

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 20, 2013
APPROVED: July 18, 2013**

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

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

Others Present: Liz Allard (LUB Admin), Jim Saalfield, Gary Shepard (Ross Assoc.), Dean Sampson, Patrick Wind, Cynthia Allen, Chris Allen, Rob Oliva (Ross Assoc.), Matthew Bombaci (GPR, Inc.) and Dennis Ring (Fairways Partners)

Volunteer Request for Associate Member- Jim Saalfield

Jim Saalfield was present to discuss with the Commission his interest in being appointed as the associate member. Mr. Saalfield stated he was interested in learning the laws that the Commission administers; he feels the Commission plays a very important role in Town. Paul Willard explained the position as an associate member. Mr. Saalfield stated he has some conservation experience as he recently left the Harvard Conservation Trust, where he served on several committees.

With no further questions, Wendy Sisson made a motion to recommend Jim Saalfield to the Board of Selectmen for appointment to the Commission as the associate member. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Minutes

Wendy Sisson made a motion to approve the minutes of May 2nd and 16th as amended. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Issue Certificates of Compliance

There were no Certificates of Compliance to be issued.

Bills

Liz Allard stated the following bills have been received and need approval to be included on the next bill warrant:

- ❖ Mark J. Lanza - \$30.00 (Hoch CR)
- ❖ Harvard Press - \$360.00 (1/2 page ad)
- ❖ MACC - \$52.50 (handbook)
- ❖ Bruce Scherer - \$2380.00 (Invasive project)

Jim Breslauer made a motion to approve the above mentioned bills. Don Ritchie 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 latest Bare Hill Pond Watershed Management Committee (BHPWMC) meeting. Ms. Waldron stated the BHPWMC is gathering data on various options for draw downs and is planning on holding public meetings as outreach for community input.

Ms. Waldron stated the biologist for the BHPWMC has stated that if a year is taken off from a draw down it would cause the mussels to move up closer to the surface, which would cause a die off of them the following year.

Lycott Environmental will conduct an evaluation of the pond to see what treatments should be recommended.

The recent reported fish kill at the pond was the result of low oxygen levels during spawning. It was not a public health issue.

Notice of Intent Hearing Patrick Wind, 37 Peninsula Road, DEP#177-618, Harvard#0513-02.
Open at 7:30pm

Notice of Intent Hearing Cynthia Allen, 43 Under Pin Hill Road, DEP#177-620, Harvard#0513-03. Open at 8:03pm

Notice of Intent Hearing Town of Harvard, Department of Public Works, Littleton County Road, DEP#177-619, Harvard#0613-01. Open at 8:45pm

Review & Approve Conservation Restriction for Hoch

The Commission discussed the draft Conservation Restriction for the Hoch land on Still River Road. Minor edits were made to the draft. Wendy Sisson made a motion to accept the Conservation Restriction with the changes made this evening. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Invasive Species Special Conditions

Members agreed to discuss this item at the next meeting.

Master Plan Steering Committee Representative

The Commission has received a request from the Planning Board for a representative from the Commission for the Master Plan Steering Committee. Jaye Waldron stated she would be interested if the meetings were in the evening. Jim Breslauer stated he would be willing to serve as the Commission's representative if the meetings are not in the evening. Once this is determined the Commission can make the recommended appointment.

Community Preservation Committee Representative

Charlie Gorss stated it was time for re-appointments of the Community Preservation Committee (CPC) representative from the Commission. Mr. Gorss stated if another member of the Commission is interested in this appointment he would turn it over to them. Joanne Ward stated she would volunteer to be the Commission's representative on the CPC.

Jim Breslauer made a motion to appoint Joanne Ward to the Community Preservation Committee as the Conservation Commission's representative. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing Fairway Partners, LLC, Trail Ridge Way, DEP#177-621, Harvard#0613-02. Open at 9:15pm

Executive Session

Don Ritchie 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. Jim Breslauer 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

Paul Willard left the meeting at 9:45pm

Local Acquisitions for Natural Diversity (LAND) Grant

It has recently been suggested that the Commission should pursue a LAND grant for the new to the market Willard land on Willard Lane. The deadline for the application is July 17, 2013. After

a discussion, the members agreed that the time frame to prepare such an application is not sufficient, as well as this parcel may not be a priority as it pertains to open space.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:57pm. 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
Patrick Wind, 37 Peninsula Road, DEP#177-618, Harvard#0513-02
June 20, 2013**

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, 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, Don Ritchie and Joanne Ward

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.), Dean Sampson and Patrick Wind

This hearing is for a Notice of Intent filed on behalf of Patrick Wind for the re-construction of a single family house and associated site work within 200' of Bare Hill Pond at 37 Peninsula Road, Harvard.

Gary Shepard, of Ross Associates, was present along with the applicant Patrick Wind and the property owner, Dean Sampson. Mr. Shepard explained the house is located on the west side of Peninsula Road and there is no part of the property that is outside the 200' buffer zone. The proposed house is not much bigger than the existing house, which will include decks for outdoor activities. There is no plan to remove any trees on the site. The plan calls for mitigation of the existing driveway, which currently has no runoff attenuation. Mitigation will include a proposed infiltration trench at the end of the driveway, along with a row of shrubs along the trench. There will be no new disturbance along the edge of the pond; a no disturb zone has been created of at least ten feet to allow the natural shrubs to grow back in areas along the shore line. The locations of the existing rope swing and the existing dock are to be left as they are currently, un-vegetated. The proposed impervious area is only slightly larger than the existing, by 26%; recharge trenches will be installed and will hold a 1" rain event for the structure. Mr. Shepard stated this is an improvement to what is there now. The plan calls for erosion controls and a stock pile area.

During the site walk it was discussed about moving the outflow of the infiltration pipe as it is in a steep area. Mr. Shepard stated you would be splitting the differences between the existing trees. Wendy Sisson thought the roots of the spruce trees would be disturbed as proposed and the discharge was steep. Mr. Shepard stated the footing drain may end up going where there is no ledge. It was recommended to install a dry well, should site conditions allow.

Ms. Sisson stated the use of stone dust is not a good choice and that gravel or $\frac{3}{4}$ stone should be used instead on the driveway. Don Ritchie asked if the steps off the back deck could be moved to the location of the existing steps, which is about three or four feet. It was asked if the stairs or the deck could be reduced to minimize the encroachment on the 50' buffer zone.

Ms. Sisson suggested widening the no disturb zone to 20' to allow natural vegetation in those areas to re-establish itself. Jim Breslauer asked how the no disturb zone would be delineated from the rope swing area. Mr. Shepard stated there are paths directed to the area.

Patrick Wind stated he does not see how you can double the no disturb zone between the rope swing and the beach. Mr. Wind likes the site the way it is now and has no intention of creating a lawn. Additional no disturb zones were discussed and agreed upon as a 20' area north of the rope swing and a 10' x 30' area located behind the beach area from the existing shed to the 50' buffer zone line. Mr. Wind was also amenable to rounding out the stairs to be closer to the existing walkway to reduce disturbance with the 50' buffer zone.

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 conditions that the no disturb area be increased to 20' north of rope swing area and an additional 10' x 30' no disturb area be located behind the existing shed, the stairs to be completed as close to the existing walkway as possible, the outflow for the infiltration pipe shall be constructed as the site allows to avoid direct discharge down the slope or over existing tree roots, the outflow shall have crushed stone, stone dust is not to be used for the driveway, foot paths are to be used for accessing the site, there is to be no lawn or fertilizers used within 100' of Bare Hill Pond. 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
Cynthia Allen, 43 Under Pin Hill Road, DEP#177-620, Harvard#0513-03
June 20, 2013

The public hearing was opened at 8:03pm 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, Don Ritchie and Joanne Ward

Others Present: Liz Allard (LUB Admin), Cynthia Allen, Chris Allen and Rob Oliva (Ross Assoc.)

This hearing is for a Notice of Intent filed on behalf of Cynthia Allen for the demolition and reconstruction of portions of a single family house, to include new foundations, deck, walkway and shed within the 200' Riverfront Area of Bower's Brook at 43 Under Pin Hill Road, Harvard.

Rob Oliva, from Ross Associates, was present along with the applicants, Cynthia and Chris Allen. Mr. Oliva explained the majority of the site is within the 200' riverfront area. The existing house is elevated above the wetland and Bowers Brook. The owners have determined the house is in complete disrepair and the best solution is to rebuild the house with a majority of it being within the existing footprint. The rebuild will consist of creating new full foundations or frost walls. A large portion of the existing house is cantilevered. The steel beams holding up these sections have not been maintained and are in need of removal. There are two existing areas that will be enclosed to make the interior more user friendly.

The existing decks, for the most part will be rebuilt; one will be re-built as a three season room. An existing shed is proposed to be rebuilt as well and placed on concrete piers. The plan calls for erosion controls to encompass the house on the resource area side. Another shed further down the property on an existing knoll is proposed for animal rehab. Improvements, including a trellis, will be done to the existing garage.

Wendy Sisson stated she has no problem with the rebuilding of the house and the decks; it will be the construction process and protecting the wetlands that will be the greater challenge. Ms. Sisson has issues with the location of the sheds; she would not like to see the one for the animal rehab installed in the proposed location as it is the only upland area in that location. The existing shed west of the garage should be relocated outside the 50' buffer zone. As for the proposed potting shed, Ms. Sisson would like to see that moved to another location as well.

The applicants agreed to move the animal rehab shed to just off the driveway and outside any buffer zones or riverfront area. The existing shed can be moved to be within the 75' buffer zone, which is an already disturbed area. As for the potting shed, there is a large ledge area in the location it has been proposed, but it may be able to move outside of the 50' buffer zone during construction. It was agreed upon that this shed will be smaller than it is depicted on the proposed plan, such as a 10' x 12' shed.

Mr. Oliva stated he had not run any calculations on the roof run off, as the final design of the house has not been determined because the Allens did not want to incur that cost should the Commission deny their application. Mr. Oliva stated spots may cause problems by concentrating flow; however runoff could be redirected to rain barrels.

Don Ritchie would like to see a construction sequence. It was suggested that it be a condition that the builder create the sequence to be approved by the Commission prior to commencement of construction. Members agreed water should be redirected from the north side of the structure.

With no further questions or comments Jim Breslauer made a motion to close the hearing and issue an Order of Conditions to include the following special conditions:

1. A complete set of construction sequence plans shall be submitted to the Commission for their approval prior to the commencement of any work;
2. A revised Site Plan shall be submitted to the Commission prior to the commencement of any work indicating where roof run off will be directed, which shall not be directly towards the resource area;
3. The proposed 10 x 12 potting shed shall be moved outside the 75' wetland setback as much as possible;
4. The existing shed is to be razed and moved outside the 50' wetland setback and as close to the 75' wetland setback as possible;
5. The proposed wildlife rehab cottage shall be moved west of the driveway, out side the 100' buffer zone;
6. The erosion control barrier shall be installed as close to the structure as construction allows, at no time shall this barrier be any closer to the resource area than already shown on the site plan; and
7. The erosion control barrier shall include additional re-enforcement, such as orange snow fencing, along the steep slopes behind the structure to aid in the containment of soils during construction should a large accumulation occur during construction. Immediate removal of the accumulated soil shall take place within 48 hours to prevent any adverse impacts to the resource area.

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
Notice of Intent Hearing Meeting Minutes
Town of Harvard, Department of Public Works, DEP#177-619, Harvard#0513-03
June 20, 2013**

The public hearing was opened at 8:45pm 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, Charlie Gorss, Jaye Waldron, Wendy Sisson, Don Ritchie and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Matthew Bombaci (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of the Town of Harvard for the repaving of existing bituminous concrete roadway and drainage improvements along Littleton County Road from Old Schoolhouse Road to the Town Line within the 100' wetland buffer zone.

Matt Bombaci, from GPR, Inc., was present to represent the applicant. Mr. Bombaci stated the Department of Public Works is proposing to ground the existing bituminous concrete to form a reclaimed base course that will be re-paved with new bituminous concrete from Old Schoolhouse Road to the Town line on Littleton County Road; there are two wetland crossings along this stretch of roadway. To alleviate drainage issues related to this section, deep sump hooded catch basins are proposed to be installed at 300' intervals and discharge at the wetland crossing. The catch basins will provide the removal of total suspended solids, roadway sanding and hydrocarbons.

Wendy Sisson questioned the discharging of storm water right into streams and wetlands. Don Ritchie stated the water will flow into the hooded catch basins and be settled out before entering the resource areas. This proposal is similar to those on other roadways around Town.

With no further questions or comments, Don Ritchie made a motion to close the hearing with the condition that annual reporting be required as well as an operation and maintenance plan to be submitted to the Commission. 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
Fairway Partners, LLC, Trail Ridge Way, DEP#177-621, Harvard#0613-02
June 20, 2013**

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, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Dennis Ring (Fairways Partners)

This hearing is for a Notice of Intent filed on behalf of Fairway Partners for the construction of six residential buildings, utility connections, final paving and landscaping within the 100' wetland buffer zone on Trail Ridge Way, Harvard

Dennis Ring gave the members of the Commission an overview of the proposed project, which includes the completion of the remaining 32 units at Trail Ridge. The units have been changed from the previously approved quadplexes to duplexes. Locations of structures have not changed. All of the infrastructures for the development have been completed and approved under a previous Order of Conditions. Work within the buffer zone will consist of grading and construction of three of the structures.

With the engineer unable to attend this evening and site walk still needed to be completed, the applicant agreed to a continuance of the hearing. A site walk was scheduled for July 8th at 6:00pm.

Don Ritchie made a motion to continue the hearing to July 18, 2013 at 7:30pm. 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 Patrick Wind, 37 Peninsula Road, DEP#177-618, Harvard#0513-02

- ❖ Site Plan, Prepared for Patrick Wind, Job No. 28825, Plan No. L-12116, prepared by David E. Ross Associates, Inc., final revision date 7/2/13

Notice of Intent Hearing Cynthia Allen, 43 Under Pin Hill Road, DEP#177-620, Harvard#0513-03

- ❖ Site Plan of Land in Harvard, Massachusetts, prepared for Christopher & Cynthia Allen, Job No. 27966, Plan No. L-12124, prepared by David E. Ross, Associates, Inc., dated May 20113

Notice of Intent Hearing Town of Harvard, Department of Public Works, Littleton County Road, DEP#177-619, Harvard#0613-01

- ❖ Notice of Intent Roadway Improvements, Site Plan #1 - #6, Littleton County Road, Old Schoolhouse Road to Town line, Harvard, MA, prepared for Town of Harvard Department of Public Works, Job 131008, prepared by GPR, Inc., dated May 2013