

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MARCH 1, 2012  
APPROVED: April 19, 2012**

Chairman Paul Willard called the meeting to order at 7:07pm in the Town Hall Meeting Room

**Members Present:** Paul Willard, Charlie Gorss, Wendy Sisson, Jaye Waldron and Jim Breslauer

**Others Present:** Liz Allard (LUB Admin), Candy Frazer, Neil Gorman (Ross Assoc.), Nick Pauling (GPR, Inc.), Tim Myllykangas, Michelle Catalina, John Lee, Paul Richards, Judith Eaton, Peter Davies and Mark Hardy

**Annual Mud Season Reminder of Trail Use**

Candy Frazer stated that Agricultural Commission would have the newspapers put something in an up coming issue in regards to the use of trails during mud season. Wendy Sisson asked that the Agricultural Commission do not do that as the Commission has been doing over the past several years and would like to continue to do so. The reason for Ms. Frazer attendance this evening is to be certain the contact information is correct on the reminder letter. Paul Willard asked if it would be helpful to have two letters in the paper, one from Conservation and one from the Agricultural Commission. Ms. Frazer stated that the Agricultural Commission letter would be the same as the Conservation letter, so there is really no reason to have the effort duplicated.

Ms. Sisson just wanted to be certain that it is okay to remind Ms. Frazer, as a horse property owner, each year of the concerns the Commission has with use of the trails during the mud season. Ms. Frazer was agreeable to the request as she is in touch with the horse community in Town. Ms. Sisson would like to have the policy re-distributed again to the local stables as it has not been done so since 2008. Mr. Willard stated that he would be able to check if the policy is posted at local barns when he is doing his annual horse count. Ms. Frazer stated that she is unaware of any new farm owners since 2008. Liz Allard suggested that the policy be given with a stable permit issued by the Board of Health (BOH); she will follow up with BOH.

Ms. Frazer reminded the Commission that the Agricultural Commission is a great resource for assistances should the Commission come across violators.

**Request for Determination of Applicability Hearing – Joan Cole, 203 Stow Road, Harvard#0112-03.** Opened at 7:33pm

**Zoning Board of Appeals Request for Comments – PRM Capital, LLC, Trail Ridge**

Liz Allard briefed the members on the application submitted to the Zoning Board of Appeals (ZBA) by PRM Capital for an amendment to the Comprehensive Permit issued for the development known as Trail Ridge. The request is to change the quadplexes into duplexes, with no reduction in the number of units. The plans are not engineered plans and lack a significant amount of information. The Order of Conditions initially issued for the project has lapsed. A new Notice of Intent will be required. A letter will be sent to the ZBA in that regard.

**Bare Hill Pond Watershed Management Committee Update**

Jaye Waldron updated the Commission on the recent meeting of the Bare Hill Pond Watershed Management Committee. A Harvard resident who works for a company that does pond restoration was present at the BHPWMC meeting and suggested the use of chemicals or the vacuuming of the invasives species from the pond be considered. The method of vacuuming would require a diver to pull out the weeds by hand and then vacuum them up. It was suggested to try this method in areas that do not dry out during the draw down. The BHPWMC discussed the proposed BHP-8 at the beach for the treatment of stormwater runoff prior to entering the pond. Additionally, the BHPWMC discussed the refill of the pond. Paul Willard asked if they being certain that they are maintaining down stream flow. Ms. Waldron was not sure, but since

members of the BHPWMC would be in attendance later this evening the Commission could ask them directly.

**Continuation of a Request for Determination of Applicability Hearing- Terrence Holt, 20 Warren Avenue, Harvard#0112-02.** Opened at 7:51pm

**Approval Process of Proposed Trail Projects**

Wendy Sisson explained some of the routine maintenance that is required for the trails on Conservation Land, which at times include the replacement of crossings with the exact same type of crossing. Ms. Sisson is requesting that the Land Stewardship Subcommittee (LSS) be allowed to authorize projects that are one for one replacement. Ms. Sisson stated that prior to any approval an email would be sent to the Commission members requesting any comments be sent directly to her. The Commission agreed that the replacement of boardwalks in the same location could be authorized by the LSS; however the relocation of a crossing would require the review and approval of the Commission.

**Notice of Intent Hearing – Timothy Myllykangas, Westcott Road (Map 32 Parcel 90 & 91), DEP#177-607, Harvard#0212-02.** Opened at 8:00pm

**Comments on Proposed Stormwater Management Facility (BHP-8)**

Mark Hardy, of the Bare Hill Pond Watershed Management Committee (BHPWMC), and John Lee, of the Park & Recreation Department, were present to discuss the proposed stormwater management facility at the beach, known as BHP-8. Mr. Hardy stated the BHPWMC met Monday night and has submitted additional amendments to the plan along with the Commissions and Park & Recreations comments to Horsley Whitten. John Lee explained the recommendations Park & Recreation had. Jim Breslauer asked if the boaters would cut across BHP-8 to get to the water. Mr. Hardy stated no that the area would be fenced in.

Mr. Willard asked about BHP-7 status and its ability to function properly. Mr. Hardy was unable to answer that question. Jaye Waldron asked why Mr. Willard feels as though BHP-7 is not working. Mr. Willard stated the facility is not deep enough or pitched enough to function properly. The Commission would like re-assurance that the water will be directed to BHP-8. Wendy Sisson stated that Michelle at Horsley Whitten had agreed that the trees in planting area 2 are necessary for erosion controls; mulch has been suggested to be piled up on them which are not good for them. Ms. Sisson would like to see the roots of the trees be taken into consideration when designing and executed this project. It looks as if the water is going to be directed to the boat ramp, thereby not getting any treatment before it enters the pond. Liz Allard asked about the other facilities installed in 2010 and their required maintenance. Mr. Hardy was uncertain as to what has or has not been done in regards to maintenance of the other facilities, but would ask others on the BHPWMC to follow up with the Commission.

On a another subject matter with the BHPWMC, Mr. Willard asked what the out flow is for keeping the flow of water into the wetland between the dam and Still River Road during the refill of the pond. Mr. Hardy was unable to answer that question, but would ask those who knew better to let the Commission know.

**Update on Hoch Land Purchase**

Liz Allard explained to the members that the appraisal has been received for the Hoch property and it is much lower than the appraisal done by the buyer. The Commission was not surprised by the appraised amount considering condition of the site and the amount of work that would be required to develop the site was not taken into consideration in the first appraisal. Attorney Lanza will inform the owners of the appraisal and see how they would like to proceed.

**Approval of Minutes**

Jim Breslauer made a motion to approve the minutes of November 17, December 1 and December 15 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Jim Breslauer made a motion to adjourn the meeting at 9:40pm. 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  
Request for Determination of Applicability Hearing Meeting Minutes  
Joan Cole, 203 Stowe Road, Harvard#0212-03  
March 1, 2012**

Chairman Paul Willard opened the meeting at 7:33pm under the Wetland Protection Act, MGL c. 131 §40 and 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, Wendy Sisson, Jaye Waldron and Jim Breslauer

**Others Present:** Liz Allard (LUB Admin) and Neil Gorman (Ross Assoc.)

This hearing is for a Request of Determination of Applicability filed on behalf of Joan Cole for the installation of a subsurface disposal system with a portion of the breakout grading within the 100' wetland buffer zone at 203 Stow Road, Harvard

Neil Gorman, of Ross Associates, was present to represent the applicant. Mr. Gorman explained that an Order of Conditions was issued in 2006 for the installation of a septic system and has since expired. Mr. Gorman stated that Ms. Cole is aging and the family is looking to get her estate in order. The new Board of Health regulations allow the system to decrease the leach field area to 480'. This reduction will reduce the grading and impact in the buffer zone, thus the reason for filing a Request for Determination of Applicability. The area in which the system is proposed is an already disturbed lawn area. The tanks and distribution box are out side the 100' wetland buffer zone. The grading is only work within 100' wetland buffer zone. The work is about 69' from wetland. Ledge outcrops and driveway issues do not allow for the system to be place in another location. Wendy Sisson stated she remembers the site from the previous application and would like the natural vegetation around the wetland maintained.

With no further comments, Wendy Sisson made a motion to close the hearing and issue a Negative 3 Determination of Applicability with the condition that the natural vegetation around the wetland will be maintained. 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 Request for Determination of Applicability Hearing  
Meeting Minutes  
Terrence Holt, 20 Warren Avenue, Harvard#0112-02  
March 1, 2012**

Chairman Paul Willard opened the public hearing at 7:51pm under the Massachusetts Wetland Protection Act MGL Chapter 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, Wendy Sisson, Jaye Waldron and Jim Breslauer

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from February 16, 2012 for the Request for Determination of Applicability filed on behalf of Terrence Holt for the removal of trees that have created a threat to human safety within the 100' wetland buffer zone at 20 Warren Avenue, Harvard.

Liz Allard informed the members that she still has not received the proper notification to abutters from the applicant. Jim Breslauer made a motion to continue the hearing to March 15, 2012 at 7:45pm. 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  
Notice of Intent Hearing Meeting Minutes  
Timothy Myllykangas, Westcott Road (Map 32 Parcels 90 & 91),  
DEP#177-607, Harvard#0112-01  
March 1, 2012**

Chairman Paul Willard opened the public hearing at 8:00pm under the Massachusetts Wetland Protection Act MGL Chapter 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, Wendy Sisson, Jaye Waldron and Jim Breslauer

**Others Present:** Liz Allard (LUB Admin), Nick Pauling (GPR, Inc.), Tim Myllykangas, Michelle Catalina, Paul Richards, Judith Eaton and Peter Davies

This hearing is for a Notice of Intent filed on behalf of Timothy Myllykangas for the construction of a single family dwelling with portions of the access drive and associated grading within the 100' wetland buffer zone on Westcott Road (Map 32 Parcels 90 & 91), Harvard.

Nick Pauling, of GPR, Inc., was present to represent the applicant, Tim Myllykangas who was also present. Mr. Pauling explained that the driveway is located within the 100' wetland buffer zone. The site is a former orchard that still has many apple trees. The driveway will be just over 800' in length. An existing cart path is where the driveway will tie into the road and will continue west of the cart path to a new single family dwelling. A site walk was unable to be conducted due to the weather conditions. Mr. Myllykangas intends on leaving a portion of the property in agricultural use. The location of the wetland line was determined by vegetation and soils. The proposed work will limit the amount of earth work by remaining close to the existing grade along lower portion of the drive.

Driveway is designed to be cross pitched to the east. The under ground stream will still flow under the proposed grading along the driveway. Jim Breslauer stated that the Commission does not allow for the use of salts or chemical deicers within 100' of a wetland. Mr. Pauling stated that the steepest grade of the driveway, 10%, outside the buffer zone. The plan calls for the use of a recycled material for the driveway. The closest encroachment from the wetlands is 75.5', with the driveway. Wendy Sisson asked about the width of the driveway. Mr. Pauling stated it is designed for 16'. Ms. Sisson asked if the driveway width can be reduced. Mr. Pauling stated that there is no relief under zoning for that. Paul Willard asked about required turnouts under zoning. Mr. Pauling stated the propose plan shows the driveway with the required turnouts. Mr. Pauling stated the top and sub soil will be removed for the installing of the driveway. Members were worried that this activity will break into the under ground stream. Mr. Pauling noted that the plan details the excavation of that area.

Judith Eaton, an abutter, has concerns with under ground stream; she stated that since the pond was installed at 50 Westcott Road she has experienced a lot of erosion on her property.

Peter Davis, an abutter, believes that the stream daylight in the area of the proposed driveway and that there is in fact a lot of surface runoff. Mr. Pauling stated that he does not know the elevation of the under ground stream in that location so he does not know if it will be effected. Ms. Eaton expressed her concern of the pond at 50 Westcott Road not retaining the water in it. Mr. Pauling explained that the pond is a lined pond and water that follows from that area is from the underground stream or over follow of the pond during large rain events.

Liz Allard asked about the treatment of stormwater prior to entering the wetlands. Mr. Pauling stated the discharged water will follow over a level spreader 50' from the wetland and then will flow natural over a vegetated area before entering the wetlands. Water currently runs along a

natural gully, the members wondered how much speed is being added by channeling the water through a culvert under the driveway.

Paul Willard asked the abutter what the site looks like when there is a large rain event. Ms. Eaton stated the cart path is under water at times.

Ms. Allard asked about the recent contamination found on the site. Mr. Myllykangas stated there were two oil drums on a pallet and that Clean Harbors has done an assessment and removed the drums. A copy of the report from Clean Harbors was received. The report indicates that there was no soil contamination. Ms. Eaton stated the tanks were leaking and is surprised that there was no contamination of the soil.

Mr. Davis had reason to believe that the extent of the leaking drums is being covered up. Additionally, there were drums near the road. Mr. Davis would like to see the remediation of soil in that area done as it was in other areas of the property. Ms. Sisson asked that the area where the pallets were be marked for a site walk.

A site walk was scheduled for Saturday March 10, 2012 at 11:00am.

The applicant agreed to continue the hearing to allow for a site walk prior to the Commission making a final decision on the application. Jim Breslauer made a motion to continue the meeting to March 15, 2012 at 7:50pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## DOCUMENTS & OTHER EXHIBITS

### **Request for Determination of Applicability Hearing – Joan Cole, 203 Stow Road, Harvard#0112-03**

- Sewage Disposal System Plan, 203 Stow Road, Map 32 Parcel 10, Harvard, Massachusetts, Joan Cole, dated 1/30/2012

### **Notice of Intent Hearing – Timothy Myllykangas, Westcott Road (Map 32 Parcel 90 & 91), DEP#177-607, Harvard#0212-02**

- Residential Development Site Plan Westcott Road Harvard, MA, prepared for Timothy Myllykangas, 7 Walnut Street, Apt. 3, Boston, MA 02108, dated February 2012
- Working Plot 121003 Myllykangas/Harvard, dated February 8, 2012
- Clean Harbors report dated February 7, 2012

### **Comments on Proposed Stormwater Management Facility (BHP-8)**

- 25% Concept Plan, Bare Hill Pond Stormwater Retrofit Project Harvard, Massachusetts, prepared by Horsley Witten Group, Inc., Project Number: 11031, Sheet Number CV-1, dated February 2012