

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MARCH 21, 2013
APPROVED: April 18, 2013**

Vice Chairman Jim Breslauer called the meeting to order at 7:14pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Joanne Ward, Vicki Burns, Gary Shepard (Ross Assoc.), Ezra & Mardis Dunton, George & Mary Lenertz, Deb & Joe D'Eramo and Bill Hannigan (Hannigan Eng.)

Approve Minutes

No minutes were available for approval.

Issue Certificates of Compliance

Liz Allard is continuing to reduce the files in the office. As stated a previous meeting, a large number of applicants had Certificates of Compliance (COC) issued, but never returned a recorded copy for the file. Ms. Allard is requesting COC be re-issued this evening for DEP#177-292/298/308/311/316. Don Ritchie made a motion to re-issue the COC as listed by Liz Allard. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Approval of Bills

There were no current bills for approval this evening.

Schedule Site Walk for Eagle Scout Project behind McCurdy Track

Members scheduled a site walk for the Eagle Scout project for Saturday, April 13th at 10am. Liz Allard will confirm the date and time with Ed Talanian.

Update on Ruben Reed Land Encroachment

Jim Breslauer stated he spoke with a legislative aide in Jamie Eldridge's office today who has been in contact with the Department of Transportation in regards to the Commission's request to determine whether or not the parking area along Mass Ave is within the right-of-way of Route 111. According to Mr. Breslauer the District Manager for DOT will review the site within the next day or two and the aide will follow-up with him.

ZBA Letter RE: Town Planner

A letter drafted in response to the ZBA letter on the warrant articles to hire a Town Planner had been circulated to the members for their review and comment. Liz Allard incorporated those comments into a final draft. With no further questions or comments, Charlie Gorss made a motion to approve the letter to the Board of Selectmen in regards to the hiring of a Town Planner. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Open Space Priority and Evaluation Checklist

Paul Willard is still working on his sections of the checklist.

Allocation of Funds for Annual Town Meeting

Liz Allard stated she has created two mock-up plans of the Hoch land to be used as a display at the Annual Town Meeting on April 6th. The Commission reviewed each and agreed upon the plan shown in the portrait view. Ms. Allard stated Graphix in Ayer could create a poster size on foam board for \$110. The Commission felt the plan could be done at a lower cost elsewhere. Don Ritchie made a motion to allocate up to \$75 for the creation of a full sized plan of the Hoch Land for Annual Town Meeting. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Conservation Restriction – Hoch Land, Still River Road

Liz Allard informed the Commission Marylynn Gentry, of the Harvard Conservation Trust, is drafting the conservation restriction (CR) for the recently purchased Hoch Land on Still River Road. Town Counsel Mark Lanza will review it on behalf of the Commission once Ms. Gentry has completed it. Ms. Gentry has indicated the field in the north east corner had been previously mowed by the abutter as part of an encroachment onto the parcel (the encroachment has been addressed and removed from the parcel); she would like to know if the Commission would like to maintain that area as an open field or allow it to re-vegetate naturally. Members agreed they would prefer not to have matters such as this specified in the CR and that this type of matter can be decided upon as it arises. Ms. Allard will convey this to Ms. Gentry.

Notice of Intent Hearing – Ezra Dunton, 31 Peninsula Road, DEP#177-614, Harvard#0213-01. Opened 7:30pm

Request for Determination of Applicability Hearing – Joseph D’Eramo, 67 Warren Avenue, Harvard#0213-02. Opened at 8:00pm

Notice of Intent Hearing – Michael McGarty, 115 Tahanto Trail, DEP#177-615, Harvard#0313-01. Opened at 8:20pm

Don Ritchie left the meeting at 8:45pm

Planning Board Vacancies

Members discussed the vacancies on the Planning Board and the associated Town election on April 30th.

Adjournment

Wendy Sisson made a motion to adjourn the meeting at 9:11pm. 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
Ezra Dunton, 31 Peninsula Road, DEP#177-614, Harvard#0213-01
March 21, 2013**

The public hearing was opened at 7:30pm by Vice Chairman Jim Breslauer 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: Jim Breslauer, Don Ritchie, Charlie Gorss, Jaye Waldron and Wendy Sisson

Others Present: Liz Allard (LUB Admin), Joanne Ward, Vicki Burns, Gary Shepard (Ross Assoc.) and Ezra & Mardis Dunton,

This hearing is for a Notice of Intent filed on behalf of Ezra Dunton for the demolition and reconstruction of a single family house and associated site work within the 200' wetland buffer zone of Bare Hill Pond, at 31 Peninsula Road, Harvard

Gary Shepard, of Ross Associates, was present to represent the applicant, Ezra Dunton, who was also present. Mr. Shepard explained the site has been used both seasonally and year round, the structure is not insulated and requires a number of repairs; rather than going through incremental repairs on the existing structure the owners opted to build a new house. The proposed house is pre-fabricated, which will reduce the construction time, number of workers needed, as well as solvents and sawdust entering Bare Hill Pond. The proposed structure will increase from the original structure by 26%, which includes a half second story. A new Title V septic system has been approved by the Board of Health. The Zoning Board of Appeals approved the required Special Permit last week. Mr. Shepard saved the meeting with the Commission for last in order to have a final plan before them this evening. A new well is to be drilled across the road.

Don Ritchie asked what the closest point is from the structure to Bare Hill Pond. Mr. Shepard stated 38' from the wetland to the foundation. Mr. Shepard further explained with water on both sides of the property and Peninsula Road bisecting the parcel makes it very difficult to be outside the 100' buffer zone anywhere on the property. Mr. Shepard noted the new deck will be 28' from the edge of Bare Hill pond, but it is not an impervious surface. Mitigation on the site will include the Harvard siltation barrier, which will also be used around the new well location, and stone recharge trenches for roof- top run off. A landscape plan has been developed for the Commission's review. Mr. Shepard explained a few trees will need to come down for the installation of the house. By removing some of the maple and pine trees, the remaining maples and existing oaks will be encouraged to grow. The landscape plan shows the use of shrubs that will aid in the uptake of phosphorus. No fertilizers or herbicides will be used.

Mr. Shepard stated the application included a request for a waiver to the offsets of the wetland protection regulations. The existing structure has no foundation; however the proposed structure will require one. Mr. Ritchie asked about the holding tank and if it was currently installed. Mr. Shepard stated no, the existing system is across the road. Mr. Ritchie asked if the tank could be relocated to the temporary material storage area as shown on the plan. Mr. Shepard explained after construction that area would be used for boat storage and parking for guests, so you would not want to park or store a boat on the tank. Mr. Ritchie asked if the stairs could be moved to the south side of the deck rather than the north side. Mr. Shepard stated he could.

The requirements of Title V and whether or not this would be considered new construction were discussed. Under Title V the proposal before the Commission is not considered new construction, nor is it under the Zoning Act. Jim Breslauer asked if it is possible to move the house closer to the road. Mr. Shepard stated the structure is as close as it can be to satisfy Zoning regulations, as well as if you moved it any closer you would not be able to access the garage from the

roadway. Mr. Breslauer stated the proposed structure is bigger than what is already there causing encroachment onto the 50' buffer zone; could the garage be under the house rather than attached to? Mr. Shepard stated not at the existing grade. What about no garage at all. Mr. Shepard argued a garage is better from an environmental point of view, as it would contain any leakage of oils or fuel, and sand and salt that would come off the car in the winter would be contained to the garage. Jaye Waldron asked if there is a minimum distance between house and tight tank. Mr. Shepard stated yes 10'. Ms. Waldron asked if the tank could be shifted. Mr. Shepard stated it would create an issue with zoning.

Wendy Sisson stated it will be helpful to see the site and would like to have a site visit. Ms. Sisson asked what the current vegetation is now between the house and the pond. Ezra Dunton stated moss and vetch grass, which is mowed twice a season. Ms. Sisson would propose no lawn what so ever be established. Ms. Sisson suggested the Dunton think about naturalized vegetation within the 50' buffer zone, in which the Commission normally preserves as untouchable. In addition, a mix of woody vegetation will help with erosion control, water quality and deter geese from coming up on the property to graze. Mr. Breslauer asked if the deck could be cantilevered to reduce the disturbance within 50' of the pond. Mr. Shepard stated he would look into it. The Commission asked the applicant to look at reducing the size of the deck, which is proposed to be the entire length of the new house.

Mr. Breslauer read an email received from the Mace's, an abutter, into the record.

A site walk was scheduled for Tuesday April 2nd at 5:45pm. Don Ritchie made a motion to continue the hearing until April 4, 2013 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

**Harvard Conservation Commission
Request for Determination of Applicability Meeting Minutes
Joseph D'Eramo, 67 Warren Avenue, Harvard#0313-01
March 21, 2013**

The public hearing was opened at 8:00pm by Vice Chairman Jim Breslauer 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: Jim Breslauer, Don Ritchie, Charlie Gorss, Jaye Waldron and Wendy Sisson

Others Present: Liz Allard (LUB Admin), Joanne Ward, Vicki Burns, George & Mary Lenertz, Deb & Joe D'Eramo

This hearing is for a Request for Determination of Applicability filed on behalf of Joseph D'Eramo for the removal of fallen and tipped trees from a wetland resource area at 67 Warren Avenue, Harvard.

As an abutter, Jaye Waldron recused herself from the hearing and joined the audience.

Joseph D'Eramo was present to discuss with the members his request to remove trees from a wetland area that he believes will eventually cause water to back up and block the existing culvert under his driveway causing the driveway to flood during periods of high water. The trees in question are from the 2008 ice storm, some which had the broken tops cut and the trunks left by National Grid once they cleared the existing power lines. There are also several large trees completely down on both sides of the driveway. Mr. D'Eramo finds the area to be unsightly. A concern over the location of the property boundary along the east side of the driveway has the abutter, George Lenertz wanting to locate that boundary before work begins. Mr. D'Eramo had no objection to continuing the hearing to allow for the boundary to be located and to allow for the Commission to conduct a site walk of the location. George Lenertz was also present and reinforced his request that the boundary be determined prior to any issuance of a permit to Mr. D'Eramo.

Jim Breslauer asked if there had been any interference with flow of water in the past. Mr. D'Eramo stated there had not. Jaye Waldron stated the area is a vernal pool, even though it is not certified; the work proposed should not impact the habitat. Wendy Sisson asked if there is a time he needs to do the work by. Mr. D'Eramo stated he would like to do it this spring. Ms. Sisson stated that would be the worst time for activity in and around a vernal pool. Ms. Sisson suggested the fall or winter would be better.

With the applicant's acceptance of a continuance, a site walk was scheduled for Tuesday April 2nd at 5:30pm. Wendy Sisson made a motion to continue the hearing until April 4, 2013 at 8:00pm. 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
Michael McGarty, 115 Tahanto Trail, DEP#177-615, Harvard#0313-02
March 21, 2013**

The public hearing was opened at 8:20pm by Vice Chairman Jim Breslauer 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: Jim Breslauer, Don Ritchie, Charlie Gorss, Jaye Waldron and Wendy Sisson

Others Present: Liz Allard (LUB Admin), Joanne Ward, Vicki Burns and Bill Hannigan (Hannigan Eng.)

This hearing is for a Notice of Intent filed on behalf of Michael McGarty for the replacement of an existing septic system within the 100' wetland buffer zone at 115 Tahanto Trail, Harvard,

Bill Hannigan, of Hannigan Engineering, was present to represent the applicant. Mr. Hannigan stated the wetland associated with this application is across the street on Tahanto Trail. Storm water is collected in front of house and flows into culvert under Tahanto Trail. Mr. Hannigan stated the well location dictated the location of the septic system, which will include a small landscape wall. A Presby© system did not seem to provide any benefit for this site. Wendy Sisson asked if the effluent was any more treated than in a Presby©. Mr. Hannigan stated no. Ms. Sisson would like another way to complete the system without it draining right in front of a culvert which drains to Bare Hill Pond. Mr. Hannigan stated the system has a barrier. Don Ritchie asked if there is a proposed reserve area. Mr. Hannigan explained one is not necessary for a repair. Members discussed the concerns of the location of the system; however there are no alternatives due to site constraints.

Members requested an opportunity to review the site prior to making a decision. Mr. Hannigan agreed to a continuance. A site walk was scheduled for April 2nd at 6:30pm. Don Ritchie made a motion to continue the hearing until April 4, 2013 at 8:15pm. 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 – Ezra Dunton, 31 Peninsula Road, DEP#177-614, Harvard#0213-01

- ❖ Site plan in Harvard, Mass., prepared for Ezra Dunton, prepared by David E. Ross Associates, Inc., Job No. 28109, Plan No. L-12002, dated February 2013
- ❖ Email from Rick and Roxanne Mace, dated March 12, 2013

Request for Determination of Applicability Hearing – Joseph D’Eramo, 67 Warren Avenue, Harvard#0213-02

- ❖ Plan depicting location of resource area at 67 Warren Ave, Harvard, dated February 28, 2013
- ❖ Letter from The Fay Law Offices, RE: 67 Warren Avenue, Harvard, Massachusetts/Joe D’Eramo, Request for Determination of Applicability, dated Mar 18, 2013
- ❖ Five photos of the area, dated 03/21/2013

Notice of Intent Hearing – Michael McGarty, 115 Tahanto Trail, DEP#177-615, Harvard#0313-01

- ❖ Subsurface Disposal System in Harvard, Massachusetts, prepared for Gregory’s Carpentry, Gregory Day, Washington Street, Leominster, Massachusetts, 01453, Job No. 2404, Plan No. C-8-35, dated Mar 7, 2013