHPWMC is looking into other locations to place storm water management structures. Private property owners are being contacted in regards to placement of these structures.

All Boards Meeting Agenda Item Request from the Board of Selectmen

Liz Allard asked the members if they have any items that would like discussed at the All Boards meeting set for September 14th. The members would like to see improvement of communication with other Departments within Town, such as the Department of Public Works. The Commission would also like to discuss with the Board of Selectmen the possibility of the allocation of funds for a study of the overall site at the transfer station in regards to storm water management.

Request for Determination of Applicability Hearing – Thomas and Eleanor Callahan, 70 Warren Avenue, Harvard#0810-01. Opened at 7:33pm

Notice of Intent Hearing – Town of Harvard, Old Boston Road, Fairbank Street and Still River Road, Harvard#0810-02. Opened at 7:45pm

Update on Wetland Violation – 8 Westcott Road

Liz Allard updated members that were not previously in attendance at the August 19th meeting on the wetland violation that has occurred at 8 Westcott Road. A site walk with the Department of Environmental Protection (Mass DEP) was conducted on the abutting property (16 Westcott Road) on August 27th and the Conservation Agent. At that time Mass DEP informed the Agent that a letter to correct the situation would be sent to the property owners at 8 Westcott Road. As of this evening meeting Ms. Allard has not heard back from Mass DEP, she will follow up with them next week.

Herman Orchard

Wendy Sisson informed the members that the Land Stewardship Subcommittee (LSS) has spoken with the care taker at Little Rascals on Ayer Road who is willing to mow the Herman Orchard for \$600. The Commission is grateful to the LSS for arranging this activity. The bill should be directed to the Department of Public Works.

Review and Discuss Fee Schedule

Paul Willard suggested that the fee for the installation of a septic system should be based on the number of bedrooms in which the system is being installed for, as well as a

difference in the fee based on whether the system is for new construction or an upgrade. Liz Allard pointed out that new construction would most likely include the dwelling being built and would most likely not be just a new septic system, which would be covered under the existing fee. Members agreed that the “Other Fees” will need to be adjusted to compensate for time spent by the Agent. Suggestions to the Notice of Intent fees were made and discussed. A revised Form F will be distributed before the next meeting for the members review and discussion at the next meeting.

Paul Willard left the meeting at 9:20pm

Review and Discuss Conservation Land Regulations

Wendy Sisson stated the Land Stewardship Subcommittee is working on a draft of regulations to be presented in the near future to the Commission. Once available this item will be back on the agenda for the Commission’s review.

Review and Discuss Tree Cutting Policy

Wendy Sisson had distributed a draft tree cutting policy to the members previously. The members agreed to review and send any comments they may have directly to Liz Allard so that she may compile them and make them available for discussion at the next meeting.

Discuss How to Deal with Questions Regarding Setbacks, Chapter 147-16 and other Request from Applicants

Members discussed some of the recent events that have taken place at meeting and or in the office when it comes to questions about the setbacks set forth in the regulations. Members agreed that if individuals want to know if a project is allowed under the bylaw or its regulations they should file a Request for Determination of Applicability.

Woolly Adelgid Newspaper Article

Wendy Sisson explained to the members that the recent newspaper article on the Woolly Adelgid indicated that Harvard does not need to worry about it. Both Ms. Sisson and Jaye Waldron disagree as it is evident around the pond.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:44pm. 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 for Determination of Applicability Meeting Minutes
Thomas & Eleanor Callahan, 70 Warren Avenue, Harvard#0810-01
September 2, 2010

The public hearing was opened at 7:33pm 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, Wendy Sisson, Charlie Gorss, Don Ritchie, Jim Breslauer, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Phyllis Newman, Chris Ashley, Wayne Perry (NRG) and Jim Manganello (LEC)

This hearing is for a Request of Determination of Applicability filed on behalf of Thomas & Eleanor Callahan for the approval of an existing dock on Bare Hill Pond at 70 Warren Avenue, Harvard.

Liz Allard explained to the members that the application is part of the Chapter 91 process and that the dock is already in existence. This application is not for any work to the existing dock that is removed from the water each year. Ms. Allard recommended that a Negative #5 Determination be issued.

Wendy Sisson made a motion to issue a Negative #5 Determination of Applicability. 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
Notice of Intent Hearing Meeting Minutes
Town of Harvard, Old Boston Turnpike, Fairbank Street & Still River Road
Harvard#0810-02
September 2, 2010

The public hearing was opened at 7:45pm 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, Wendy Sisson, Charlie Gorss, Don Ritchie, Jim Breslauer, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Phyllis Newman, Chris Ashley, Wayne Perry (NRG) and Jim Manganello (LEC)

This hearing is for a Notice of Intent filed on behalf of the Town of Harvard for the construction of sewer force mains to expand the existing sewer service and connect to an existing wastewater facility in Harvard with portions of the construction within the 100' wetland buffer zone along Old Boston Turnpike, Fairbank Street and Still River Road, Harvard.

Chris Ashley, Chair of Town Center Sewer Building Committee, along with Wayne Perry and Jim Manganello were present. Mr. Perry explained that the existing wastewater treatment plant will be upgraded to handle the sewer from town center. All mains will be within boundaries of the existing roadways. A site walk was conducted on August 30th with Jim Manganello and members of the Commission. The work proposed along Still River Road is approximately 150' from the wetland and a potential vernal pool, which under the Town's Wetland Protection Bylaw Regulations has a 200' buffer zone. There will be erosion controls between terminus of the road and the wetland. Fairbank Street and Old Boston Turnpike have a bordering vegetated wetland and an intermittent stream associated with it (Old Boston). As part of the sewer system, grinder pumps will be on each property that will have a lift pump installed to move the flow of water.

Patrick Doherty asked how the district was determined. Chris Ashley explained that a committee was charged with finding the needs in association with the capacity of the existing system. The pipes will be installed with a minimum of five feet of coverage to be below the frost line. At the existing culvert on Still River Road the pipe will need insulation as it will need to go over the culvert. Paul Willard asked what the prevention is to detect leaks. Mr. Perry stated low pressure will show a potential problem that will be noticed by the operator. Phyllis Newman asked why the line does not extend to the Barba land which could be used as senior housing. Mr. Ashley stated the committee did not anticipate that need. The plans submitted to the Commission are part of a larger set of plans for the entire project, which includes the construction details. A condition shall be placed within the Order that will require a final set of plans be submitted to the

Commission for approval before the project commences. A dewatering plan will need to be provided and approved before construction as well.

Information was received this evening regarding environmental protection and revised plan sets relating to comments made during the site walk. With information just received this evening, Don Ritchie made a motion to continue the hearing until September 16, 2010 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

ATTACHMENT A

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

August 27, 2010

Harvard Conservation Commission
13 Ayer Road
Harvard, MA 01451

Re: Mr. Earl McEvoy
Madigan Lane Access Driveway
Project No. 26788

Dear Commission Members:

On behalf of our client, Mr. Earl McEvoy, we are hereby notifying you of our intentions to construct an access driveway from his property frontage on Madigan Lane in toward the existing orchards that were formally owned and cultivated by Westward Orchards. This driveway access is needed to better facilitate the continued farming operations that are planned for this property.

It is our understanding that this activity is exempt from the Massachusetts Wetland Protection Act, as well as from your local Conservation Bylaws under Section 119-3(A). This notification, therefore, is a courtesy to allow you advance notice of our planned activities.

The plan for this driveway has been attached, and you will note that we have still attempted to respect your desires to have proper siltation control devices in place during the proposed construction. This siltation barrier will be maintained throughout the project until the time that the construction is complete and the exposed areas have become stable. We have also attempted to respect a reasonable offset from the adjacent wetlands in laying out the location of the driveway as well as a reasonable offset to our neighbor to the west. I hope our efforts are recognized in this regard.

If you have any questions in this regard, please feel free to contact me here at this office.

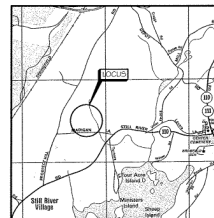
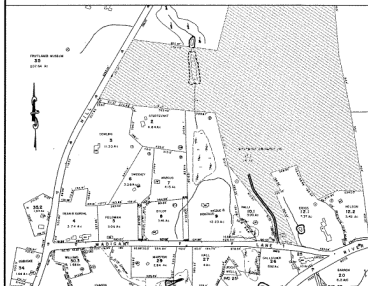
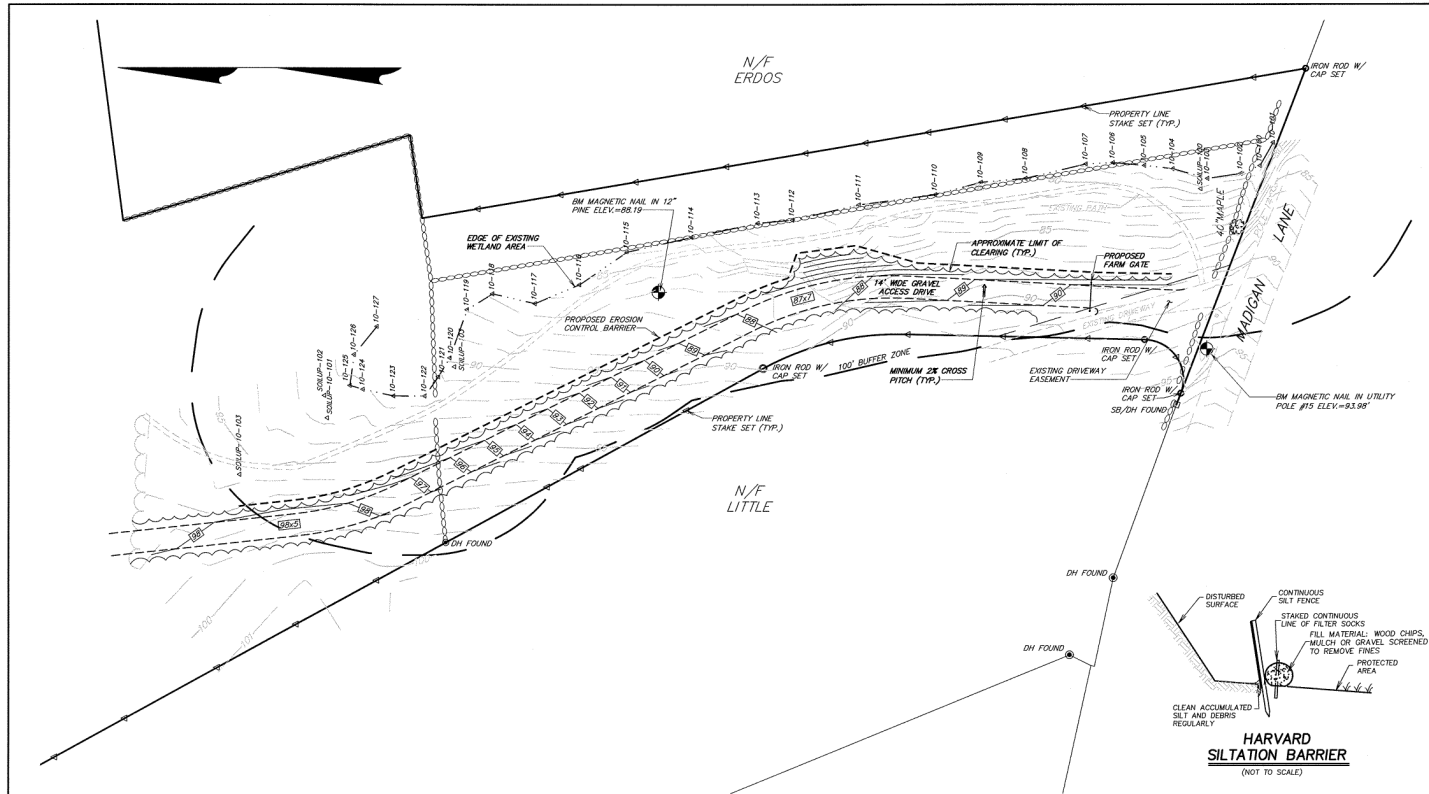
Very truly yours,
DAVID E. ROSS ASSOCIATES, INC.

By:



Daniel B. Wolfe, P.E.

111 Fitchburg Road P.O. Box 368 Ayer, Massachusetts 01432-0368
978-772-6232 978-368-1065 978-448-3916 FAX 978-772-6258
Home Page: <http://www.davidross.com>



| REVISION |
|----------|
| |
| |
| |

Daniel S. Wolfe
 8-26-10

DRIVEWAY SITE PLAN

SITE PLAN OF LAND IN
 HARVARD, MASSACHUSETTS
 PREPARED FOR
 EARL McEVOY

SCALE: 1" = 40' AUGUST, 2010

DAVID E. ROSS ASSOCIATES, INC.
 CIVIL ENGINEERS - LAND SURVEYORS - ENVIRONMENTAL CONSULTANTS
 111 FITCHBURG ROAD, P.O. BOX 368, AYER, MASS. 01432-0368
 978-772-6232 368-1065 448-3916 FAX 978-772-6258
 JOB NO. 26788 SHEET 1 OF 1 PLAN NO. M-6465

DOCUMENTS & OTHER EXHIBITS

Review Order of Conditions with New Owner – Kelley Taylor, 82 Whitney Road, DEP#177-577

- Order of Conditions, DEP#177-577

Planning Board Request for Comments – Panek, Lot 371 West Bare Hill Road

- Application & Checklist for a hearing under the Scenic Road Bylaw, Chapter 90 Code of the Town of Harvard & M.G.L. Chapter 40 §15C Scenic Road Act, dated August 24, 2010 filed by Jessie Panek 16 West Bare Hill Road

Request for Determination of Applicability Hearing – Thomas and Eleanor Callahan, 70 Warren Avenue, Harvard#0810-01.

- WPA Form 1 Request for Determination of Applicability dated August 2010
- Existing Dock in Bare Hill Pond, 70 Warren Ave Harvard, MA County of Worcester, Mass., dated August 2010

Notice of Intent Hearing – Town of Harvard, Old Boston Road, Fairbank Street and Still River Road, Harvard#0810-02

- WPA Form 3 Notice of Intent Application dated August 20, 2010
- Harvard Town Center Low-Pressure Sewer Project Plan, Sheets 3, 6 and 11 of 16, no date, Job. No. 2100026.A
- Section 01570 Environmental Protection & Section 01110 Control of Work and Material, no date
- Harvard Town Center Low-Pressure Sewer Project Plan, Revised Sheets 3, 6 and 11 of 16, August 31, 2010, Job. No. 2100026.A

Review and Discuss Fee Schedule

- Form F of the Harvard Wetland Protection Bylaw Rules, dated 2/5/2009

All documents and other exhibits listed above may be viewed in the Land Use Office, Harvard Town Hall, 13 Ayer Road, Harvard, MA 01451