

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 6, 2012
APPROVED: February 7, 2013**

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

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

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Associates), Joe Theriault, Linda Hoffman, Blaze Provitula, Brandon Ducharme (Ducharme & Dillis), Daniel Calenda and Pam Durrant

Historical Commission Request to remove trees on Conservation Land around the Shaker Cemetery on Shaker Road

Joe Theriault was present as the Conservation Commission's representative to the Historic Commission to discuss potential tree removal around the Shaker cemetery. Recent storms have caused pines in and around the cemetery to come down creating damage to the markers within the boundaries of the cemetery. The Historic Commission has met with the Cemetery Commission to develop a plan to take the trees within the cemetery down. However, there are other trees that surround the cemetery on the adjoining parcel of conservation land that could cause a threat to the markers. The Historic Commission would like to clear a twenty-five foot area around the existing stone fence. This would require the removal of seven or eight large pines. The Historic Commission would like to keep this twenty-five foot swath clear in perpetuity. Wendy Sisson suggested the Conservation Commission review the site and asked that the Historic Commission mark the twenty-five foot boundary they are looking to clear. Jaye Waldron is concerned that all of these trees are being cut down as a potential threat and not an existing safety issue. Mr. Theriault stated the Historic Commission is concerned about preserving the markers.

The Conservation Commission agreed to review the site on their own over the next few months and will let the Historic and the Cemetery Commissions know of their decision.

Re-issue Certificate of Compliance – Millis, 349 Ayer Road, Harvard#1007-01

Liz Allard explained to the members she had been contacted by Attorney Al Barbieri who was seeking a Certificate of Compliance (COC) for 349 Ayer Road, Harvard#1007-01. A review of the record indicated the Commission had previously issued a COC in 2008, however it was never recorded and the property owners are unable to locate the document. Attorney Barbieri submitted a request for the re-issuance of the COC. Wendy Sisson made a motion to re-issue the Certificate of Compliance for 349 Ayer Road, Harvard#1007-01. Don Ritchie seconded the vote. The vote was unanimously in favor of the motion.

Request for a Certificate of Compliance – Vanderwerf, 6 Old Schoolhouse Road, DEP#177-481

Liz Allard explained to the members the Commission received a Request for a Certificate of Compliance (COC) from Ross Associates for Mark and Debra Vanderwerf at 6 Old Schoolhouse Road. Ms. Allard has reviewed the site and determined the work has been completed in compliance with the Order of Conditions; she recommends the issuance of a COC.

Wendy Sisson made a motion to issue a Certificate of Compliance for 6 Old Schoolhouse Road, DEP#177-481. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Approve Bill Warrant

The following bills have been received and will require the Commissions approval for inclusion on the next bill warrant:

- Harvard Press, \$25.00, Legal Notice – William’s Pond Notice of Intent
- Harvard Press, \$30.00, Legal Notice – Invasive Species Request for Determination of Applicability
- Brackett & Lucas, \$261.00, Legal Counsel

Jim Breslauer made a motion to approve the above mentioned bills for payment. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing – Linda Hoffman, 38 Eldridge Road, DEP#177-612, Harvard#1112-02. Opened at 7:30pm

Planning Board Request for Comments – Leiser, 27 Mill Road

The Commission has received a request for comments from the Planning Board in regards to a modification of a Driveway Site Plan Approval at 27 Mill Road. The revised plans show a future driveway off of Lot 3, when and if the owners sell this lot (Lot 3 has been purchased by the owners of Lot 2 to be left as a buffer between Lot 2 and 4). The installation of the driveway on Lot 3 would require a filing with the Commission as it will be within the buffer zone for the existing resource area across Mill Road. Comments to this effect will be sent to the Planning Board in a timely manner.

ZBA Request for Comments – PRM Capital, Trail Ridge Way

Liz Allard explained she has not had an opportunity to review the revised plans submitted by PRM Capital for the modification of the Comprehensive Permit currently before the ZBA. Ms. Allard will have comments prepared for the Commissions approval at the December 20th meeting.

Notice of Intent Hearing – Daniel Calenda, 94 Tahanto Trail, Harvard#1112-03. Opened at 8:00pm

Bare Hill Pond Watershed Management Committee Update

Jaye Waldron, as the Commission liaison, attended the November meeting of the Bare Hill Pond Watershed Management Committee at which the Committee discussed the current draw-down and future draw-downs. The Committee still has concern with taking a year off from the draw-downs as suggested in recent years by the Commission.

Ms. Waldron suggested to the Committee, as requested by the Commission, that extra monitoring of runoff sites be considered to aid in determining sources of the algae blooms as seen this past summer. The Committee was not agreeable to that suggestion.

The Committee encouraged members of the Commission to attend the annual Massachusetts Congress of Lakes and Ponds workshop on January 26th. Ms. Waldron stated she was interested in attending.

A suggestion was made at the BHWMC meeting to use limited pesticides application in areas that the draw-down is not successful. Other methods of removal of invasive aquatic species were discussed.

Wendy Sisson stated the suggested testing of other discharge locations was to be helpful with blooms after drought periods. Members agreed Ms. Waldron should again suggest the testing with more explanation as to why the Commission is suggesting it. Information obtained this past fall should be re-sent to the chairman of the Committee as well. The members agreed that the time has come to revisit the monitoring plan as set forth in the Order of Conditions for the draw down almost a decade ago.

Update on Ruben Reed Land Encroachment

Liz Allard stated she still has not received any further information from the Department of Transportation in regards to the parking area along Mass Avenue that may be on Conservation Land, as well as State land. Ms. Allard will contact the State again in an attempt to get additional information from on the matter.

Required Conservation Restrictions under Community Preservation Act

Liz Allard had previously distributed to the members a letter received this week from Town Counsel, Mark Lanza, in regards to the opinion of Attorney Pickett in regards to the purchase of conservation land with Community Preservation Act (CPA) funds and the required conservation restrictions. Since the State had initially contacted the Commission in regards to the Conservation Restrictions (CR), Ms. Allard sent Attorney Lanza's letter to Irene Del Bono, the Statewide Conservation Restriction Reviewer/Planner. Ms. Del Bono has indicated that Attorney Lanza is incorrect in stating that CR's are not required for the lands obtained with CPA funds. Ms. Allard has since shared Ms. Del Bono's opinion with Attorney Lanza, who has indicated he will respond to the Commission next week.

At this point the Commission determined they would not require any additional comments from Attorney Lanza and would proceed with completing the CR as required by the State. Ms. Allard will inform Attorney Lanza of the Commission decision.

Executive Session

Jim Breslauer made a motion that the Conservation Commission 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 in which a public discussion of these matters will have a detrimental effect on the negotiating position of the Commission, only to adjourn the public meeting once the discussion is complete. Wendy Sisson seconded the motion. A roll call vote was taken, Paul Willard, aye; Wendy Sisson, aye, Charlie Gorss, aye; Jaye Waldron, aye; Jim Breslauer, aye; Don Ritchie, aye.

Jim Breslauer left the meeting at 8:50pm

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:19pm. 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
Notice of Intent Hearing Meeting Minutes
Linda Hoffman, 38 Eldridge Road, DEP#177-612, Harvard#1112-02
December 6, 2012**

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 in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Linda Hoffman, Blaze Provitula, Brandon Ducharme (Ducharme & Dillis)

This hearing is for a Notice of Intent filed on behalf of Linda Hoffman for the construction of an addition to an existing garage within the 100' wetland buffer zone at 38 Eldridge Road, Harvard.

Brandon Ducharme, of Ducharme & Dillis, was present to discuss the application of Linda Hoffman, who was also present. Mr. Ducharme explained the application is for the construction of an addition to an existing garage within the buffer zone to Elizabeth Pond. There is also an existing single family home on the parcel. The proposed project relates to the agricultural use on the property. A proposed addition would be within 75' of the pond, therefore a waiver was filed to the setback of 75' for structures. Due to the existing topography of the area the location for the addition is the only suitable one. The area in which the addition is proposed has an existing gravel bed. The addition will house farm equipment (tractor) at ground level, with a studio above. The proposed project does not include any grading or removal of any vegetation; there will be no change in drainage patterns. Mr. Ducharme has proposed a drip line and recharge trench that would encompass the building and a hazardous waste clean up kit in the event there is a leak of the tractor to be stored. Mr. Ducharme stated materials removed during construction will be stored outside the 100' buffer zone.

Jaye Waldron stated she was not sure what the elevations are at the back side of the structure in regards to the floodplain. Mr. Ducharme indicated the elevations as shown on the plan. Ms. Waldron stated 90% of the proposed addition is within the 50' buffer zone; other applications before the Commission have been denied because they do not meet the 75' no structures setback; is this activity allowed under agricultural use? Paul Willard stated agricultural use is not a factor in this case.

Mr. Willard would like to see a concrete floor with a lip to aid in the containment of any fluids that may leak out of the tractor. Jim Breslauer asked if the existing stone retaining wall was part of a previous building. Linda Hoffman stated the structure has been used as a barn in the past, so the area in which the stone retaining wall is located could easily have been part of the structure at one point.

Wendy Sisson stated the setbacks were set for good reason, and to be looked at case by case; here there is not a natural vegetated buffer zone in which there will be a concern for disturbance as the area has been previously disturbed.

In regards to the recently constructed greenhouse, Liz Allard requested the property owners let the Commission know when they are conducting agricultural activities within the buffer zone so the Commission is aware when residents question said activities.

Ms. Sisson suggested the property owners allow woody vegetation to grow around pond to deter geese from grazing on the grassy areas.

With no further questions or comments, Wendy Sisson made a motion to close the hearing issue an Order of Conditions based on the plan dated December 6, 2012, a concrete slab will be added to the storage area with a lip of 1 ½ to 2" to contain any spills that may occur, a waiver is being granted to the 75' setback as the proposal has been determined to be consistent with the intent and purpose of the Bylaw. 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
Notice of Intent Hearing Meeting Minutes
Daniel Calenda, 94 Tahanto Trail, Harvard#1112-03
December 6, 2012**

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 in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Associates) and Daniel Calenda

This hearing is for the Notice of Intent filed on behalf of Daniel Calenda for an addition to an existing single family house, with associated grading and reorientation of the driveway, adding infiltration trenches, moving the above ground propane tank and landscaping within the 200' buffer zone of Bare Hill Pond at 94 Tahanto Trail, Harvard

Members of the Commission along with Dan Wolfe visited the site on Monday, which is an active construction site. Work was started prior to receiving approval from the Commission, which was an oversight on the part of Mr. Wolfe. Mr. Wolfe explained when designing the addition for Daniel Calenda he was very aware of the 100' buffer zone, but neglected to take the 200' buffer zone under the Harvard Wetland Protection Bylaw into account.

As suggested on Monday, Mr. Wolfe has added gutter and downspouts to the structure that will transfer storm water into trenches along the edge of foundation. A guardrail has been added to the turn around of the proposed driveway. All work, as previously stated is outside 100' buffer zone, but within 200' buffer zone.

Mr. Wolfe requested a waiver to the doubling of the fees for filing after work had begun. Mr. Wolfe explained there was no intent to try and get away without filing; he just forgot to take into account the Bylaws' 200' buffer zone around Bare Hill Pond.

Jim Breslauer made a motion to allow a waiver to the doubling of the fees as required under the Bylaw when activity is started without proper approval. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue an Order of Conditions based on the plan dated December 6, 2012, with the standard boiler plate special conditions. Jim Breslauer 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 – Linda Hoffman, 38 Eldridge Road, DEP#177-612, Harvard#1112-02

- ❖ Notice of Intent Plan, 38 Eldridge Road – Map 33 Parcel 5.1, Harvard, Massachusetts, prepared by Ducharme & Dillis Civil Design Group, Inc., dated December 6, 2012

Notice of Intent Hearing – Daniel Calenda, 94 Tahanto Trail, Harvard#1112-03

- ❖ Site Plan in Harvard, Mass., prepared for Daniel Calenda, prepared by David E. Ross Associates, Inc., dated 12/6/2012