

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MAY 16, 2013  
APPROVED: June 20, 2013**

Chairman Paul Willard called the meeting to order at 7:04pm in the Town Hall Meeting Room

**Members Present:** Jim Breslauer, Jaye Waldron, Wendy Sisson, Don Ritchie and Joanne Ward

**Others Present:** Liz Allard (LUB Admin), Joe Theriault, Gary Shepard (Ross Assoc.), Rick & Roxanne Mace, Bob Donnell, Chris Tracey, Theodore Maxant, Orville Dodson

**Discuss Wetland Violation at 23 Tahanto Trail**

Joe Theriault was present to further discuss with the Commission the wetland violation on his property at 23 Tahanto Trail. Don Ritchie asked if Mr. Theriault intends on removing any additional trees. Mr. Theriault stated there are five remaining dead ash he would like to remove for safety reasons to persons and property. It was explained to Mr. Theriault that trees, even dead ones, are good habitat; it was noted that one tree in the area of question shows signs of use by woodpeckers. Joanne Ward asked what Mr. Theriault is planning for the front area of the property. Mr. Theriault would like to smooth out ruts created and then let Mother Nature do her thing to re-vegetate the area. Jaye Waldron stated with an open area such as this there is a concern of invasive species coming in and taking over. Mr. Theriault stated prior to any activity the entire area was covered with invasive plant species. Ms. Waldron asked about the unstable slope along the driveway and how Mr. Theriault plans on stabilizing it. Mr. Theriault stated the slope is about a foot and half more north than it is normally; he will re-establishing the slope of the driveway and stabilize the area with grass, which was disturbed by the installation of a generator.

Jim Breslauer stated the Commission will need some type of plan as to what Mr. Theriault is going to do and how it is to be done, through either a Notice of Intent or a Request for Determination of Applicability (RDA). The plan should include what trees will be removed, the equipment to be used to clean up the disturbed areas and proposed plantings to aid in the stabilization. Members agreed Mr. Theriault should file an RDA.

Mr. Theriault asked about the allowed activities within the wetland buffer zone. It was explained that those activities that are considered routine maintenance can be performed, such as mowing, snow plowing, and maintaining the existing driveway.

**Discuss Request to Remove Trees on Conservation Land around Shaker Cemetery**

Joe Theriault was present to discuss with the Commission the Cemetery Commission's request to remove trees from the perimeter of the Shaker Cemetery, which is Conservation land. The Commission has identified about six trees. Don Ritchie and Liz Allard identified four additional trees that should be included. Jim Breslauer stated he identified some additional trees that could either be removed or trimmed. Mr. Breslauer stated some of the trees marked looked healthy to him. It was explained that some of the trees may in fact be healthy but their orientation threatens the markers within the cemetery should they come down during a storm event. Mr. Breslauer did not agree that the mere possibility was sufficient reason to remove healthy trees.

The members agreed the trees marked could be removed to aid in the prevention of damage to the markers within the Shaker Cemetery. Mr. Theriault stated he and the Cemetery Commission are hoping to get the Commission's support on the Community Preservation Committee application for the activity this fall.

**Issue Certificate of Compliance**

Liz Allard explained the Commission had received a Request for a Certificate of Compliance (COC) for the construction that has been completed to date at the Trail Ridge site on Littleton County Road, DEP#177-457. The remaining work will be permitted under a new Notice of Intent.

Work requested under this current COC has been confirmed by Ms. Allard. Joanne Ward made a motion to issue a COC to Fairway Partners, LLC for the activity completed to date as detailed on the COC at the development known as Trail Ridge. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson joined the meeting at 7:32pm

**Notice of Intent Hearing – Richard & Roxanne Mace, 38 Peninsula Road, DEP#177-617, Harvard#0513-01.** Opened at 7:34pm

#### **Discuss Eagle Scout Project with Ed Talanian**

Members of the Commission, Liz Allard and Ed Talanian visited the trails behind the McCurdy track at the end of April to determine the best location for Mr. Talanian's Eagle Scout project. It was determined the Ginny Thurston Trail would require extensive work to upgrade. An additional area within the trail system at this location was determined to be a better area for improvement. The trail will be improved with the installation of gravel, which can be brought in by hand to the site. Don Ritchie agreed to supervise the project along with the Scout Master. The Commission agreed the work could be permitted under a Request for Determination of Applicability. Ms. Allard will work with Mr. Talanian to complete the appropriate paper work.

#### **Approval of Bills**

Liz Allard stated the Commission had no current bills for approval.

#### **Upcoming Invasive Plant Species Event**

Wendy Sisson reminded the Commission members of the event to be held this coming Tuesday, May 21<sup>st</sup>, on controlling invasive species in your own backyard. Ms. Sisson has obtained flyers to be distributed around Town over the next several days, including this weekend's plant sale on the Common. Ms. Sisson requested additional funding to obtain additional flyers for distribution. Don Ritchie made a motion to allocate additional funds from the Community Preservation Act funds for additional flyers for the event on May 21<sup>st</sup>. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

#### **Bare Hill Pond Watershed Management Committee Update**

Jaye Waldron updated the Commission on the April meeting of the Bare Hill Watershed Management Committee (BHPWMC). The meeting was attended by a representative from Lycott Environmental who discussed alternatives to draw downs for weed control on the pond. Abutters to the pond who were present at the April meeting discussed the removal of muck in private use areas around the pond.

Ms. Waldron stated Wendy Gendron, the BHPWMC wetland biologist, will be at the pond in June for water testing and vegetation survey. Reports on frog counts this year indicate more Pickerel frogs than in previous years.

#### **Invasive Species Special Conditions**

Members of the Commission have not had an opportunity to review the information distributed in regards to invasive plant species control for inclusion with the special conditions issued with each order of conditions. This item will remain on the agenda for discussion at the June 20<sup>th</sup> meeting.

#### **Review & Approve Conservation Restriction for Hoch**

Wendy Sisson has made some edits to the Hoch Conservation Restriction (CR) as previously drafted by the Harvard Conservation Trust (HCT). Members questioned why the CR can not just mention the HCT as the grantee, rather than include the names of the current president and treasurer. Liz Allard will follow up with Town Counsel on the matter. Members agreed with the language as described by Ms. Sisson. With no further questions or comments, Don Ritchie made a motion to accept the Conservation Restriction as drafted. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Don Ritchie made a motion to adjourn the meeting at 9:07pm. 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  
Richard & Roxanne Mace, 38 Peninsula Road, DEP#177-617, Harvard#0513-01  
May 16, 2013**

The public hearing was opened at 7:33pm 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, Don Ritchie and Joanne Ward

**Others Present:** Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.), Rick & Roxanne Mace, Bob Donnell, Chris Tracey, Theodore Maxant, Orville Dodson

This hearing is for a Notice of Intent filed on behalf of Richard & Roxanne Mace for an addition to a single family house and associated site work within 200' of Bare Hill Pond at 38 Peninsula Road, Harvard.

This hearing was held along with the Zoning Board of Appeals on a Special Permit application for this location.

Gary Shepard, of Ross Associates, was present to represent the applicants, Richard and Roxanne Mace, who were also present. Mr. Shepard explained the proposed project is for an addition to the existing house. Mr. Shepard explained the location was subject to unapproved cutting years ago, which was addressed under a separate Order of Conditions with on-going monitoring. This Notice of Intent is specifically for the proposed addition. Mr. Shepard explained there is no spot on the property that is outside the 200' wetland buffer area under the Wetland Protection Bylaw; the existing house is all most entirely within the 75' setback under the Bylaw. The proposed 16 x 19 addition is for an expansion of the existing kitchen and second floor master bedroom to allow for work space for the home owner. The addition is isolated from wetlands as it is on the opposite side of the existing structure from Bare Hill pond at 72'. The plan calls for erosion controls to prevent any sediment from entering Bare Hill pond. As for runoff from the house, the existing gutters will be reinstalled and drained to a proposed infiltrator. The plan also calls for the expansion of the existing driveway, which will generate new runoff. Mr. Shepard explained the original plan had a smaller recharge trench at the end of the driveway, however during the meeting with the ZBA there were questions in regards to the size of the trench and was it suitable to handle the runoff. Mr. Shepard stated the trench has now been re-designed to include the runoff from the entire driveway and not just from the newly proposed portion of it as it did on the original plan. The capacity of the trench will be 272 cubic feet of storage. Mr. Shepard noted the trench has been designed to handle runoff from a two-year storm event, as mentioned in the Protective Bylaw under Site Plan Review.

Chris Tracey, chair of the ZBA explained the requirements of the Special Permit do not allow for substantial increase of volume or rate of surface water to neighboring properties. The members of the ZBA agreed they wanted to seek additional advice from the Commission on this matter before closing the hearing on the property. Mr. Tracey stated if the Commission is satisfied with the design, then the ZBA too shall be satisfied that the requirements of the Protective Bylaw have been met.

Don Ritchie asked if the trench could be increased to run along the side of the driveway as well to catch the side pitch of the driveway. Mr. Shepard stated he could create a swale to direct water down to trench, but he feels the current design will work better. Wendy Sisson stated the soils on the site are very tight; is there any way to make the soil better for infiltration? Mr. Shepard stated

as proposed the design is better for infiltration than the existing conditions; there is no way to speed up the infiltration rates. After additional discussion, Mr. Shepard agreed to include a swale along the driveway. Jim Breslauer asked about using a pervious surface on the new proposed walkway to make up for the addition of impervious surface on the driveway. The applicant was amenable to creating a walkway that is not a solid form, such as poured concrete, but rather pavers or stepping stones.

Ms. Sisson wondered if additional vegetation on the site would aid in the slowing of runoff from the site to the pond. It was explained as previously permitted the site has a number of trees and shrubs that were planted down-gradient of the driveway; as well the area is covered with woodchips and not lawn area. Ms. Sisson thinks the trench size is appropriate in addressing runoff into the pond in that area. Mr. Breslauer stated he is not normally in favor of this type of addition, however he does not think this proposal will have an adverse impact to the resource area since it will be located within an already disturbed area.

Ted Maxant stated the other requirement of the ZBA is that the addition is not more detrimental to the neighborhood. Mr. Maxant reviewed the site and the other locations along Peninsula Road, and he does not feel this addition will be detrimental to the neighborhood, as a matter of fact there are larger structures within the neighborhood. Mr. Tracey also visited the site and agreed with Mr. Maxant.

There were no comments from the general public.

Ms. Sisson asked about the wood chips that were required as part of the previous Order of Conditions and that are suppressing the growth of natural vegetation. Ms. Sisson asked if the applicants would be amenable to removing the chips and allow the natural vegetation take hold. Rick Mace stated the chips are working to control run off by infusing the water before entering the pond; in addition they have noticed the area is free of ticks. Mr. Ritchie stated he has the same issue with wood chips. The Mace's and members of the Commission agreed to further discuss this matter at a later date as it is not part of this application.

With no further questions or comments, Ted Maxant made a motion to close the ZBA hearing. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

The ZBA agreed to incorporate the previously used condition from the Special Permit issued in 2007 as recommended by the Bare Hill Pond Watershed Management Committee. With no further discussion, Ted Maxant made a motion to issue a Special Permit for the addition to a pre-existing non-conforming structure at 38 Peninsula Road. Orville Dodson seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson made a motion to close the Conservation Commission hearing and issue an Order of Conditions to include the use of pavers on the proposed walkway and the final plan will show a drainage swale along the driveway and the infiltration trench moved back further from the edge of the driveway to allow for snow storage. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Liz Allard  
Land Use Administrator/  
Conservation Agent

## DOCUMENTS & OTHER EXHIBITS

### **Notice of Intent Hearing – Richard & Roxanne Mace, 38 Peninsula Road, DEP#177-617, Harvard#0513-01**

- ❖ Proposed Addition Plan in Harvard, Mass., prepared for Richard & Roxanne Mace, prepared by David E. Ross, Associates, Inc., Job No. 23820, Plan No. M-6223A, dated 5/15/2013