

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 20, 2018
APPROVED: JANUARY 17, 2019**

Chairman Don Ritchie called the meeting to order at 7:10pm in the Town Hall, 13 Ayer Road, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Don Ritchie, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin), Derek Beard, Sotir Papalilo (Weston Properties Group), Mark O'Hagan (Weston Properties Group), Jim Lee (Harvard Conservation Trust), Peter Dorward (Harvard Conservation Trust), Mary Starr (Solar Wolfe Energy), Edward O'Rourke and Bruce Ringwall (GPR, Inc.)

Volunteer Application – Derek Beard

Derek Beard was present to discuss his willingness to become the associate member of the Conservation Commission. Mr. Beard is a Forester for the State of Massachusetts, and works for the Division of Water Supply Protection at Quabbin Reservoir. Mr. Beard recently moved to Harvard and is seeking to volunteer with the Town. Mr. Beard does not have an extensive background in the protection of wetlands but is eager to learn. The Commission is happy to bring someone with his skill set on board.

Jim Burns made a motion to recommend to the Select Board the appointment of Derek Beard to the Associate Member position of the Commission. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Craftsman Village, Ayer Road Update

Mark O'Hagan, from Weston Properties Group, was present to update the Commission on the affordable housing project along Ayer Road known as Craftsman Village. Mr. O'Hagan explained comments received from the Board of Health (BOH) in regards to water supply prompted the applicant to seek a determination from the Department of Environmental Protection (DEP) as to whether or not a Public Water Supply (PWS) would be required for this development. Based upon DEP interaction and the pending requirements to install a PWS well system for water service the applicant has modified the plan to comply with PWS regulations.

The modified plan details the property to be one lot with one condominium association that will be served by three PWS wells within the 100' wetland buffer zone on the north side of the property. This area will be accessed by a gravel roadway off of Ayer Road. The addition of the PWS wells has created minor adjustments to the drainage areas and has required the relocation of one of the units from the north side of the property to the south side, along with two additional units. The modified plan details these three units off of the south side of the proposed cul-de-sac. This increases the total number of units from 18 to 20. The increase in units is due to the increase in cost associated with the PWS. There will be no increase in the number of affordable units. A single Presby© septic system has been designed for the site, which allows for a separate reserve area that is compliant with local BOH regulations. The requested waivers have been modified, along with an updated Pro Forma. The layout and design of the units remain the same.

Other changes to the plan in ways of wetland protection include the construction of a pump house and access road for maintaining the PWS; both of which are within the 100' wetland buffer zone. The Commission requested the pump house be shifted outside the buffer zone, as well as shifting the access road to be as far out of the buffer zone as possible. The Commission will review the revised list of waivers as it pertains to the Wetland Protection Act and provide feedback to the Zoning Board of Appeals for their January 9, 2019 public hearing.

Continuation of a Notice of Intent Hearing – Jeffrey & Lori Granville, 68 Still River Road, DEP#177-671, Harvard#1118-01. Opened at 7:32pm

Capital Planning & Investment Committee (CPIC) Application Update

Additional questions have been received from CPIC, along with a request to meet with them again on January 28th at 8:20am. Don Ritchie will draft responses to the questions for discussion amongst the Commission members on January 3, 2019. Theodore Maxant sent a letter to the Harvard Press asking why open space is becoming less important to a Town known for its desire to protect open space. As mentioned at the last meeting there is a need to communicate to CPIC that the existing trail on the property is not a public trail, which has the potential of being permanently inaccessible should the property sell to a private party.

Community Preservation Committee (CPC) Application Update

Peter Dorward explained to the Commission that Wendy Sisson represented the Conservation Commission (ConCom), while he represented Harvard Conservation Trust (HCT) at the CPC meeting last night. The CPC application asked for \$200K to restore the Open Space Fund. It was explained to the CPC members that the ConCom and HCT are working on an active project, however if that project falls through the ConCom would place the funds in reserve for future open space protection. Mr. Dorward did not hear any agreement or disagreement from the CPC members on this plan. Mr. Dorward & Ms. Sisson detailed the proposed project, maps, trail connectivity, the resultant large protected open space, Bare Hill Pond watershed buffer and the wildlife corridor.

Mr. Dorward felt the CPC members agreed that a four lot development would not allow for any type of trail easement, but that the proposal for a single trade lot would allow the trail to be rerouted without crossing the wetlands. There was also discussion about whether the Planning Board would approve any subdivision, and what they would require in terms of upgrading Willard Lane. Erin McBee, chair of the Planning Board (PB), was present, but did not directly answer, she did indicate the PB would have to take a serious look at any subdivision. Mr. Dorward indicated the budget was based on the assumption that two lots would be feasible, but four lots would not due to septic and road costs. There was some sentiment that even two lots might not be feasible, but no outright statement to that effect.

Most of the questions were about timing, which we do not know as it depends on the seller. John Lee, a member of CPC, had asked if the funding could wait until the next fiscal year. Mr. Dorward responded that HCT has in the past bridged periods until the Town monies were available, although he could not commit to HCT doing so again. Mr. Dorward did stress the project will not happen without \$200K from the Town.

Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Slough Road, Harvard#1018-03. Opened at 7:38pm

Continuation of a Request for Determination of Applicability Hearing – Luciana Mangarella, 169 Littleton County Road, Harvard#1118-03. Opened at 7:50pm

Request for Determination of Applicability Hearing – Solar Wolf Energy, 40 Bolton Road, Harvard#1218-01. Opened at 8:00pm

Continuation of an Abbreviated Notice of Resource Area Delineation Hearing – Luciana Mangarella, 175 Littleton County Road. Opened at 8:10am

Approve Minutes

Jim Burns made a motion to approve the minutes of November 1, 2018 as amended. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Jim Burns made a motion to approve the minutes of November 15, 2018 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Jim Burns made a motion to approve the invoice for Hamwey Engineering in the amount of \$2,695.00. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Request for a Certificate of Compliance – 33 Simon Atherton Row, Harvard#0618-02

Jaye Waldron made a motion to issue the Certificate of Compliance for 33 Simon Atherton Row. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

2018 Annual Report – Due January 25, 2019

The members were asked to supply the Conservation Agent with any information they would like included in the annual report.

White Land Conservation Land Encroachment

Mark Shaw has not had an opportunity to complete a proposal for the required remediation work as of yet.

Update on Pine Hill Village

There was no new information in regards to this item

Revisions to the Erosion Control Bylaw

There were no comments at this time from the Commission on this bylaw.

Open Space Committee

Don Ritchie has made revisions to the charter for this committee and has asked the members to review for further discussion at the January 3, 2019 meeting.

Pending Business

The Commission requested the following items be removed from the agenda:

- Discuss Potential Gift of Land – Brown Road
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations

Adjournment

Jim Burns made a motion to adjourn the meeting at 8:38pm. Mark Shaw 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
Jeffrey & Lori Granville, 68 Still River Road
DEP#177-671, Harvard#1118-01
December 20, 2018**

The public hearing was opened at 7:32pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin)

This hearing was continued from December 6, 2018 for a Notice of Intent filed on behalf of Jeffrey & Lori Granville for the installation of a septic system for an existing single-family dwelling within the 100' wetland buffer zone at 68 Still River Road, Harvard.

The Conservation Agent did not receive a revised plan from the applicant's representative, nor did she receive a request to continue the hearing. Jaye Waldron made a motion to continue the hearing to January 3, 2019 at 7:50pm in the Town Hall. Jim Burns 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
Harvard Department of Public Works, Slough Road, Harvard#1018-03
December 20, 2018**

The public hearing was opened at 7:38pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin)

This hearing was continued from December 6, 2018 for a Notice of Intent filed on behalf of Harvard Department of Public Works for the replacement of an existing culvert with concrete headwall and hooded catch basin within 100' of a wetland resource area between 88 and 118 Slough Road, Harvard.

The representative for the applicant requested a continuance of the hearing. Mark Shaw made a motion to continue the hearing to January 3, 2019 at 7:35pm in the Harvard Town Hall. 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
Continuation of a Request for Determination of Applicability Hearing
Luciana Manganella, 169 Littleton County Road, Harvard#1118-03
December 20, 2018**

The public hearing was opened at 7:50pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin) and Bruce Ringwall (GPR, Inc.)

This hearing was continued from December 6, 2018 for a Request for Determination of Applicability filed on behalf of Luciana Manganella to determine whether the area or work is subject to jurisdiction under the Wetland Protection Act and the Wetland Protection Bylaw, and whether the boundaries of the resource area are accurately delineated at 169 Littleton County Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Mr. Ringwall stated the applicant is willing to wait until spring to conduct a site walk in order to review the wetland line. Activity to construct the proposed single-family dwelling outside the 100' wetland buffer zone will begin prior to the close of this hearing. The Commission requested that any necessary erosion controls should be installed to avoid any adverse impacts to the wetland.

Jim Burns made a motion to continue the hearing to April 4, 2019 at 7:30pm in the Town Hall. 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
Continuation of an Abbreviated Notice of Resource Area Delineation Hearing
Luciana Manganella, 175 Littleton County Road, DEP#177-672, Harvard#1118-04
December 20, 2018

The public hearing was opened at 8:00pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin) and Bruce Ringwall (GPR, Inc.)

This hearing was continued from December 6, 2018 for an Abbreviated Notice of Resource Area Delineation filed on behalf of Luciana Manganella to determine whether the boundaries of the resource area are accurately delineated at 175 Littleton County Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. A site walk had been conducted on December 9th, at which adjustments to the wetland delineation were made. Mr. Ringwall detailed those adjustments on the revised plan. Mr. Ringwall stated wetland flags WF-1ST/RT through WF-17 were reviewed by Wendy Sisson and David Crossman only with no adjustments. In addition, a note has been added to the plan stating WL Flags 19 - 33 were not confirmed by the Conservation Commission.

With no further questions, Jim Burns made a motion to issue an Order of Resource Delineation based on the Abbreviated Notice of Resource Area Delineation, Site Plan, 175 Littleton County Road, Harvard, MA, prepared for Luciano Manganella, Job 181080, prepared by GPR, Inc., final revision date 12/12/18. 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
Request for Determination of Applicability Hearing
Solar Wolf Energy, 40 Bolton Road, Harvard#1218-01
December 20, 2018**

The public hearing was opened at 8:10pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin), Mary Starr (Solar Wolf Energy) and Edward O'Rourke

This hearing is for a Request for Determination of Applicability filed on behalf of Solar Wolf Energy for the determination as to whether the area is subject to jurisdiction under the Wetland Protection Act and the Wetland Protection Bylaw at 40 Bolton Road, Harvard.

Mary Starr, of Solar Wolf Energy, was present, along with the property owner, Edward O'Rourke. Ms. Wolfe explained the plan to install a 9.3kW ground mounted solar array using 30 modules and 1 inverter. A site walk was conducted earlier this week at which the Commission requested the location of the array be moved further from the existing wet meadow on the property. A new location has been provided by Ms. Starr and was acceptable to the Commission. This location is within 100' of the wetland resource area, but will not have any adverse impacts to the wetland resource area.

With no additional questions or comments, Jim Burns made a motion to issue a Negative#2 Determination of Applicability. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

Conservation Commission Agenda, dated December 20, 2018

Volunteer Application – Derek Beard

- Town of Harvard Volunteer Application, Derek Beard, dated 12-10-18

Craftsman Village, Ayer Road Update

- Updated November 14, 2018, 7. List of Requested Exceptions to Local Requirements and Regulations
- Grading and Drainage Plan, Craftsman Village Harvard, LLC, Ayer Road, Harvard, Massachusetts, prepared by Places Associates, Inc., draft 11-13-18
- Utility Plan, Craftsman Village Harvard, LLC, Ayer Road, Harvard, Massachusetts, prepared by Places Associates, Inc., draft 11-13-18

Capital Planning & Improvement Committee Application Update

- Email from John Seeley, to Liz Allard, Subject: CPIC Follow Up Questions-- Conservation Commission Request, dated Dec 15, 2018
- Letter to CPIC, Select Persons, & Harvard Press, from Maxant Farms, Still River MA, dated 12/16/18

Request for Determination of Applicability Hearing – Solar Wolf Energy, 40 Bolton Road, Harvard#1218-01

- Email from Mary Starr, to Liz Allard, Subject: 40 Bolton Rd, dated Dec 19, 2018, detailing the proposed revised location of the solar array

Abbreviated Notice of Resource Area Delineation Hearing – Luciana Manganella, 175 Littleton County Road

- Abbreviated Notice of Resource Area Delineation, Site Plan, 175 Littleton County Road, Harvard, MA, prepared for Luciano Manganella, Job 181080, prepared by GPR, Inc., final revision date 12/12/18

Approve Minutes

- *DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, NOVEMBER 4, 2018*, prepared by Liz Allard
- *DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, NOVEMBER 15, 2018*, prepared by Liz Allard

Approve Invoice

- Hamwey Engineering, Inc., Invoice No. 4461, dated December 8, 2018

Open Space Committee

- Harvard Open Space Committee Charter, undated