

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 7, 2010
APPROVED: February 14, 2011**

Chairman Paul Willard called the meeting to order at 7:04pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Don Siegrist and Peter King (Golder Associates)

Approval of Minutes

Jaye Waldron made a motion to approve the minutes of August 19, 2010 as amended. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Appoint Representative to the Poor Farm Subcommittee

Paul Willard has already attended the first meeting of the sub-committee and is willing to continue to do so. Mr. Willard stated that the committee is just getting started and has scheduled a site walk for October 16th. The general feeling of the sub-committee was that the only value to the Town would be to obtain a conservation restriction to keep it from being subdivided.

Discuss Forest Management of Conservation Land

Wendy Sisson stated that Bill Ashe read the article in a recent issue of the Harvard Press about the Town of Weston and their forestry management plan, which prompted his own article on forest management here in Harvard. Ms. Sisson stated that Mr. Ashe's viewpoint seems to be out of date from what she had learned earlier in the year when she attended the Keystone workshop. Ms. Sisson explained that dead trees can be cut due to fire hazard, insects, and/or wildlife management. However, cutting to create early succession does not work in Harvard because there is not enough land area.

Ms. Sisson stated the Land Stewardship Subcommittee (LSS) is working on keeping the Commission's land as open space. Paul Willard asked Ms. Sisson if she could talk to Mr. Ashe and explain the background to this determination and what it is the LSS is working towards. The LSS previously formed a group to look into harvesting timber on the Conservation Land and found it to be very costly. It was determined that the Prospect Hill area had timber, but you would have to build a road across a wetland to access it. The LSS determined this was not the best use of this property. Ms. Sisson stated the LSS is looking for parcels that could be cut, such as the Powell Land that had a lot of damage during the ice storm. Ms. Sisson will attempt to follow up with Mr. Ashe.

Continuation of a Notice of Intent Hearing – Mamie Wytrwal, 38 Lovers Lane, DEP#177-583, Harvard#0910-01. Opened at 7:30pm

Amendment to the Wetland Protection Bylaw Regulations, Form F Fees. Opened at 7:35pm

Update of the Bare Hill Pond Watershed Management Committee

Jaye Waldron stated at the recent meeting of the Bare Hill Pond Watershed Management Committee members discussed the EPA pilot plan to monitor the water quality of the pond. The draw down was discussed with residents around the pond that were present at the Committee meeting. Some of those present that evening felt the draw down has had no benefit at all, where some felt the pond is in worse condition. A resident in the Clapp Brook area claimed the draw down has dried out his well. Others in attendance at the Committee meeting asked about the addition of chemicals to the pond instead of a draw down; since other towns do it as a means for control then what is the harm.

The Committee also discussed the potential for hydro power at the dam with a redesign of the spillway. As for the excavation project previously discussed with the Commission, the Committee has determined that it will take six to nine months to obtain the required permits, so there will be no excavation of the pond this year.

Notice of Intent Hearing – Golder Associates 38 Lancaster County Road, DEP#177-584, Harvard#0910-02. Opened at 7:50pm

Notice of Intent Hearing – Richard & Maribeth Marcello, 24 Cove Drive, DEP#177-585, Harvard#0910-03. Opened at 8:45pm

Board of Health Mosquito Control Public Information Session

Wendy Sisson explained the recent events surrounding Eastern Equine Encephalitis (EEE). The contraction of EEE is a rare occurrence and untreatable. Recently the Board of Health went to Board of Selectmen (BOS) to discuss the possibility of mosquito spraying in Harvard. The BOS determined that there was no need for emergency spraying; Chairman Warren suggested that the public be educated. A public forum, presented by Central Mass Mosquito Control, has been tentatively scheduled for the 28th of this month. Ms. Sisson personally cares about spraying and thinks there should be another opinion rather than just that of Central Mass Mosquito Control. According to Ms. Sisson there is very little control over where and when the spraying occurs. Eastern Middlesex does spraying in a manner that is better organized by doing specified areas. BOS would like this decided by the public and not just by a few Boards and/or Commissions. Liz Allard will inform the members once a date is finalized for the public forum.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:28. Jaye Waldron 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
Mamie Wyrwal, 38 Lovers Lane, DEP#177-583, Harvard#0910-01
October 7, 2010

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, Wendy Sisson, Charlie Gorss, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from September 16, 2010 for a Notice of Intent filed on behalf of Mamie Wyrwal for the renovations to an existing house and deck within the 100' wetland buffer zone at 38 Lovers Lane, Harvard.

The hearing had been continued to allow for the receipt of the DEP file number, which has since been received with no comments.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the use of silt fence only during construction. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Amendment to the Wetland Protection Bylaw Rules,
Code of the Town of Harvard, Chapter 147
October 7, 2010

The public hearing was opened at 7:35pm by Chairman Paul Willard under the Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin)

Members have reviewed and agree with the recommended changes to Form F of the Wetland Protection Bylaw Rules, which includes the restructuring of the fees associated under Single-family and increases to “Other fees” to include the time commitment required of the Conservation Agent for each associated request.

With no further discussion Patrick Doherty made a motion to approve the amended Form F of the Wetland Protection Bylaw, Chapter 147 of the Code of the Town of Harvard. Charlie Gorss 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
Golder Associates, 38 Lancaster County Road, DEP#177-584, Harvard#0910-02
October 7, 2010**

The public hearing was opened at 7:50pm 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, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Don Siegrist and Peter King (Golder Associates)

This hearing is for a Notice of Intent filed on behalf of Golder Associates for the installation of a well requiring the temporary crossing of a bordering vegetated wetland and work within the 100' wetland buffer zone at 38 Lancaster County Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant, along with Peter King, of Golder Associates and the property owner, Don Siegrist. A site walk was conducted on September 28th. Ringwall explained the site and its location, which over a decade ago had an oil spill that created issues with the existing well water. A new well has been proposed at the rear of the property that will require a wetland crossing for its installation in a small upland area. The Department of Environmental Protection requires the new well be at least 500' outside of the area of contamination. Other options were considered, such as obtaining water from the Public Water Supply across the street at Harvard Green or the traversing of an abutting property to the upland area; neither option was viable. Mr. Ringwall explained that the intermittent stream would have a permanent crossing for access to the well for any routine maintenance.

The request for a waiver of the Bylaw fees was discussed. After review of the fees by those present as calculated by Mr. Ringwall it was determined that his initial amount was incorrect and that the Bylaw fee total would be \$1004.00. With that determination Charlie Gorss made a motion to deny the request for a waiver to the Bylaw fee. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion. Jim Breslauer then made a motion to set the fee under the Wetland Protection Bylaw at \$1004. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Mr. Ringwall further explained that after a review of the plan with the property owner it was determined that the water line into the house could not be installed as indicated on the plan due the nature of the house. A new location has been determined and is shown on the plan submitted by Mr. Ringwall this evening. Patrick Doherty asked if the oil is still there. Peter King stated there is still some oil on the site, there is also an area of

gasoline from the bus depot that used to exist across the street. Golder Associates manages the exposure to the hazards. Mr. Breslauer stated that he did not have a problem moving the line, but there would be more disturbance within the buffer zone. Wendy Sisson determined the closest disturbance is 90'.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the special conditions that work will be conducted when conditions are suitable, the contractor is to contact the office for approval to proceed with work, the water line shall be added to the plan and silt fence and waddles rather than hay bales shall be used as erosion controls. Jim Breslauer seconded the motion. The vote was 5 -0 with Patrick Doherty abstaining from the vote.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Robert & Maribeth Marcello, 24 Cove Drive, DEP#177-585, Harvard#0910-03
October 7, 2010**

The public hearing was opened at 8:45pm 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, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin) and Bruce Ringwall (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of Robert and Maribeth Marcello for the razing of an existing house to be replaced with a new house, shed, associated site grading and driveway within the 200' wetland buffer zone to Bare Hill Pond at 24 Cove Drive, Harvard.

A 100' abutters list rather than a 300' had originally be requested from the Assessor's office causing an abutter to left off of the original list. With not enough time to contact that abutter the hearing had to be continued. Jim Breslauer made a motion to continue the hearing to October 21, 2010 at 7:30pm. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTATION & OTHER EXHIBITS

Continuation of a Notice of Intent Hearing – Mamie Wyrwal, 38 Lovers Lane, DEP#177-583, Harvard#0910-01

- WPA Form 3 Notice of Intent, dated August 23, 2010
- Notice of Intent Plan, 38 Lovers Lane Harvard, Massachusetts, dated 8/23/2010

Amendment to the Wetland Protection Bylaw Regulations, Form F Fees

- Form F of Chapter 147 Wetland Protection Bylaw Rules

Notice of Intent Hearing – Golder Associates 38 Lancaster County Road, DEP#177-584, Harvard#0910-02

- WPA Form 3 Notice of Intent, dated September 2010
- Residential Improvements Notice of Intent Site Plan 38 Lancaster County Road, dated September 2010
- Exhibit Plan in Harvard, Mass. at 38 Lancaster County Road, dated October 7, 2010

Notice of Intent Hearing – Richard & Maribeth Marcello, 24 Cove Drive, DEP#177-585, Harvard#0910-03

- No documents used, as the hearing was immediately continued