

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
APRIL 4, 2013
APPROVED: May 2, 2013**

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

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

Others Present: Liz Allard (LUB Admin), Leo Blair, Bruce Nickerson, Pam Durrant (Harvard Conservation Trust), Marylynn Gentry (Harvard Conservation Trust), Vicki Burns, Gary Shepard (Ross Assoc.), Ezra & Mardis Dunton, George & Mary Lenertz, Deb & Joe D'Eramo and Bill Hannigan (Hannigan Eng.)

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, to return to the public meeting once the discussion is complete. Jaye Waldron seconded the motion. A roll call vote was taken, Paul Willard, aye; Wendy Sisson, aye, Charlie Gorss, aye; Jaye Waldron, aye; Jim Breslauer, aye; Joanne Ward, aye

Notice of Intent Hearing – Ezra Dunton, 31 Peninsula Road, DEP#177-614, Harvard#0213-01. Opened 7:43pm

Request for Determination of Applicability Hearing – Joseph D'Eramo, 67 Warren Avenue, Harvard#0213-02. Opened at 8:14pm

Notice of Intent Hearing – Michael McGarty, 115 Tahanto Trail, DEP#177-615, Harvard#0313-01. Opened at 8:34pm

Review & Approve Hoch Conservation Restriction

Members had not had an opportunity to review the conservation restriction as of yet for the recently purchased Hoch land.

Discuss Warrant Articles for Annual Town Meeting – Articles 26, 40 & 44

Charlie Gorss volunteered to present the article for the Commission's request for funding through Community Preservation Act; Article 26. Paul Willard volunteered to speak on behalf of the Commission in regards to the taking of the Bamford land under eminent domain; Article 40. Liz Allard stated she believed there are no last minutes gifts of land under Article 44.

Approve Minutes

There were no minutes available for approval.

Issue Certificates of Compliance

There were no Certificates of Compliance for approval this evening.

Approval of Bills

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

- ❖ Attorney Mark J. Lanza - \$1684.16

Wendy Sisson made a motion to accept the above mentioned bills for inclusion on the next bill

warrant. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Bare Hill Pond Watershed Management Committee Update

Jaye Waldron informed the members that Wendy Gendron will be attending the April meeting of the Bare Hill Pond Watershed Management Committee (BHPWMC) to discuss the results of the draw down. The BHPWMC has invited the Commission to attend this meeting. In addition to Ms. Gendron, Lycott Environmental will also be at April meeting to present alternative methods of weed control. Ms. Waldron stated the frog counts will be conducted on April 14th or 21st.

Quarterly Conservation Fund Report

Members received the quarterly report of the accounts held by the Commission from Liz Allard for their review. There were no questions.

Re-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.

Wetland Protection Act Regulation Revisions

Liz Allard stated she has not yet had an opportunity to review the revisions of 310 CMR 10.00, but will do so for the next meeting.

Update on Ruben Reed Land Encroachment

Jim Breslauer stated Jamie Eldridge's office has heard back from the Mass Department of Transportation who stated they have no issues with the location of the parking area along Massachusetts Avenue.

Open Space Priority and Evaluation Checklist

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

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:11pm. Joanne Ward 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
Ezra Dunton, 31 Peninsula Road, DEP#177-614, Harvard#0213-01
April 4, 2013

The public hearing was opened at 7:43pm 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, Jim Breslauer, Wendy Sisson, Charlie Gorss, Jaye Waldron and Joanne Ward

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

This hearing was continued from March 21, 2013 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

A site walk was conducted in April 2nd. Gary Shepard, of Ross Associates, discussed some of the comments from the last meeting. The deck stairs will be switched to south side as requested. The deck will be partially cantilevered as requested. The reduction in the size of the deck was considered, but the applicants would really not like to do so. Mr. Shepard stated the bigger the deck the less impact to vegetated areas between it and the pond. The applicant's like to entertain and by keeping the deck at the size proposed it will allow for use by more individuals and keep them off the vegetated area. Mr. Shepard stated he was able to get the tight tank outside 50' buffer zone. And finally, a naturally vegetated area will be maintained along the pond's edge from wetland flag# 16 to the edge of property.

Wendy Sisson stated the Commission normally maintains the 50' no disturb zone to a wetland, but parcels on the pond were developed before this provision was established. Jaye Waldron asked about the wetland edge, south of wetland flag #16 and why that was not being included. Mr. Shepard explained that is the location of the dock in the summer months. Ms. Sisson would also like a provision that there is to be no conversion to lawn in the existing disturbed area southwest of shed. Ms. Waldron was concerned with the number of trees being removed on the site. The landscape plan was reviewed. Liz Allard suggested the native plants as listed within the Vegetated Buffer manual be used. Ms. Sisson suggested the under story will take hold if allowed to be left undisturbed as well. Ms. Sisson suggested "A Guide to Invasive Plants in Massachusetts" be sent to the applicant. The trees that are to be removed are to be marked for approval by the Conservation Agent or a member of the Commission prior to removal.

Jim Breslauer stated the wetland setbacks are being encroached upon with this proposal. Mr. Breslauer has no issue with reconstructing the house on the same foot print, but he is not in support of encroaching on the pond with the deck. Ms. Sisson is willing to make trade offs for that, such as the natural re-vegetation of the "lawn area". Paul Willard thinks the whole area has been changed over the years by renovations and rebuilding, however he is not totally on board with the reasoning for a deck of that size.

Wendy Sisson made a motion to accept the waiver request based on the fact there is an existing house on the lot, the method of construction minimizing disturbance, and the proposed house conforms to other uses along Peninsula Road. Paul Willard seconded the motion. Jim Breslauer

stated he would be in agreement with a waiver for the construction of a new house, but not for the addition of a deck. Jaye Waldron agreed. The vote was 4-1-1, with Jim Breslauer denying and Jaye Waldron abstaining.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions that includes a 10' no disturb zone along the edge of the pond excluding dock and boat access, to allow vegetation to grow back naturally; the vegetation may be pruned to maintain a view, a permanent condition that there is to be no lawn area established, native plants as listed in Appendix B of the Massachusetts Buffer Manual shall be used, the trees to be removed will be flagged and approved by the Conservation Agent prior to cutting. Charlie Gorss seconded the vote. The vote was 4-1-1, with Jim Breslauer denying and Jaye Waldron abstaining.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Meeting Minutes
Joseph D'Eramo, 67 Warren Avenue, Harvard#0313-01
April 4, 2013**

The public hearing was opened at 8:14pm 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, Jim Breslauer, Wendy Sisson, Charlie Gorss and Joanne Ward

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

This hearing was continued from March 21, 2013 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.

A site walk was conducted on April 2, 2013 with the applicant and members of the Commission. The abutting property has been surveyed; there is now a clear line between the two parcels. Abutter George Lenertz stated he has no issue with work along the north of the driveway, however on the south side he wants to be certain that nothing is done on his property. Joe D'Eramo understands what he can remove from the south side of the driveway as it pertains to the abutting property. Mr. D'Eramo also understands biodegradable oil is to be used in the chain saw while working within the resource areas. The Commission agreed the work is to be completed during dry conditions, later summer or early fall. The large clump of trees along the upper driveway, beyond the crossing to the north of the resource area can be removed once the Determination is issued and the appeal period has lapsed. Liz Allard suggest Mr. D'Eramo clean the culvert in dry weather to aid in maintaining flow through the culvert.

Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination of Applicability to include the above mentioned conditions. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Michael McGarty, 115 Tahanto Trail, DEP#177-615, Harvard#0313-02
April 4, 2013**

The public hearing was opened at 8:34pm 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, Jim Breslauer, Wendy Sisson, Charlie Gorss, Jaye Waldron and Joanne Ward

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

This hearing was continued from March 21, 2013 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,

A site walk was conducted on April 2nd, at which point Wendy Sisson requested the erosion controls and retaining wall be staked out prior to the removal of any trees. In the location where the contractor will be accessing the work area from the driveway there is a dead tree with wires running right along it; it was requested the tree be preserved as it makes great habitat. Water should also be shunted to the culvert side of the boulder. Bill Hannigan submitted a revised plan.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the special condition that woody vegetation is to be planted along the slope rather than grass. 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 – 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

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, stamped Mar 29, 2013