

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MARCH 19, 2015  
APPROVED: APRIL 2, 2015**

Chairman Paul Willard called the meeting to order at 7:02pm in the Hildreth House under MGL Chapter 131 §40 The Wetland Protection Act and The Code of the Town of Harvard Chapter 119 the Wetland Protection Bylaw

**Members Present:** Paul Willard, Charlie Gorss, Wendy Sisson, Jim Breslauer, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.), Eve Wittenberg, Brian McClain, Bill Johnson, Peter Donaldson and Al Barbieri

**Update from Peter Donaldson on Eagle Scout/Senior Project Accessibility to Bare Hill Pond Beach, RDA Harvard#0714-03**

Peter Donaldson was present to discuss with the Commission his plan to construct the accessible boardwalk from the parking area to the front of the existing building at the town beach as part of an Eagle Scout and Senior project. The project was approved last year under a Request for Determination of Applicability, Harvard #0714-03. The project has been estimated to cost under \$4000. The design has been reviewed by both the Building Commissioner and the Director of the Department of Public Works (DPW). The Board of Selectmen and the Park & Recreation Commission have approved the plan as well. Mr. Donaldson stated the project will solve three problems that currently exist as to accessibility; it will allow an individual to gain access next to the sand, it will allow access to the bathrooms and water fountain, it will allow mobility impaired children to have access beach activities. The DPW will level the parking space, which will be expanded to accommodate an accessible van.

Jim Breslauer made a motion to accept the revised plan, dated March 19, 2015, for the Determination of Applicability issued to the Harvard Park & Recreation Commission for Pond Road, Harvard#0714-03. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

**Request to Install Wildlife Crossing Signage on Stow Road**

Brian McClain was present to discuss with the Commission the installation of wildlife crossing signs along Stow Road. Mr. McClain stated he noticed Bolton has crossing signs, which made him start paying attention to the crossing of salamanders on Stow Road. Mr. McClain is hoping Harvard would be willing to allow him to place similar signs along Stow Road. Mr. McClain will be meeting with the Board of Selectmen tomorrow, which approves signs within the right-of-way. The Bare Hill Pond Watershed Management Committee (BHPWMC) is sponsoring this effort. Mr. McClain is seeking to locate signs within the Codman Hill Road area. Wendy Sisson stated there are numerous populations of migrating salamanders in the Eldridge/Finn Road area of Stow Road and suggested additional signage.

The Commission was grateful to Mr. McClain and the BHPWMC for their effort to protect wildlife in this manner and supports the effort.

**Fire Department Request for Input – Training Facility at the Gravel Pit on Stow Road**

Liz Allard had previously distributed information from the Fire Chief in regards to the use of the gravel pit on Stow Road as a training facility. Members expressed concern with any toxic material that may eventual make its way to the aquifer. Questions about the condition of the vehicles that would be used for extraction were raised. The Commission agreed they would want prior notification to any live burns on the property. Wendy Sisson stated there may be a possibility that the Commission will need to hire a consultant to get advice on this proposed

activity in such a sensitive area. Paul Willard stated he would follow up with the Fire Chief in regards to the concerns discussed this evening.

**Continuation of a Notice of Intent Hearing – The Homescout, LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02.** Opened at 7:32pm

**Informal Discussion of Notice of Intent Application - Eve Wittenberg & Cathy Corning, Prospect Hill Road (Map 16 Parcel 1.2)**

Gary Shepard, Ross Associates, was present to informally discuss a Notice of Intent application, which due to technical error was not legally advertised for this evening. The official hearing will take place in two weeks. Mr. Shepard explained the property is undeveloped currently; the applicants are potential buyers who would like to build a single family dwelling, barn and pasture. Most of development will take place outside the 100' wetland buffer zone. A location for the barn has not been determined as of yet, but will be outside the 100' wetland buffer zone. Proposed fencing for horses will be at a minimum 100' from the wetlands. Mr. Shepard explained there is an area between the wetlands and the proposed pastures, which has massive over-growth. As proposed this area would be a "savanna" zone between the 100 and 50' buffer zone, with grass area and specimen trees being left in place. This "savanna" zone will be cleared to dirt and re-planted with a wildflower mix. There will be no disturbance within the 50' wetland buffer zone, creating a good transition zone between the wetlands and the pasture. The area will be periodically mowed to keep vegetation from getting too wild.

Mr. Shepard stated the closest activity to the wetland will be less than five feet for the removal of a concrete pad, which will be replaced with native shrubs and left to continue to re-vegetate naturally. In addition, there are two historic foundations, one outside the 50' wetland buffer zone and one within the 75' wetland buffer zone, which will be left in place. There may be a need to do some grading around it to make it less hazardous.

Wendy Sisson stated the Commission would need to conduct a site walk before getting too much into the discussion. Jim Breslauer wanted to know what the vegetation is like at the 49 foot mark of the wetland buffer zone. Mr. Breslauer would like to see the "savanna" at the 75' wetland buffer zone. In addition, he would recommend permanent marking for the no-disturb line. Jaye Waldron questioned whether or not the entire "savanna" area was over-grown. Mr. Shepard stated it is not. Ms. Sisson asked how many horses would be on the property. Eve Wittenberg, the potential buyer, stated the barn will be a four stall barn, so no more than that. Mr. Breslauer asked how the concrete pad closest to the wetland would be removed. Mr. Shepard stated by jack hammering and hand removal off site. Liz Allard explained the use of granite posts for permanent marking of the no disturb line, along with markers indicating protected wetlands.

Jim Saalfield arrived at 7:51pm

Ms. Sisson asked if there would be a path outside the fencing that will be mowed to allow for routine maintenance of the fence. Mr. Shepard stated the plan will take into account the need for such a path and will detail that there will be no fence or activity within 100' of the wetland. Charlie Gorss asked about the delineation. Mr. Shepard stated the application contained the information about that. If any trees need to be removed, the stumps can be ground to grade, but the stumps themselves will need to remain.

A site walk was scheduled for April 1, 2015 at 4:00pm. The public hearing will take place on April 2, 2015.

**Continuation of a Notice of Intent Hearing – Sean Bilodeau, 134 Old Littleton Road, DEP#177-637, Harvard#0215-01.** Opened at 8:01pm

### **EPA Requirements for MS4 Permitting**

Liz Allard had previously distributed a form letter to the EPA in regards to the potential of requiring all of the cities and towns in Massachusetts to comply with the Municipal Separate Storm Sewer System (MS4) regardless of size and urbanized areas. As it turns out, Rich Nota has been working to receive an exemption from the EPA for Harvard. Mr. Nota has requested additional information from the Commission that will be needed in order to obtain the exemption. Ms. Allard is collecting that data.

### **Open Space & Recreation Plan Update**

Liz Allard informed the members that the Open Space and Recreation Plan is set to expire this year and wondered how they would like to handle its update. All agreed that the plan only needs some minor tweaking, including the update to the open space inventory. Wendy Sisson would like to make certain the Commission works with the Assessing Department to make sure the data layers for open space are correct prior to submittal to the State.

### **Appointments to the Land Stewardship Subcommittee**

Wendy Sisson stated both David Kay and Jim Aldeson are seeking reappointment, each for a three year term. Jim Saalfeld stated he would be willing to take on a one year term. With that said, Wendy Sisson made a motion to appoint David Kay and Jim Aldeson to a three year term and Jim Saalfeld to a one year term, to the Land Stewardship Subcommittee. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Ms. Sisson stated the Land Stewardship Subcommittee will be conducting a walk of Holy Hill on April 26<sup>th</sup> at 1pm.

### **Snowmobile End of Season Protocols**

Wendy Sisson stated there has been a recent concern with use on Prospect Hill loops off the main trail. Ms. Sisson believes when the snow was deep, it was inviting to go anywhere, but now that the snow is compacting it is no longer suitable to be off the designated trails. After a brief discussion of the existing conditions the members agreed it is time to end the snowmobile season. Ms. Sisson noted that last year the club mentioned they like to leave the signs up in case anyone was out there and got lost; Ms. Sisson disagrees as this sends the wrong message that it is still okay to be out there. With that said, Jim Breslauer made a motion to notify the Harvard Snowmobile Club that the use of the trails on conservation land will end for the season on Friday March 20, 2015 and that all signage shall be removed this weekend. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

### **Update on the Willard Land Acquisition**

Liz Allard stated the Willard land acquisition took place at the end of February without any issues. Annual Town Meeting will vote next week to take the property by eminent domain. The process of developing the Conservation Restriction will start shortly. The Harvard Conservation Trust has raised some questions in regards to the monitoring of the existing roadway and easements that exist on the property that will need to be worked out during the process of drafting the restriction.

### **Daman Gift of Land Update**

Liz Allard stated she had received a message from Steve Daman, who met with the Bolton Conservation Commission this week and has stated they are willing to accept the adjoining land in Bolton as open space as well. Bolton had suggested teaming up on some of the expenses such as legal cost and the appraisal. Mr. Daman is gearing up to submit the Commonwealth Conservation application.

### **Approve Minutes**

Wendy Sisson made a motion to approve the minutes of January 15, February 5, and February 19, 2015 as amended. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

### **Approve Invoices**

Liz Allard stated the Commission has received the following invoice for inclusion on the next bill warrant:

- Mark J. Lanza - \$1689.00

The members discussed some of the charges on the bill in regards to the review of the purchase and sale agreement with the Harvard Conservation Trust. Jim Breslauer made a motion not to pay the cost associated with purchase & sale (P&S) agreement for the Lawton land, because there are those who feel he did not fully review the document. Liz Allard questioned as to who would speak to Attorney Lanza about a portion of his bill not being paid. Jim Saalfeld suggested that a representative of the Commission speak with Attorney Lanza about adjusting the bill, with the Commission's memorializing their dissatisfaction here in the minutes. There was no second the motion.

After further discussion, Mr. Breslauer stated he would follow up with Town Administrator on the matter and requested a marked up version of the P&S.

### **Planning Board Request for Comments – Transformations, Inc. Stow Road**

Liz Allard stated the Planning Board (PB) had received an application for Scenic Road Consent from Transformations, Inc., for their project on Stow Road known as Pine Hill Village. The work details the removal of 80 linear feet of stone wall for the installation of the roadway into the development. Work will be within 60 feet of the wetlands. The Commission would like the applicant to be reminded that before any activity on the site begins the wetlands are to be re-flagged and erosion control barriers are to be installed. A letter expressing this requirement under the existing Order of Conditions will be sent to the PB and the applicant.

### **Annual Town Meeting CPA Warrant Article**

Joanne Ward had stated she would not be able to attend Town Meeting and present the article for the invasive plant species project. Wendy Sisson stated she would be available to present.

### **Discuss Co-sponsoring a Warrant Article to Extend Sewer District**

Liz Allard stated she had requested two of the three property owners along Whitman Road attend the meeting this evening to discuss the potential of further protecting the undeveloped lots they own along Whitman Road; neither were available this evening. Members were still concerned with the possibility of creating more development along the road by extending the sewer line. Ms. Allard stated as approved by the State, the installation of the sewer line does not change an undevelopable lot to a developable lot. Paul Willard stated even if the undeveloped lots were developed, which would one would prefer in the area, septic systems or a sewer system. This information put some members' minds at ease about allowing the extension of the sewer system to include Whitman Road. Both Mr. Willard and Jaye Waldron stated they could attempt to talk to the Kraus's prior to the annual town meeting (ATM) next Saturday about further protection of their land. The members agreed that a meeting should be posted for 8:30am prior to ATM to discuss and vote on any final information on the matter.

### **Request to Extend Order of Conditions – Cruise, 12 Cove Road, DEP#177-556, Harvard#1108-01**

Liz Allard stated the Commission has received a request to extend the Order of Conditions for 12 Cove Road. This Order was issued in February 2009 and falls under the Permit Extension Act, giving it an additional four years beyond the three-year term to complete the work; therefore the permit currently is set to expire in February of 2016. The Cruise's however would like to know now if the Commission is willing to extend the order beyond 2016 as they want to phase-in the work to be done on the site rather than go in and open up the site to a lot of activity all at once in order to meet the 2016 deadline. If they are not given the extension then they want to get going on a new Notice of Intent in order to be able to start the work this fall.

After detailing the approved project and discussing the time frames already allowed to complete the project, Jim Breslauer made a motion to extend the Order of Conditions to February 2017, if

the applicant needs further time, then they will need to attend a meeting of the Commission to explain why. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Jim Breslauer made a motion at 9:14pm to adjourn the meeting. 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  
The Homescout LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02  
March 19, 2015**

The public hearing was opened at 7:32pm 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 at the Hildreth House

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

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from February 19, 2015 for a Notice of Intent filed on behalf of The Homescout LLC for an upgrade to the sewage disposal system, demolition of existing single-family dwelling and the reconstruction of a new single-family dwelling, improvements to the existing driveway, the construction of a bridge and new portion of the driveway and selective tree removal within the 100' wetland buffer zone at 90 Warren Avenue, Harvard.

Liz Allard informed the members that the applicant's representative has requested the hearing be continued to the April 16, 2015 meeting to allow for potential revisions to the plan due to Board of Health and Zoning Board of Appeals requests.

Jim Breslauer made a motion to continue the hearing to April 16, 2015 at 7:30pm at the Hildreth House Town Hall Meeting Room. 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**  
**Sean Bilodeau, 134 Old Littleton Road, DEP#177-637, Harvard#0215-01**  
**March 19, 2015**

The public hearing was opened at 8:01pm 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 at the Hildreth House

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

**Others Present:** Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.), Sean P. Bilodeau, Frank Carlson and Sean Bilodeau

This hearing was continued from February 19, 2015 for a Notice of Intent filed on behalf of Sean Bilodeau for the installation of a replacement septic system for a single family home within the 100' wetland buffer zone at 134 Old Littleton Road, Harvard.

Due to current weather conditions the Commission has not conducted a site walk for this location as of yet. A site walk was scheduled for April 2, 2015 at 11:00am.

Jim Breslauer made a motion to continue the hearing to April 2, 2015 at 8:15pm in the Town Hall Meeting Room. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent