

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 7, 2016
APPROVED: March 17, 2016**

Chairman Paul Willard called the meeting to order at 7:00pm in the Hapgood Room at 7 Fairbank Street 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, Don Ritchie, Wendy Sisson, Charlie Gorss, Jim Breslauer and Joanne Ward

Others Present: Liz Allard (LUB Admin), Rob Oliva (Ross Assoc.), David Outman (HCT), Tom Cotton (HCT), Pam Durrant (HCT), Margret Nessler (HCT), Jim Lee (HCT), Peter Dorward (HCT), Jack Sperro (Cemetery Comm.), Bruce Delmont (Cemetery Comm.), Linda Dwight (School Superintendent) and Rich Nota (DPW Director)

Executive Session

Wendy Sisson made a motion to go into Executive Session to discuss the possible purchase of real property, the public discussion of which could have detrimental effects on the negotiating position, only to return to the public meeting once completed. Jim Breslauer seconded the motion. A roll call vote was taken: Jim Breslauer, aye, Charlie Gorss, aye, Joanne Ward, aye, Wendy Sisson, aye; Don Ritchie, aye; Paul Willard, aye.

Notice of Intent Hearing – Town of Harvard School Department, 14 Massachusetts Avenue, DEP#177-644, Harvard#1215-02. Opened at 7:35pm

Review Invasive Plant Management Proposal – Murphy, 55 West Bare Hill Road

Liz Allard had previously circulated the final proposal from Scott Smyers, of Oxbow Associates, for invasive plant management at 55 West Bare Hill Road under the Determination of Applicability, Harvard#0114-02.

After discussion of the proposal, Don Ritchie made a motion to accept the proposal with the following conditions:

- Application to the cut stumps shall be completed between November and December;
- Native vegetation that is remaining is to be marked and reviewed by the Conservation Agent or a member of the Commission prior to removal;
- All work within the resource area and the 50' wetland buffer zone is to be done by hand;
- Once Phase 1 of the proposal is completed the applicant or his representative is to return to the Commission for a status update before starting Phase 2.

Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Notice of Intent Hearing - Kenneth Kasabian, Lot B Poor Farm Road (Map 9 Parcel 4.2.1), DEP#177-643, Harvard#0715-02. Opened at 8:50pm

Approve Minutes

Wendy Sisson made a motion to approve the minutes of December 17, 2016 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

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

- Mark Lanza \$1841.00

Wendy Sisson made a motion to approve the above mentioned invoice for inclusion on the next bill warrant. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Approve 2015 Annual Town Report

Liz Allard had previously circulated a draft annual report for members to review. After a few minor edits were made to the document, Jim Breslauer made a motion to approve the Conservation Commission's 2015 annual report as amended. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments

Liz Allard stated the ZBA has received a variance application for the installation of an in-ground swimming pool that encroaches on the side setback at 35 Scott Road. Liz Allard explained the pool has been installed and the error was discovered when the applicant was attempting to close out the building permit. The site has a wetland area below the existing pool site; however the plans submitted to ZBA do not detail that area. A letter will be sent to the ZBA requesting the applicant provide a plan detailing the wetland and its proximity to the construction that took place.

Master Plan Steering Committee (MPSC) Update

Jaye Waldron was not in attendance this evening as she was attending a Master Plan Steering Committee meeting, therefore no update was available.

Land Stewardship Subcommittee Update

Wendy Sisson requested an allocation of funds for her to attend a winter botany workshop. Don Ritchie made a motion to allocate funding for the aforementioned workshop. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Annual Town Meeting 2016 Warrant Articles

The members discussed the options of requesting funding from town meeting for the purchase of open space along Massachusetts Avenue. Those present agreed that having a specific project for the funds will be better received by voters at town meeting. With that said, Don Ritchie made a motion to request a warrant article in the amount of \$350,000 for the purchase of open space. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Erosion Control Bylaw

Members provided comments and questions in regards to the drafted erosion control bylaw. With a number of changes to be made to the draft, Paul Willard and Don Ritchie agreed to review the document and circulate to the members for further discussion at the February 4th meeting, at which time the public hearing will be opened.

Update to the Gifts of Land

Liz Allard stated the transaction for 100 Shaker Road took place on December 30, 2015. No trespassing signs have been installed on the buildings on the property. Proposals to remove those buildings have been received. Wendy Sisson would like to request additional proposals before making a final commitment. Ms. Sisson will reach out to others to obtain additional proposals for the Commission to consider.

Adjournment

Jim Breslauer made a motion at 10:12pm to adjourn the meeting. 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
Town of Harvard School Department, 14 Massachusetts Avenue
DEP#177-644, Harvard#1215-02
January 7, 2016

The public hearing was opened at 7:35pm 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 Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin), Rob Oliva (Ross Assoc.), Linda Dwight (School Superintendent) and Rich Nota (DPW Director)

This hearing is for a Notice of Intent filed on behalf of the Town of Harvard School Department for the construction of a new paved parking area with appropriate stormwater management facilities within the 100' wetland buffer zone at 14 Massachusetts Avenue, Harvard.

Rob Oliva, of Ross Associates, explained the existing conditions at the site, which includes a haphazard parking area with some paved and some dirt areas. The proposed plan calls for a paved parking area with 109 parking spaces and stormwater controls. The existing stonewall between the new parking area and the wetlands will be maintained. The proposal does include part of the parking area to be within the 75' no structure or driveway zone; a waiver from the wetland regulation was requested as part of the application. Wendy Sisson asked about vegetation in the area of the proposed detention basin area. Mr. Oliva stated it is an area of over-grown vegetation, including invasive plant species. Ms. Sisson suggested the potential for some rain gardens and other additional vegetation to aid in the uptake of nutrients due to the proximity to Bare Hill Pond. Mr. Oliva stated after meeting with the Planning Board, the school committee may reach out to the garden club for suggestions on the grassed islands within the parking area. Ms. Sisson stated shade trees help in reducing the heating of stormwater runoff.

Jim Breslauer stated he is unhappy with seven parking spaces within 75' buffer zone; what would be the issues with removing these seven spaces. It was stated that currently the area can accommodate about 120 cars, so they are already reducing the number of cars that will be parked there. Mr. Breslauer asked how in the winter will the plowed snow be handled and how will the parking area be treated. Rich Nota, Department of Public Works Director, stated the lot would be treated with salt and sand and snow would stay within the boundaries of the parking area. Mr. Oliva noted that the stormwater facilities will not remove salts and are not required to under the standards. The detention basin has been sized for the 100-year storm. Mr. Breslauer wondered if the basin should be over-built to prepare for the future and the increase in larger storms to come. Mr. Oliva stated the basin could be built to accommodate larger storms; however it may not make the basin any larger than it is now. Mr. Oliva noted the basin meets all of the current State standards. When asked about using porous pavement for the parking area Mr. Oliva stated the soils are not suitable for porous pavement.

Bruce Delmont, of the Harvard Cemetery Commission, stated there are specific setbacks from the historical cemetery and he wants to be certain those are met. Mr. Nota stated the proposed plan was before the Harvard Historic Commission and they will make sure all setbacks have been met.

The Commission would like to see the dumpster relocated to the area in which the shed is proposed in effort to move it outside the 75' no structure zone. Solutions to reconfiguring the

parking area to remove the seven parking spaces from the 75' no driveway zone and relocating the dumpster and shed were further discussed. Mr. Oliva agreed to go back and look at incorporating the changes as suggested by the Commission this evening. With that said, Jim Breslauer made a motion to continue the hearing to February 4, 2016 at 7:30pm in the Hapgood Room at 7 Fairbank Street. 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
Kenneth Kasabian. Lot B Poor Farm Road (Map 9 Parcel 4.2.1)
DEP#177-643, Harvard#0715-02
January 7, 2016

The public hearing was opened at 8:50pm 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 Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin)

This hearing was continued from December 17, 2015 for a Notice of Intent filed on behalf of Kenneth Kasabian for the construction of a single family dwelling with sections of the proposed driveway and grading for the septic system within the 100 wetland buffer zone on Lot B Poor Farm Road (Map 9 Parcel 4.2.1), Harvard.

The applicant requested the hearing be continued, however before continuing the hearing this evening the applicant's representative had requested some clarification on outstanding issues with the site before proceeding with additional review by the Commission's consultant, BSC Group.

As requested the jurisdiction of the isolated depression was discussed. Jim Breslauer is alright with defining the depression as non-jurisdictional and would approve the project as long as the driveway is outside the 50' wetland buffer zone. Wendy Sisson has concerns with and does not trust the flood plain data. The site itself does not have any true upland area that is completely suitable for the activity proposed.

There are strong concerns from the members that this application can not be approved. The members agreed the depression is jurisdictional under the Town's Wetland Bylaw; however revisions to the driveway and proposed wetland replication area may not address the Commission's concerns with protecting the resource area.

Jim Breslauer made a motion to continue the hearing to February 4, 2016 at 8:00pm in the Hapgood Room at 7 Fairbank Street. Don Ritchie 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 – Town of Harvard School Department, 14 Massachusetts Avenue, DEP#177-644, Harvard#1215-02

Review Invasive Plant Management Proposal – Murphy, 55 West Bare Hill Road

Continuation of a Notice of Intent Hearing - Kenneth Kasabian, Lot B Poor Farm Road (Map 9 Parcel 4.2.1), DEP#177-643, Harvard#0715-02

- Email from Scott Smyers, Oxbow Associates, Inc., Subject: Continuance Request, dated Dec 29, 2015
- Email from Scott Smyers, Oxbow Associates, Inc., Subject: Lot B Poor Farm Rd. Plan Revisions, dated Jan 05, 2016