

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 1, 2011
APPROVED: October 20, 2011**

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

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

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Bill Eycleshymer, Michelle Catalina (Planning Board), Russ Wilson (R. Wilson Associates), Bruce Leicher (BHPWMC), Wendy Gendron (ARC), Tom Cotton (BHRA), Bill Johnson, Ned Leeming and Russell Harris

Review & Approve Five-Year Strategies & Objective Plan

Liz Allard previously distributed a draft of the five-year strategies and objectives plan as requested by the Board of Selectmen to the members for their review. Ms. Allard requested that any additions be submitted to her by Wednesday for submittal.

Appropriation of Funds for Wetland Brochure Mailer

Liz Allard received two quotes for the wetland brochure in order to have it mailed to all of the households in Town. One quote would include the preparing and actual mailing of the brochure; the other is for just the copying and tri-folding of the brochure. After a discussion of which service would be best the members decided to let Ms. Allard decide which way to go. Conservation funds were appropriated in the amount of \$1200.00 on a motion made by Wendy Sisson, seconded by Patrick Doherty, with a unanimous vote of the members present.

Community Preservation Committee Application

Liz Allard reminded the members that the application for funds through the Community Preservation Committee (CPC) is due September 30th. Charlie Gorss stated that the CPC will be looking for applications that are for a specific reason, rather than for the Conservation Fund. Wendy Sisson suggested that the Commission request funding for invasive species control on Conservation Land. Ms. Sisson will draft language for the application to be reviewed at the next meeting.

Notice of Intent Hearing – Russell Harris, Lot 1 (69) Whitney Road, DEP#177-598, Harvard#0811-03. Opened at 7:30pm

Request for Determination of Applicability Hearing – Bill Eycleshymer, Lot 1 (69) Whitney Road, Harvard#0811-02. Opened at 8:37pm

Notice of Intent Hearing – Sean Patenaude & Heidi Frank, 106 Massachusetts Avenue, DEP#177-597, Harvard#0811-04. Opened at 8:51pm

Bare Hill Pond Watershed Management Committee Annual Update & Draw Down Request

Bruce Leicher of the Bare Hill Pond Watershed Management Committee (BHPWMC) was present along with Wendy Gendron, from Aquatic Restoration Consulting, to discuss the condition of the pond and this year's draw down. Mr. Leicher stated the draw down is doing some very good things. This year there was a late spring with a colder start, which created less invasive species. Monitoring has shown a reduction in phosphorus levels, as well as improvements to the shoreline. Paul Willard asked if there is anything in particular that can be pointed to for the reduction of phosphorus. Mr. Leicher stated the refilling of the pond with new good quality water each year and removal of stagnant water has aided in the reduction of phosphorus. Additionally, the top layer of sediment in the Beach Area has phosphorus within it, so the removal of that through the proposed dredging project will aid in the reduction of phosphorus as well.

Wendy Sisson asked what measures the Committee is taking to keep phosphorus levels down continually. Mr. Leicher stated the stormwater management facilities have reduced a large amount of phosphorus from entering into the pond and will continue to do so. Mr. Leicher added that impervious surface drainage into the pond is the number one cause of phosphorus.

Mr. Leicher stated that another staff gauge has been ordered and will be installed within the next few weeks. As for the plantings within the gravel wetland stormwater facility along the ball field, JJ Phelan will be out next week to do those. Ms. Sisson stated that the Committee should consider focusing on news articles on what individuals can do to reduce phosphorus in the pond.

Wendy Gendron would recommend continuing with draw down for the time being. Ms. Gendron added that there is a lot of variability in the weather and if you see no change to the pond's characteristics then maybe the draw down should be suspended for a year. Ms. Gendron stated that the information collected so far indicates there appears to be no detrimental impacts to the pond.

Mr. Willard stated that all of his concerns have been addressed as far as he is concerned. Don Ritchie asked about the proposed additional stormwater management facility at the beach area. Mr. Leicher stated that it would be constructed after the dredging project was complete; a draft plan was completed, however the Committee was worried that as designed it could freeze so they have asked Horsley Witten to re-design. The Committee is looking at three other sites on the other side of the pond for stormwater management; the Committee can not determine which two of the three would be the best to build. The Commission suggested the stream that flows to Thurston Cove.

Adjournment

Patrick Doherty made a motion to adjourn the meeting at 9:45pm. 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
Russell Harris, Lot 1 (69) Whitney Road, DEP#177-598, Harvard#0811-03
September 1, 2011**

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

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

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Bill Eycleshymer, Ned Leeming and Russell Harris

This hearing is for a Notice of Intent filed on behalf of Russell Harris for the construction of a bituminous concrete driveway within the 100' wetland buffer zone at Lot 1 (69) Whitney Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Mr. Ringwall explained with a lack of vegetation in the area a wetland line was determined through soils on the site. As designed the driveway will be within 35' of the delineated wetland. The driveway has been shifted as far as they could to the south, but due to an existing septic system on the abutting lot it can not be moved any further from the wetland. The area in question has historically been mowed several times a year by the owner of the property. The driveway location does not meet the setbacks under Chapter 147, Wetland Protection Bylaw Regulations; a request to waive that requirement has been made. Additionally, there is a request to remove an existing pine tree within the field. Mr. Ringwall explained that if the wetland extended across the proposed driveway, under the State Wetland Protection Act, he would be allowed to cross the wetland with the driveway under a limited project status if no other access to the site was available, which in this case is true. The driveway meets the requirements of the Protective Bylaw. The plan shows an infiltration trench with additional flow piped down to a micro basin.

Mr. Ringwall explained that the Department of Public Works (DPW) Director, Rich Nota, had requested during the Planning Board hearings that a drainage easement along the edge of the property be established to be able to maintain the existing drainage swale that is not functioning properly. Accessing the area from the Harris property would not be easy due to the location of the wetland, so a request has been to the abutter for access from their property. An agreement has been reached amongst the potential buyer of Lot 1, the current owner, and DPW for the maintenance to be completed by the buyer with material supplied by the Town. The maintenance will create positive flow within the swale, with limited disturbance. Mr. Ringwall explained that the work involved to maintain the drainage swale was not depicted on the plan.

Wendy Sisson asked if when the property line was established to create Lot 1, did Mr. Ringwall not realized there was a wetland on the property. Mr. Ringwall stated that was true, but the driveway location was determined based on the location of the existing septic system at 69 Whitney Road. As well, Title V requires a 10' offset from the property line for septic systems. As designed the plan allows for the grading of the reserve area to stay on 69 Whitney Road's property. Moving the property line further south is not an option.

Paul Willard would like to see details of the proposed drainage maintenance. Ms. Sisson stated that the area along the existing swale on the abutting property looked dry, so why can't the access be from that side rather than the wetland side of Lot 1. Mr. Ringwall stated that the abutter's property is very wet and equipment would not be stable in that area.

Several attempts were made to relocate the driveway outside the buffer zone, such as re-routing the drive to the front of 69 Whitney Road, as well as using the existing driveway at 69 Whitney Road. The Commission agreed that there is no way to get the driveway out of the buffer zone. Ms. Sisson stated she was okay with the driveway given the situation. Jaye Waldron asked about allowing the wetland area to go back to natural vegetation. Mr. Ringwall stated that the area has been mowed regularly for years. Ms. Sisson suggested limiting mowing of the wet area to once a year. The Commission agreed that the drainage work should not be a part of this application and that the DPW will need to file a Notice of Intent Cut with the Commission for that work.

Russell Harris, the current owner of the property, asked if the work could be done from the roadway rather than the field. The response was that perhaps the work could be done from the road. Ms. Sisson thought that it was odd that the applicant is doing the work for the Town. Mr. Harris explained that he is trying to be fair and reasonable with the Town and the buyers. Mr. Ringwall stated the narrative explains the work to be done to the drainage swale.

Patrick Doherty wanted to know if the separate filing would require the re-opening of the Planning Board hearing if the swale is not operating properly. After reviewing the letter submitted to the Planning Board from its consultant, Hamwey Engineering, Don Ritchie stated he believes the consultant was trying to state that if the swale was not working properly then water could get on to the abutting property which is not allowed under the Protective Bylaw. Mr. Ringwall stated that the maintenance is intended to make the situation better. Mr. Ritchie asked if the micro basin would need to be increased if the swale is not cleaned. Mr. Ringwall does not believe that to be true since flow out of the basin would be directed to the swale beyond the proposed area needing maintenance.

With no further questions, Wendy Sisson made a motion to close the hearing, issue an Order of Conditions for the project as proposed, with the exception of the maintenance to the drainage swale, which will require a separate filing; special conditions as follows, the field will be maintained including the wetland by mowing once a year after August 1st in a dry period, and no deice chemicals shall be used on the driveway, sand only. Charlie Gorss seconded the motion. Ms. Sisson stated the waiver is being allowed to provide access to a developable lot given the fact that the reserve septic system on the abutting lot does not allow for the movement of the driveway. 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
Bill Eycleshymer, Lot 1 (69) Whitney Road, Harvard#0811-02
September 1, 2011**

The public hearing was open at 8:37pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Protection Bylaw in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin) Bruce Ringwall (GPR, Inc.), Bill Eycleshymer, Ned Leeming and Russell Harris

This hearing is for a Request for Determination of Applicability filed on behalf of Bill Eycleshymer for the removal of seven pine trees within the 100' wetland buffer zone on Lot 1 (69) Whitney Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. The request for the removal of seven pine trees is being made for the safety of the house should one of the trees fall and to open up a view for the house. As depicted on the plan, trees shown as circles will be ground and those demarcated by an "X" will be stumped. Wendy Sisson stated that she had looked at the area very closely. The area in question is close to a non-intermittent stream that is pristine and has been undisturbed, as well as prime habit. Ms. Sisson believes the 100' buffer zone is worth the protection and that trees within 50' of the stream should not to be cut. Ms. Sisson is not sure how the trees that can be felled will be done so in a manner that will not disturb or damage other vegetation around them. Ms. Sisson asked that orange construction fence be placed as a visual guide at the 100' mark during the construction of the house to ensure no disturbance in the buffer zone.

Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination with the following conditions:

- 1) The four trees outside the 50' buffer zone may be cut by chain saw;
- 2) Trees shall be felled in a manner as to not pull down surrounding trees;
- 3) Disturbance of soil and vegetation will be avoided during removal of trees;
- 4) After cutting of trees no heavy equipment shall be allowed within the 100' buffer zone;
- 5) No grinding of remaining tree stumps;
- 6) Snow fencing shall be installed along 100' buffer zone line to show limit of work; and
- 7) The 100' buffer zone will be left undisturbed in perpetuity.

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
Sean Patenaude & Heidi Frank, 106 Massachusetts Avenue
DEP#177-597, Harvard#0811-04
September 1, 2011**

The public hearing was open at 8:51pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Protection Bylaw in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin) and Russ Wilson (R. Wilson, Associates)

This hearing is for a Notice of Intent filed on behalf of Sean Patenaude & Heidi Frank for the upgrade to an existing septic system within the 100' wetland buffer zone at 106 Massachusetts Avenue.

Russ Wilson, of R. Wilson Associates, was present to represent the applicant. Mr. Wilson stated that during the site walk members requested that the system be moved further from the delineated wetland. A revised plan was submitted with the system moved as requested. Members had no other questions, however there was no indication that one of the abutters had been notified, so the Commission could not close the hearing and make a decision until proof of notification has been made.

Patrick Doherty made a motion to continue the hearing until September 22, 2011 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

DOCUMENTS & OTHER EXHIBITS

Notice of Intent Hearing – Russell Harris, Lot 1 (69) Whitney Road, DEP#11-598, Harvard#0811-03

- WPA Form 3 Notice of Intent, Russell H. Harris, Lot 1 69 Whitney Road, Harvard, MA, dated August 2011
- Residential Development Site Plan Lot 1 69 Whitney Road Harvard, MA, final revision date August 1, 2011
- Hamwey Engineering Inc. Review letter RE: Russell Harris, 69 Whitney Road, Harvard (HEI File no. 11008.00), dated July 11, 2011

Request for Determination of Applicability Hearing – Bill Eycleshymer, Lot 1 (69) Whitney Road, Harvard#0811-02

- WPA Form 1 Request for Determination of Applicability, Bill Eycleshymer, Lot 1 69 Whitney Road, Harvard, MA dated August 2010
- Request for Determination Site Plan, Lot 1 69 Whitney Road Harvard, MA, dated August 8, 2011

Notice of Intent Hearing – Sean Patenaude & Heidi Frank, 106 Massachusetts Avenue, DEP#177-597, Harvard#0811-04

- WPA Form 3 Notice of Intent, Sean Patenaude and Heidi Frank, 106 Massachusetts Avenue, dated August 16, 2011
- Plan for Notice of Intent and Sewage Disposal Upgrade in Harvard, Mass, 106 Massachusetts Avenue, dated September 1, 2011