

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 15, 2011
APPROVED: March 1, 2012**

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

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

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press), John Lee, Erik Johnson, Ralph Fehlberg, Bruce Ringwall (GPR, Inc.), Marylynn Gentry (HCT) and Molly Cutler (HCT)

Community Preservation Committee Update

Charlie Gorss stated that the Community Preservation Committee (CPC) has received the requested additional information on the application for funding submitted by the Commission for invasive species control. The CPC has made no decisions as to which projects will be funded for the next fiscal year.

Eagle Scout Project

Jon Lee, of the Park & Recreation Commission, and Erik Johnson, a local Eagle Scout, were present to discuss a project Mr. Johnson is proposing for the trails behind the McCurdy track. Mr. Johnson explained that water pools along stone wall making the trail impassable at times. Mr. Johnson is proposing to add drainage under the stone wall along with crushed stone. Most of the work will be done by hand, however the crushed stone would need to be brought in by a bobcat.

Paul Willard stated that a site walk should be scheduled along with the submittal of a narrative and sketch of the proposed project. Mr. Johnson estimates the cost for the project will be between \$1000 and \$1500. Mr. Johnson is looking to do the work after the spring thaw. Don Ritchie stated that the installation of the drainage pipe in the spring might be a good as far as timing is concerned, but the rest of the activity may be better off being done when the ground is frozen. Mr. Johnson will contact Liz Allard with dates that would be suitable for a site walk with the Commission.

Bare Hill Pond Dam Enforcement Order Follow-up

Liz Allard informed the members that she and Paul Willard were on site when the sand was removed by a vacuum truck from Bare Hill Pond as part of the Enforcement Order issued to the Department of Public Works. The sand bags are still under water and will be removed once the water recedes from that area.

Continuation of a Notice of Intent Hearing – Jeffrey & Cynthia Tingle, 19 Tahanto Trail, DEP#177-603, Harvard#1111-01. Opened at 7:30pm

Request for Determination of Applicability Hearing – Harvard Community Solar Garden, 38 Lancaster County Road, Harvard#1211-01. Opened at 7:40pm

Notice of Intent Hearing – Richard & Maribeth Marcello, 24 Cove Road, DEP#604, Harvard#1211-02. Opened at 7:45pm

Executive Session

Don Ritchie made a motion to go into Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position only to return to the regular session of the meeting once the discussion is

complete. Jim Breslauer seconded the motion. A roll call vote was taken. Paul Willard, yea; Jim Breslauer, yea; Don Ritchie, yea; Charlie Gorss; yea; Jaye Waldron, yea; Patrick Doherty, yea.

The Commission came out of Executive Session at 7:25pm

Allocation of Community Preservation Funds

After a brief discussion Don Ritchie made a motion to allocate up to \$275,000 from the Commission's Community Preservation Fund for the purchase of a parcel of land on Still River Road (Map 29 Parcel 2) known as the Hoch property for the purpose of open space subject to the appraisal and receipt of the revised Memorandum of Understanding between the Harvard Conservation Commission and the Harvard Conservation Trust. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Request for Certificates of Compliance – Wilson, 327 Still River Road, DEP#177-545

Liz Allard informed the Commission that she has conducted a site inspection at 327 Still River Road for compliance with the Order of Conditions issued for that location. Ms. Allard stated the work has been conducted in accordance with the Order of Conditions issued by the Commission. Charlie Gorss made a motion to issue the Certificate of Compliance for 327 Still River Road, DEP#177-545. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:55pm. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Jeffrey & Cynthia Tingle, 19 Tahanto Trail, DEP#177-603, Harvard#1111-01
December 15, 2011**

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 Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press), Ralph Fehlberg and Bruce Ringwall (GPR, Inc)

This hearing was continued from December 1, 2011 on a Notice of Intent filed on behalf of Jeffrey & Cynthia Tingle for the construction of a single family dwelling, driveway improvements, utilities and grading within the 100' wetland buffer zone at 19 Tahanto Trail, Harvard.

As requested from the previous hearing, an evaluation of the area containing water was received from Dave Crossman. Mr. Crossman certified that the area would not be considered a vernal pool as the access (steep sides) is not suitable to wildlife that uses vernal pools for breeding. Jim Breslauer questioned the wet areas discussed during the site walk along the southern side of the existing driveway. Bruce Ringwall, of GPR, Inc., stated that an additional drainage similar to that already shown on the plan for the lower portion of the driveway could be installed. It was agreed upon that at a minimum an 8" pipe with a rip rap placed at its discharged will be located 340' from Tahanto Trail to discharge on the west side of the driveway. This changed was noted on the final plan.

Ralph Fehlberg, an abutter to the property, asked how much more water will be getting to his property with the development of this property. Mr. Ringwall stated the drainage will be installed at the level of the wetlands, allowing the basin to fill first in a rain event to the level of the wetland, and should not increase the flow of water off the site.

With no further questions or comments, Jim Breslauer made a motion to close the hearing and issue an Order of Conditions that include the following special conditions, no stone dust is to used for the improvements of the driveway, star-pac or similar shall be used, no chemical de-icers to be used on driveway, sand only and the additional culvert along the driveway shall be noted. Patrick Doherty 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
Harvard Community Solar Garden, 38 Lancaster County Road, Harvard#1211-01
December 15, 2011**

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

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

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

This hearing is for a Request for Determination of Applicability filed on behalf of Harvard Community Solar garden for the installation of photo-voltaic panels within the 100' wetland buffer zone at 38 Lancaster County Road, Harvard.

Liz Allard informed the Commission that a request to withdraw the application submitted on behalf of Harvard Community Solar Garden. Jim Breslauer made a motion to accept the withdrawal of the Request for Determination of Applicability filed on behalf of Harvard Community Solar Gardens. Patrick Doherty 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
Richard & Maribeth Marcello, 24 Cove Road, DEP#177-604, Harvard#1211-02
December 15, 2011**

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 Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room

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

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

This hearing is for a Notice of Intent filed on behalf of Richard & Maribeth Marcello for the construction of a single family dwelling within the 200' buffer zone of Bare Hill Pond at 24 Cove Road.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Mr. Ringwall explained the previous design of the site from 2010. A survey of the land has located every tree on the site, and includes rock out cropping. The house will include three cantilevered section that will have a random forming of the pillars to make them look like trees. Small portions of the foundation will be within 100' of the pond. Roofs of the cantilevered sections will be recharge into dry wells. A deck walkway will connect to a studio. The septic system has been re-designed to a smaller design. The proposed garage will be built into the slope with a green roof. The terminus area of the driveway may increase due to the need to have the ability for a fire truck turn around. All impervious surfaces will drain into a recharge area for small rain events. For larger rain events there is a micro-pool proposed. A brief discussion was had in regards to the number of bedrooms and the use of the studio. It was concluded that those are matters for the Board of Health.

Don Ritchie asked about the installation of docks and trails to the water. Mr. Ringwall stated that those structures will be filed under a separate filing at a later date, as the Marcello's would like to live there for a while before making any decisions on location for those items.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue an Order of Conditions to include the following special conditions, a re-vegetation plan shall be submitted to the Commission for approval prior to the commencement of said activity, and additional work to improve the access to Bare Hill Pond shall require a separate filing with the Commission. 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
Executive Session Minutes
December 15, 2011**

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

Others Present: Liz Allard (LUB Admin), Marylynn Gentry (HCT) and Molly Cutler (HCT)

Members of the Commission have had an opportunity to review the appraisal done by the sellers of the land on Still River Road, known as Hoch. A discussion of the ability to develop the site as a building lot was discussed; members believe that limiting factors were not considered when the appraisal was conducted. The site contains a stream crossing and long access into any available building site location. Those costs alone should reduce the appraised price as suggested by the seller.

The Commission and the Harvard Conservation Trust are still interested in pursuing the purchase of the land as open space. A Memorandum of Understanding will need to be drafted and approved by Town Counsel prior to its signature of the Conservation Commission members. An independent appraisal, site assessments, and a Purchase & Sale agreement will need to be negotiated. The Commission agreed to pay for the appraisal and site assessment. The question of needing Town Meeting vote to appropriate the funds was again raised. Liz Allard will confirm with Town Counsel that the Commission does not need to return to Town Meeting to spend funds it has available in the Community Preservation Act Fund.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Notice of Intent Hearing – Jeffrey & Cynthia Tingle, 19 Tahanto Trail, DEP#177-603, Harvard#1111-01

- WPA Form 3 Notice of Intent, 19 Tahanto Trail, submitted by Jeffrey & Cynthia Tingle, 75 Old Mill Road, Harvard, prepared by Goldsmith, Preset & Ringwall, dated November 2011
- Residential Development Site Plan, 19 Tahanto Trail, Harvard, MA, JOB 071026, dated April 25, 2007

Notice of Intent Hearing – Richard & Maribeth Marcello, 24 Cove Road, DEP#604, Harvard#1211-02

- WPA Form 3 Notice of Intent, 24 Cove Road, submitted by Richard & Maribeth Marcello, 119 Pinnacle Road, Harvard, prepared by Goldsmith, Prest & Ringwall, dated December 2011
- Residential Development Notice of Intent, Site Plan, 24 Cove Drive Harvard, MA, JOB 101063, dated December 2011