

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 6, 2012
APPROVED: July 19, 2012**

Chairman Paul Willard called the meeting to order at 7:02pm in the Hildreth House

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

Others Present: Liz Allard (LUB Admin), Bill Johnson, Carl Warren, Scott Hayes (Foresite Eng.), Bruce Leicher, Dick Ohlin, Marty Green (Harvard Press), Paul Wood, John Lee, Bruce Ringwall (GPR, Inc.), Steven J. Strong, Worth Robbins, Michelle West (Horsley Witten) and Tim Schmoeyer

Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Pond Road, Harvard#0512-02. Opened at 7:36pm

Continuation Request for Determination of Applicability Hearing – Harvard Community Solar Garden, 285/295 Ayer Road, Harvard#0512-01. Opened at 8:00pm

Request to discuss status of Determination of Applicability – South Shaker Road (Map 4 Parcel 44, Harvard#0108-01

Scott Hayes, of Foresite Engineering, along with Carl Warren was present to further discuss the Permit Extension Act (PEA) in regards to the Determination of Applicability issued to P&E Trust in February 2007. As previously requested by the Commission, a site walk was conducted on May 30th with Scott Goddard, the Professional Wetland Scientist and Mrs. Warren. Mr. Hayes stated he was hired to determine if the design of the original septic system in 2007 could be reduced under new Title V guidelines. The fill and mound of the system, as newly designed, have been reduced. Mr. Hayes is requesting the Commission affirm that the Negative Determination issued in 2007, which will allow the Board of Health (BOH) to issue the well permit, is still in effect. Members agreed there is a valid plan for the installation of the septic system and the well and a letter affirming that will be sent to the BOH.

Minutes

Wendy Sisson made a motion to approve the minutes of March 15th, April 19th and May 17th as amended. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Bare Hill Pond Watershed Management Committee Update

Jaye Waldron stated at the recent meeting of the Bare Hill Pond Watershed Management Committee (BHPWMC), the Committee discussed the stormwater management project on tonight's agenda. The BHPWMC will be conducting a weed pulling event on June 23 or 30, 2012. In addition the BHPWMC will be seeking a seven foot draw down this fall. A slalom course was also discussed by the BHPWMC as to who could permit such an activity on the pond.

Executive Session

Wendy Sisson 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; Charlie Gorss; yea; Jaye Waldron, yea; Wendy Sisson, yea.

At 8:58pm Jim Breslauer made a motion to come out of executive session and return to the regular session of the meeting. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Planning Board Request for Comments – Moran, Prospect Hill Road (Map 16 Parcel 1.1)

Liz Allard explained to the members the request for comments from the Planning Board (PB) are in regards to a Scenic Road Consent and Site Plan Approval application for Rob & Jessica Moran on Prospect Hill Road. Paul Willard stated any wetlands on the property would be contained to the rear of the property and not associated with the requested activity. A letter will be sent to the PB indicating that any activity within the wetland buffer zone would require a permit from the Commission and it is the responsibility of the applicant to determine the location of said wetlands.

Request for Certificate of Compliance – Withers, 23 Sherry Road, DEP#177-281

Liz Allard stated the Commission had received a Request for a Certificate of Compliance from Neil Withers for 23 Sherry Road, DEP#177-281. Ms. Allard has reviewed the site and found it to be compliant with the Order of Conditions for the installation of a septic system and addition to the existing structure. Jim Breslauer made a motion to issue a Certificate of Compliance for 23 Sherry Road, DEP#177-281. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Findings on regards to earth work conducted on Littleton Road (Map 13 Parcel1)

Paul Willard stated he was going to recuse himself from the discussion. Liz Allard explained Tony Shaw had a conflict and was unable to attend this evening. Jim Breslauer suggested waiting until next meeting to discuss with Mr. Shaw. Wendy Sisson stated she was hoping to discuss it with Mr. Shaw as well, and would suggest waiting as well. The members agreed to discuss at a later date when Mr. Shaw was available. Ms. Sisson add that this is a complicated issue that has evolved over time and one the Commission should be on top of more not only at this location, but others around Town as well.

Dunlap Land

Wendy Sisson explained she had been contacted by Ron Kusner in regards to the dumping of material on the Dunlap Land on Old Littleton Road. Liz Allard has looked into the matter and determined the material is part of the preparation of the field by Frank Carlson for the planting of pumpkins, as allowed under the Conservation Restriction (CR). The material included large boulders, which were also deposited in the middle of the field. Paul Willard will follow up with Mr. Carlson to determine the use of the boulders and if it is compatible with the CR.

Master Plan Steering Committee

Jim Breslauer stated he is having difficulties making the meetings of the Master Plan Steering Committee (MPSC); if anyone on the Commission is interested, Mr. Breslauer is willing to step down as the Commission’s representative to the MPSC. Paul Willard stated he would think about it.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:28pm. 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
Bare Hill Pond Watershed Management Committee, Harvard#0512-02
June 6, 2012**

Chairman Paul Willard opened the public hearing at 7:36pm under the Massachusetts Wetland Protection Act M.G.L. Chapter 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Hildreth House

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

Others Present: Liz Allard (LUB Admin) Bill Johnson, Bruce Leicher, Dick Ohlin, Marty Green (Harvard Press), Paul Wood, John Lee, Michelle West (Horsley Witten) and Tim Schmoyer

This hearing is for a Notice of Intent filed on behalf of Bare Hill Pond Watershed Management Committee for improvements to the upper beach and parking area at Bare Hill Pond, which includes but is not limited to the installation of stormwater management facilities within 200' of Bare Hill Pond, Harvard.

Michelle West, of Horsley Witten, was present to represent the Bare Hill Pond Watershed Management Committee (BHPWMC). Ms. West explained there is a large concentration of stormwater runoff from the existing parking lot that the BHPWMC is hoping will be addressed by the addition of a new stormwater management facility. In developing the plan there were a number of constraints including the physical location of the pond, the potential re-grading of the entire parking lot and the location of handicap parking spots. The entire goal was to have a consistent grade and avoid a sharp change in elevation at the boat launch itself. Ms. West handed out a small scale plan showing shaded in gray, the area of surface water that will make its way to the proposed swale, BHP-8. The 344.8 contour creates a ridge that helps direct surface water into BHP-8. Ms. West stated the key to getting the surface water to BHP-8 will be site staking during construction. Paul Willard asked if this all works appropriately will most of the water be captured and directed toward the swale. Ms. West stated that was correct. Jim Breslauer wanted to know why the grades are straight across and not curved. Ms. West stated they did not want the parking lot to have curvature to it; this would make it difficult to maneuver within the lot itself. Mr. Breslauer suggested creating a berm that would channel surface water on each side. Ms. West stated she could make minor adjustments to make the turn to the swale better. Mr. Breslauer asked if there had been any thoughts into the use of permeable pavement. Ms. West stated that had been discussed, however that would create higher maintenance cost, particularly in areas with wind blown sand. In addition permeable pavement is not typically used in high traffic areas.

As for the sequencing of the project, the BHPWMC would like to start after the draw down begins. Phase I would consist of rough grading, installation of the improved boat ramp, binder coat of the parking area and stabilization of the area for winter. Phase II would be the final coat of pavement and the installation of the proposed plantings. Wendy Sisson asked why not pave in the fall. Ms. West stated that the use of heavy equipment in the spring for the final activities would damage the pavement; better to hold off with the final coat until all other activities are complete.

In regards to, BHP-9, Ms. West explained that the facility is not really meant to treat storm water runoff from a paved area, but to collect surface runoff and control erosion from the wooded hill side, which is considered clean water. This installation does not require the removal of any existing vegetation. The plan shows use of silt fence until the trench is in place. Mr. Breslauer asked what the purpose of the vertical pipe is. Ms. West stated to capture water and redirect it.

John Lee asked if the volume of the out flow has been calculated. Ms West stated about 2 cubic feet for a ten year storm. Mr. Breslauer asked what size stone would be used for that volume. Ms. West state at the opening there would be a level spreader with 3" –5" stone.

Mr. Lee stated the Park & Recreation (P&R) Commission is concerned the trench will become covered with sand and create a tripping hazard for kids. As proposed there is a dip in the trenched area and then a berm. Mr. Lee asked what the surface of the trench would be. Ms. West stated small pea stone would be the top surface. Mr. Lee stated P&R requires soft play areas. Ms. West suggested increasing the length of the berm and burying the stone in front of the play area. Mr. Lee asked if the trench could be installed to the rear of the swing set. Ms. West stated she would further review the site to determine if the area behind the swing set will be suitable. An additional suggestion was to shorten the pipe as water may not need to be captured prior to the play area.

BHP-9 will be constructed at the same time BHP-8 is installed. Ms. West stated the stormwater report has a maintenance check list.

Dick Ohlin asked about the boat racks and would they now be located in the water. Ms. West stated they would not. The stabilization of the boat racks was discussed. Bill Johnson stated the racks will be level one way or another as to be certain that they will not be unstable. Mr. Ohlin asked if there is any reason why the swimming area is so close to the boat ramp, he felt the lines that delineate the swim area would drift into the ramp area causing it to interfere with the use of the ramp. It is Ms. West's understanding that there is not much room for movement for the boat ramp, but maybe there is for the swim area. Mr. Ohlin asked about the single handicapped parking space at the top of the lot; however the only access to the beach and pond is at the other end of the lot. Mr. Lee stated the P&R is thinking about marking out a spot for drop off near the ramp.

In a final note, Ms. West stated the boat ramp will be widened from 10' to 20', but will not be any longer than the existing ramp.

With no further questions or comments Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include those conditions as outlined in the Order previously issued, DEP#177-575, in regards to stormwater management, and includes the proper disposal of asphalt as required by State regulations. 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
Continuation of a Request for Determination of Applicability Hearing
Harvard Community Solar Garden, Harvard#0512-01
June 6, 2012**

Chairman Paul Willard opened the public hearing at 8:00pm under the Massachusetts Wetland Protection Act M.G.L. Chapter 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Hildreth House

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

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Steven J. Strong, Worth Robbins and Tim Schmoyer

This hearing is for a Continuation Request for Determination of Applicability filed on behalf of Harvard Community Solar Garden for the removal of woody vegetation within the outer 50' wetland buffer zone for the installation of a solar garden at 285/295 Ayer Road, Harvard.

Bruce Ringwall, of GPR, Inc., explained to the members the wetland line has been reviewed by Dave Crossman as requested previously. Mr. Crossman has confirmed the line along the steep embankment. Mr. Crossman added flag 12A and extended the line between flag 13 & 14. A revised line and associated buffer zone has been submitted to the Commission. Mr. Ringwall stated in continued conversation with Natural Heritage and Endangered Species Program (NHESP) a change to the fence has been agreed upon. The fence will now be buried so wildlife can not get in the area. This will eliminate the requirement for a turtle sweep each time maintenance is completed. A letter from NHESP has been received outlining their requirements. Wendy Sisson stated she is surprised that the turtles do not come up to the area. Mr. Ringwall stated they may, but they are not within the priority habitat area.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue a Negative#3 Determination of Applicability to include the requirements of the NHESP letter and annual reporting and inspections by the Conservation Agent or a member of the Commission. 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 – Bare Hill Pond Watershed Management Committee, Pond Road, Harvard#0512-02

- ❖ WPA Form 3 – Notice of Intent application submitted by William Johnson on behalf of the Bare Hill Pond Watershed Management Committee, dated 5/24/2012
- ❖ Bare Hill Pond Stormwater Retrofit Project Harvard, Massachusetts BHP-8 and 9 Preliminary Design, dated June 2012
- ❖ Bare Hill Pond Stormwater Retrofit Project Harvard, Massachusetts, BHP-8 Existing plan, dated 5/29/2012
- ❖ Bare Hill Pond Stormwater Retrofit Project Harvard, Massachusetts, BHP-8 Drainage Area plan, dated 5/29/2012

Continuation Request for Determination of Applicability Hearing – Harvard Community Solar Garden, 285/295 Ayer Road, Harvard#0512-01

- ❖ Letter from Division of Fish & Wildlife RE: NHESP File No: 08-23981, dated June 6, 2012

Request for Certificate of Compliance – Withers, 23 Sherry Road, DEP#177-281

- ❖ WPA Form 8A – Request for Determination of Applicability submitted by Neil Withers, dated 6/14/2012
- ❖ Letter from David E. Ross Associates, Inc., RE: Request for a Certificate of Compliance, 23 Sherry Road, Harvard DEP File No. 177-281, Project No. 23314, dated June 1, 2012
- ❖ Plan of Land in Harvard, Mass., prepared for Neil and Deborah Withers, JOB No. 23314, Plan No. L-11520, dated November 2010