

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 18, 2010
APPROVED: December 16, 2010**

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Greg Louis, Tony Shaw (Harvard Snowmobile Club), Joe Gibbons (Harvard Snowmobile Club), Greg Roy (Ducharme & Dillis), Jeff Richards (Transformations, Inc.), Warren Henderson and Sally Carrona

Request to Amend Order of Conditions – Willard Shores, 5 Highland Ave, DEP#177-566

Greg Louis was present to discuss a change to the approved plan for his project at 5 Highland Avenue at Willard Shores. The original plan called for in re-installation of a dock once the wall along the shore line was re-built. Mr. Louis would like to change the dock area into a grassy area by loaming and seeding the area with a conservation mix. The area now consists of gravel. Mr. Louis would install a filtration paper on top of the gravel, loam and then seed. Wendy Sisson stated she did not know the site that well to know how much water would be going to that area, but it is at the toe of the slope. Ms. Sisson has concerns with the loam silting down into the pond. Mr. Louis explained that the area in question is lower than the existing lawn area, so that water would not sheet from the slope directly into the pond, but rather be slowed down from one area to the next. Mr. Louis also stated as part of the Order of Conditions he is not allowed to use fertilizers on those areas. The Commission agreed to setup a site walk prior to the next meeting, at which point they will discuss whether the change is *De minimus* or will require the re-opening of the hearing.

Review Snowmobile Club Signage

Tony Shaw, president of the Harvard Snowmobile Club, was present along with Joe Gibbons who brought the signs they use for the trails. Wendy Sisson stated that the signage gave the indication that the trails could not be used for walking or hiking. Ms. Sisson suggested using the ball field on Ann Lees road as the location for the entire map of trails rather than the Holy Hill parking area, which was attached directly to the Holy Hill sign. Mr. Gibbons stated for the last four years it has been on going issue with sign removal by others. The snow plowing done at this parking area by the Highway Department caused Mr. Gibbons to attach the map to the side of the Holy Hill sign on South Shaker Road. Ms. Sisson explained that the Holy Hill area is a very special place and there maybe some conflict of adding an additional sign to the Holy Hill signage.

Jim Breslauer stated that the sign about the required snowmobile sticker makes it seem that the trail is only used for snowmobiles and maybe the language can be changed to not

dis-include other usage. Mr. Shaw stated the snowmobile club members expect other users to be on the trails. The Commission stated they understood the Club's intentions, but others may not. Mr. Shaw stated that the Highway Department does not plow the Ann Lee ball Field all that well, which causes snow drifts and makes access difficult. The Commission stated they could ask the Highway Department to better plow that area for this purpose. Mr. Shaw agreed to move the sign over to Ann Lee playing field. It was agreed that signs that have a high visibility will be removed from the trees at the end of the season. As for the walking trail on Pin Hill, there are signs there that make it look as if there are areas available for hiking that really should be left un-disturbed during the warmer months. Ms. Sisson stated she would review the area again to know exactly where signs should be removed in this area at the end of the season.

Request for Determination of Applicability Hearing – Bret O'Brien, 28 Hillcrest Drive, Harvard#1010-04. Opened at 7:36pm

Continuation of a Notice of Intent Hearing – Transformations, Inc. Stow Road, DEP#177-586 Depot Road. Opened at 7:45pm

Update of Culvert Repair/Upgrade on Still River Road

Liz Allard stated that the Enforcement Order was sent last week, which states that the area should be restored. Paul Willard thinks the Commission should clarify the request and ask that a Notice of Intent be filed. Wendy Sisson believes that a plan, as if nothing had been done, should be submitted along with a proposal to the problem. Members agreed that the Highway Director should be invited in to discuss his intentions for remediation.

As a follow up to the previous meetings request to invite the Commission's liaison in to discuss communication between the Highway Director and the Conservation Agent, the liaison, Bill Johnson, suggested that the Chairman speak directly to the Town Administrator, Tim Bragan, to resolve the issue. A meeting was held today that include Paul Willard, Wendy Sisson and Liz Allard. Although there was no solution to the problem, there was the impression that Mr. Bragan would discuss the Commissions concerns with the Highway Director.

Poor Farm Sub-committee (166 Littleton Road)

Paul Willard explained that the at the last meeting of the Board of Selectmen Poor Farm Sub-committee members were asked to return to their boards and commission and get their opinion on obtaining a Conservation Restriction (CR) or some other type of easement on the property. The Commission members agreed that a CR would be great and should be pursued.

Potential Wetland Violation - 189 Stow Road

Liz Allard explained to the members that she had received another email from Highway Director, Rich Nota, in regards to the flooding issues on Stow Road and abutting properties. Mr. Nota feels activities within the wetland and its buffer zone at 189 Stow Road is causing flooding issues on Stow Road and other properties in the area. Ms.

Allard had previously requested access to the site from the property owner, who denied her that access. Members of the Commission were not certain that the activities occurring at 189 Stow Road had anything to do with the flooding that occurs in that area. The Commission suggested contacting Town Counsel to determine what protocol should be followed in this situation. The Commission is still not convinced that this is a wetland issue within their jurisdiction.

Extension Request

Liz Allard informed the members that Phil Wilson, of 327 Still River Road, DEP#177-545, has requested a one year extension of his Order of Conditions. Wendy Sisson made a motion to extend the Order of Conditions for Phil Wilson at 327 Still River Road, DEP#177-545 for one year. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Charlie Gorss made a motion to adjourn the meeting at 9:56pm. Wendy Sisson 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
Bret O'Brien, 28 Hillcrest Drive, Harvard#1010-04
November 18, 2010

The public hearing was opened at 7:36pm 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, Janet Waldron and Patrick Doherty

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

This hearing is for Request of Determination of Applicability filed on behalf of Bret O'Brien for the construction of footing drains surrounding the existing foundation within the 100' wetland buffer zone at 28 Hillcrest Drive, Harvard.

Greg Roy, of Ducharme & Dillis, explained that a site walk was conducted on November 17, 2010. The property contains a wooded wetland and is relatively flat. In March the O'Brien's had a flooding problem inside the house which they never had before; leading them to believe the existing foundation drain was not functioning properly. It was determined that the existing drain does not daylight, so the Request is for the work that will be required to daylight the existing pipe. Mr. Roy stated that if necessary, a completely new drain may be installed. The pipe will not discharge directly to wetland, but sheet over a vegetated area about 30' away from the wetland. The plan proposes both hay bales and silt fence. The Commission agreed that due to the topography that only silt fence would be required. The pipe will have a cap at the end to keep animals from entering it. Patrick Doherty asked about the elevation differences between the house and the end of the pipe. Mr. Roy stated there is a three foot change in elevation. Don Ritchie recommended that the silt fence be extended to the existing shed.

With no further questions or comments Don Ritchie made a motion to close the hearing and issue a Negative #3 Determination to include the use of silt fence only as erosion control and that the silt fencing is to be extended to the existing shed. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1) Harvard#1010-01
November 18, 2010

The public hearing was opened at 7:45pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Jeff Richards (Transformations, Inc.), Warren Henderson and Sally Carrona

This hearing was continued from November 4, 2010 for a Notice of Intent filed on behalf of Transformations, Inc. for the construction of a roadway, 17 residential buildings, septic system and public water supply source within the 100' wetland buffer zone on Stow Road (Map 36 Parcel 85 & 86.1), Harvard.

Jeff Richards explained that at the last meeting Geosyntec Consultants presented the stormwater management design. Mr. Richards is wondering about the Commissions desire to have the stormwater calculations reviewed by an outside consultant. Wendy Sisson feels the application as a whole needs peer review. Ms. Sisson added that there are plenty of business out there that do this type of review and she does not have a favorite, but that she would not say Nitsch just off the bat just because they are used by ZBA, could be one of the choices however. Paul Willard stated he had no problem using Nitsch. Patrick Doherty stated that he had no more questions, but think it is good to have peer review. The applicant would prefer to use Nitsch since they are most familiar with the site. Ms. Sisson stated are a lot of the questions that she and abutters have are about the construction, maintenance and monitoring of the stormwater systems and that is the area in which consultation would be required as this project is outside of her experience. Mr. Richards noted that the applicant is obligated not to cause any worse flooding down stream of the site. Charlie Gorss stated that the stormwater management design proposed at the last meeting is beyond the normal controls the Commission has seen in the past and will require additional review beyond the Commissions capability.

A consultant that will look beyond just the stormwater the numbers will be needed. Jim Breslauer stated that he is okay with the same consultant as ZBA, if they can do this type of work. The consultant should have knowledge of these types of systems. Ms. Sisson feels that other consultants should be investigated as well as Nitsch to determine who can do the best job. Ms. Sisson would like a consultant that would not only look at the stormwater calculations, but also advise the Commission on how to write an Order of Conditions that will include the maintenance issues. It is complicated in term of the home owners association and all these different lots that she would like some body who can help the Commission capture all of that. Maintenance is a big issue, who is responsible for it, how it is going to be tested, etc. Mr. Gorss stated that the Commission

has seen in the past systems they do not work out very well; retention basins fill up with invasive plants. Mr. Willard thinks this is where someone who has experience with this can catch these kinds of things up front and knows how they should be permitted within the Order of Conditions.

The Commission requested that the Conservation Agent request proposals from consulting firms to include the feasibility of the stormwater systems functioning properly, review the stormwater calculations, the feasibility of the project, recommended details that should be included in the Order of Conditions and a sequencing of the construction phases. Proposals should be received by the December 16th meeting. Mr. Richard stated all of the septic designs have been completed. The applicant wants to be certain that the stormwater design and the septic design are on the same page before it is sent to the consultant.

Ms. Sisson asked if the buildings on Lot 1 could be moved as discussed on the site walk. Mr. Richards stated that it could. Ms. Sisson had also asked if the constructed wetland could be reduced in size by putting a similar system in another location. Mr. Richard believes there would be fewer disturbances if the constructed wetland is only in one location. Ms. Sisson would like the applicant to consider shifting the constructed wetland from 200' from Stow Road to 300' from Stow Road. Mr. Richards stated that there is the proximity of the abutting house to the north east and the impact of removal of trees. Ms. Sisson argument to that is that the road has more views than the two abutters. Also, by placing it across the proposed roadway you would be putting in an upland creating more of a wetland rather than putting it in an area that functions as a wetland although not labeled a wetland. If you did not use it for a constructed wetland and used a place that was not functioning as a wetland you would have more of a place for water to absorb. Mr. Richards stated that the location of the constructed wetland is due to its association with the adjacent wetland. Mr. Richards added that in the other location it would not be a constructed wetland it would be come a different type of structure. Ms. Sisson asked if there is anyway for Lot 1 to move to the west or be compressed. Mr. Richards stated that 5 – 10 feet could be done, but bigger could be more difficult. Mr. Richards further explained that they are trying to have the stormwater system at the low point for it to work. Ms. Sisson requested that the applicant consider a visible barrier to the constructed wetland from Stow Road. Mr. Richards stated he understood the concerns of Ms. Sisson and will take them into consideration.

Mr. Doherty wanted to know where trees were going to allow for solar access to the homes on Lot 1. Mr. Doherty is concerned with erosion caused by the clear cutting of trees on the site. Mr. Doherty wanted to know to what extent has the applicant factored in down-stream erosion for the cutting. Mr. Richards stated that the cutting of trees factors into the drainage calculations; the calculations were modeled on the tree line as shown on the plan. Mr. Willard asked what percentage of trees is going to be cut on the site. Mr. Richards stated the parcel is approximately 20 ½ acre, with an approximate 38% development. There will be selective thinning that would be above the 38%. Mr. Richards added that the preference would be to have as much solar array as possible. Street trees will be planted as part of the plan that will help with erosion control.

Ms. Sisson asked what the protocol for phased construction and how the erosion control would be maintained upland. Mr. Richards stated that the final plan must include a plan for stabilizing the ground during construction. Mr. Willard would like a recommended sequence from the consultant.

Ms. Sisson stated the language of the ZBA Comprehensive Permit allows a waiver of the bylaw for the crossing and roadway within 10' of a wetland. After station 540 it becomes a 35' buffer with 10' or less prior. That is the disturbance associated with the roadway and the stormwater management structures along both sides of the roadway. To Ms. Sisson that would include the roadway and the swales along the road, but would not include the constructed wetland. Liz Allard pointed out old basin area and new constructed wetland area are the same and the Commission should have known the 10' request was to include the stormwater structure regardless of its type or size.

Mr. Henderson, an abutter to the property, wanted to verify that his understanding is this going to allow more water to pass through the brook and into his property. Mr. Richards stated the calculations done by Geosyntec does not allow for an increase in water leaving the site. Additional Mr. Henderson asked if after the construction what if the use of chemicals and pesticides on the lawns causes issues to his well. It was recommended that Mr. Henderson and others have their well water tested as soon as possible to establish a baseline of their water quality.

Jim Breslauer left the meeting at 8:55pm

Sally Carrona, an abutter to the property, stated she has a unique situation at her house as the stream was diverted years ago and the house is constructed on a slab. In times of flooding her house is surrounded by water. A small increase in the rate of water would cause the slab to get wet. Mr. Richards stated again that they are required to not increase the amount of flow off the site after construction.

With no further questions or comments, Don Ritchie made a motion to continue to December 16, 2010 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTATION & OTHER EXHIBITS

Request for Determination of Applicability Hearing – Bret O’Brien, 28 Hillcrest Drive, Harvard#1010-04

- WPA Form 1 – Request for Determination of Applicability, dated October 19, 2010
- Foundation Drain Plan, 28 Hillcrest Drive, Harvard MA, Job. No. 4498, Drawing No. 4498-SP, dated October 15, 2010

Continuation of a Notice of Intent Hearing – Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1)

- WPA Form 3 Notice of Intent and associated documents, dated October 2010
- Notice of Intent Plan, Pine Hill Village, Harvard, Mass., Date October 8, 2010