

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 6, 2015
APPROVED: SEPTEMBER 3, 2015**

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, Charlie Gorss, Wendy Sisson, Jim Breslauer, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin), Geoff Koetsch, Dan Wolfe (Ross Assoc.), Al Pettirossi, Bruce Leicher (BHPWMC), Maureen Pettirossi, Joe Pettirossi, Nick Pauling (GPR, Inc.), Kevin O'Malley, Willie Wickman, Darrell Wickman, Scott Smyers (Oxbow Assoc.), Ken Kasabian, Seth Pease (Oxbow Assoc.), Jim Lee and John Finn

Request to Access 21 Stow Road from the Williams Land for Improvements to the Existing Septic System

Geoff Koetsch was present to discuss with the Commission accessing the Williams conservation land on Stow Road for the replacement of his distribution box in association with the sale of his house at 21 Stow Road. The site is inaccessible from all other points, including the abutting property to the rear, which would require the crossing of a stream. Paul Willard asked about the equipment to be used to complete the replacement. Mr. Koetsch stated a bobcat would be needed for the replacement and would only require one trip in and one trip out.

Wendy Sisson suggested a break in the stone wall along Stow Road, where it is already bad, could be made and then put back together. Additionally, Ms. Sisson would suggest the equipment remain as close to the stone wall and tree line as possible when crossing the field. Ms. Sisson expressed concern with the need to replace the aging system at some time in the future. That will require much large equipment and include fill being brought into the site. This type of activity would have an effect on the field and the habitat it supports. Ms. Sisson would like a potential buyer to know that just because access may be granted for the current activity it may not in the future for additional activities. Mr. Willard stated this permission should stipulate that we are allowing this for this one time only. Jim Breslauer is concerned with setting a precedent for allowing motorized vehicles on conservation land.

Members discussed how to make the next buyer aware of the restriction of potentially not allowing this access in the future. Mr. Breslauer suggested a letter be sent to the realtor who would need to disclose this information to any potential buyer.

Charlie Gorss made a motion to not grant the permission to access the Williams conservation land for the replacement of the distribution box at 21 Stow Road. There was no second to the motion.

Don Ritchie made a motion to allow access across the Williams conservation land as one time access from the parking area on Stow Road, with the equipment as described above; this equipment is to stay as close to the existing stone wall and tree line as possible; and shall be completed with minimal disturbance. Joanne Ward seconded the motion. Wendy Sisson suggested an amendment to include a letter be written and sent to the realtor stating that the granting of access does not imply one way or another that access will be or can be granted in the future. The vote was 6-1, with Charlie Gorss opposing the motion.

Update to the Gift of Land – 100 Shaker Road

Liz Allard stated Attorney Lanza has confirmed that he is having difficulty with the seller's Attorney in regards to the request of verification that Attorney is the Trustee of the estate.

Approve Minutes

Wendy Sisson made a motion to approve the minutes of April 2, April 16, May 21, June 4 and June 18, 2015 as amended by Jim Breslauer. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Request to Extend the Order of Conditions, Slough Road, DEP#177-543

Liz Allard stated the Commission has received a request to extend the Order of Conditions (OOC) from Joe Dzekevich for Slough Road, DEP#177-543. The OOC was originally issued in September of 2007. After a brief discussion, Jim Breslauer made a motion not to extend the Order of Conditions, DEP#177-543. Jaye Waldron seconded the motion. The vote was 6-1, with Wendy Sisson opposing the motion.

Request for Certificates of Compliance

Liz Allard stated the Commission has received a request for a certificate of compliance for the upgraded septic system at 6 Old Mill Road. Ms. Allard has reviewed the site and has found it to be in compliance with the Order of Conditions.

Ms. Allard stated a previous application for Kevin O'Malley, at 8 Wilroy Avenue, for the replacement of the septic system has expired. The work was never completed and a new Notice of Intent is before the Commission later this evening. The Commission will need to issue a request for certificate of compliance which states the work was never completed.

Don Ritchie made a motion to issue the above mentioned Certificates of Compliance. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Steering Committee Update

Jaye Waldron stated the Committee has set up a series of meetings through November and are on track to complete the Master plan by the end of the year. Burns & McDonnell has begun work on the evaluation impact of Devens as part of the Master Plan.

At 7:25pm Jim Breslauer left the table and joined the general public

Continuation of a Request for Determination of Applicability Hearing – Jim Breslauer, 130 Poor Farm Road, Harvard#0615-02. Opened at 7:25pm

At 7:29pm Jim Breslauer rejoined the Commission at the table

Continuation of a Notice of Intent Hearing – The Homescout, LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02. Opened at 7:30pm

Continuation of a Notice of Intent Hearing – Maureen Pettirossi, 64 Warren Avenue, DEP#177-640, Harvard#0615-01. Opened at 7:53pm

Continuation of a Notice of Intent Hearing – Kevin O'Malley, 8 Wilroy Avenue, Map 31 portion of Parcel 25), DEP#177-639, Harvard#0515-01. Opened at 8:11pm

Continuation of a Request for Determination of Applicability Hearing – Town of Harvard Department of Public Works, Poor Farm and Ayer Road, Harvard#0615-04. Opened at 8:22pm

Continuation of a Notice of Intent Hearing – John Finn, 44 Peninsula Road, DEP#177-642, Harvard#0715-01. Opened at 8:30pm

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 9:09pm

**Request for Determination of Applicability Hearing – Harvard Park & Recreation
Commission, Harvard Park, Lancaster County Road, Harvard#0715-03.** Opened at 9:52pm

Adjournment

Jim Breslauer made a motion at 10:22pm to adjourn the meeting. 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 Request for Determination of Applicability
Hearing Meeting Minutes
Jim Breslauer, 130 Poor Farm Road, Harvard#0515-02
August 6, 2015**

The public hearing was opened at 7:25pm 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, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Jim Breslauer

This hearing was continued from July 16, 2015 on a Request for Determination of Applicability filed on behalf of Jim Breslauer for improvements to the existing driveway within the 100' wetland buffer zone at 130 Poor Farm Road, Harvard.

Jim Breslauer explained he is seeking to make improvements to his existing driveway within 100' of a resource area. The existing driveway will not be built up any further. At the site walk it was suggested the driveway be pitched in a manner to allow water to flow down gradient of the wet meadow.

Wendy Sisson made a motion to close the hearing and issue a negative #3 determination with the following conditions:

- 1) the existing driveway will not be increased beyond the depth of the proposed pavement;
and
- 2) the pavement will be installed in a manner to allow water to flow down gradient of the wet meadow.

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
August 6, 2015**

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 Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin) and Dan Wolfe (Ross Assoc.)

This hearing was continued from July 16, 2015 on 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.

Dan Wolfe, from Ross Associates, was present to represent the applicant. Mr. Wolfe stated after many meetings with the Board of Health a new location for the septic system has been located and designed. In addition, the applicant has decided to keep the existing cottage intact and not demolish and replace it with a new dwelling. Also, at present time there are no plans to improve the existing bridge over the wetland.

The amended plan requires approval for the upgrades to the septic system only. The proposed location for the septic system is at the front of the property close to Warren Avenue. This location will require a wetland crossing for the force main. Any required fill for the septic system will be outside of the 100' buffer zone. The wetland crossing is proposed in a location that will have minimal disturbance and tree removal. A trench will be dug by a small excavator; the plans detail the specific directions in how to proceed with the work within the wetland area. Steel plates or girders will be placed as a temporary bridge crossing to install the septic tank and pump chamber.

Don Ritchie asked if Mr. Wolfe considered crossing with the force main at the location of the existing bridge. Mr. Wolfe stated he had, and that was discussed at the recent site walk. That location consists of ledge and large boulders making it difficult to locate the force main. Wendy Sisson asked if Mr. Wolfe had looked into attaching the force main to a newly constructed bridge. Mr. Wolfe stated that could be a possibility, but as currently proposed there is no plan to improve the bridge. Mr. Wolfe suggested the Order of Conditions include a condition that would explore that option should improvements be made to the bridge or the existing structure before the force main is installed.

Ms. Sisson asked why water does not remain within the force main at a low point and freeze. Mr. Wolfe stated that is why it is important to lay the force main at a depth of four feet or insulate it at shallow depths. Will mounding be required for shallow depths? Mr. Wolfe does not anticipate that happening, but it could. Mr. Wolfe stated if we reach a point during construction that has shallow depths does the Commission want the applicant to come back to the Commission to further discuss solutions. Members agreed that, should obstacles present themselves during the installation of the force main which would require the mounding of material within the wetland area, then the applicant shall return to the Commission to further discuss.

Don Ritchie asked if a clay dam can be installed on either side of the wetland. Mr. Wolfe agreed and asked where Mr. Ritchie would like to see the dams. Mr. Ritchie stated approximately five feet from the existing wetland line, subject to preserving the canopy and vegetation.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue an Order of Conditions with the standard special conditions and the following additional conditions:

1. Should mounding be required for the installation of the force main the applicant/owner shall return to the Commission to discuss an appropriate solution; and
2. Should any potential changes to the site, including changes to the existing house, occur prior to the construction of the septic system the applicant/owner shall return to the Commission to discuss potential alternatives to the location of the force main, which is currently approved as a temporary wetland crossing.

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
Maureen Pettirossi, 64 Warren Avenue,
DEP#177-640, Harvard#0615-01
August 6, 2015**

The public hearing was opened at 7:53pm 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, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.), Al Pettirossi, Bruce Leicher (BHPWMC), Maureen Pettirossi and Joe Pettirossi

This hearing was continued from July 16, 2015 for a Notice of Intent filed on behalf of Maureen Pettirossi for the demolition of the existing house and the construction of a new single family house, utilities connections, landscaping and site work within the 100' buffer zone to a bordering vegetated wetland and the 200' buffer zone of Bare Hill Pond at 64 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant. Mr. Wolfe stated plans have been revised to include a recharge trench at the back of house, a rain garden to capture stormwater from the driveway, and roof drain outlet. In addition, a few recharge trenches have been carved into the hillside to collect stormwater runoff. The patio area has been further defined to be permeable pavers to control runoff. Stepping stones have been added as suggested at the site walk. Symbols and notes have been added to the plan in regards to the enhancement of ground cover.

Mr. Wolfe explained the trees to be removed are those that show signs of the Woolly Adelgid. Some of the trees will be treated for potential saving. As requested, drainage calculations have been provided.

Mr. Wolfe explained the square foot area of the structure can seem overwhelming, however the ZBA requires all levels of the dwelling be counted toward the floor area, including any attic, basement or crawl space area.

Wendy Sisson stated the rain garden will be located in an acidic shady environment; may need to consider shade tolerant plant species. Ms. Sisson suggested the rain garden be monitored for establishment, with an additional two – three years of monitoring. Don Ritchie asked about the overflow from the rain garden during large rain events. Mr. Wolfe stated he expects the water will flow as it does now. Ms. Sisson had thoughts on the proposed plantings as some may not be desirable for the location. Her recommendations will be passed onto the applicant.

Bruce Leicher, from Bare Hill Pond Watershed Management Committee, stated there is a shaded rain garden at the beach; perhaps the applicant can take a look at that one to see what is working there.

With no further questions or comments Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the standard special conditions and the following additional conditions:

1. The rain garden and infiltration trench shall be maintained in accordance with the guidance document provide by the Harvard Conservation Commission. This is a permanent condition and shall not expire with the issuance of a Certificate of Compliance; and

2. The rain garden shall be professionally monitored for the first three years. An Annual report from the professional monitor shall be provided to the Commission.
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
Kevin O'Malley, 8 Wilroy Avenue, DEP#177-641, Harvard#0615-03
August 6, 2015**

The public hearing was opened at 8:11pm 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, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.) and Kevin O'Malley,

This hearing was continued from July 16, 2015 for a Notice of Intent filed on behalf of Kevin O'Malley for the installation of a new septic system upgrade within 200' of Bare Hill Pond at 8 Wilroy Avenue, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant, Kevin O'Malley, who was also present. Mr. Wolfe explained the application is for the repair to the existing septic system. The location of the system will be on the opposite side of Wilroy Avenue, approximately 130' from Bare Hill Pond. At the site walk members of the Commission had requested additional erosion controls be added to the plan on the north side of the existing house. In addition, there was a pile of stone dust that was causing erosion in the direction of the pond, which the members had requested be remediated. Mr. Wolfe was not on the site walk and this information had not been relayed to him. Mr. O'Malley stated he has since removed the stone dust from the area in question. Members were concerned about the erosion in that area and asked Mr. Wolfe to review the site with the conservation agent for any recommended remediation. The installation of the septic system may require the movement of the neighboring properties' waterline.

With additional information requested, Jim Breslauer made a motion to continue the hearing to August 20, 2015 at 7:30pm 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

**Harvard Conservation Commission
Request for Determination of Applicability Meeting Minutes
Town of Harvard Department of Public Works,
Poor Farm & Ayer Road, Harvard#0615-04
August 6, 2015**

The public hearing was opened at 8:22pm 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, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Nick Pauling (GPR, Inc.)

This hearing was continued from July 16, 2015 for a Request for Determination of Applicability filed on behalf of the Town of Harvard Department of Public Works for drainage improvements within the 200'riverfront area at the corner Poor Farm Road and Ayer Road, Harvard.

Nick Pauling, of GPR, Inc., was present to represent the applicant. Mr. Pauling explained the improvements proposed are to address an erosion problem in the area. Currently, drainage from Poor Farm Road bypasses the existing catch basin. The plan proposes the installation of an additional catch basin and improvements to the existing swale. The plan proposes to loam and seed the swale and install turf reinforcement mat. Members asked if space provides to add a check dam to the swale to slow down water. Don Ritchie noted on the site walk Rich Nota, the Director of the Department of Public Works, had agreed to include a trash barrier to the catch basin.

Don Ritchie made a motion to close the hearing and issue a negative #3 determination with the following conditions:

- 1) A trash barrier shall be added to the proposed catch basin;
- 2) The existing swale shall not be increased in width;
- 3) Turf reinforcement matting shall be used within the swale, which shall be allowed to re-vegetate naturally;
- 4) a check dam, to slow water, shall be included with the existing swale as space allows for such a device; and
- 5) the Conservation Agent shall be notified prior to the commencement of activity.

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
John Finn, 44 Peninsula Road, Harvard#0715-01
August 6, 2015**

The public hearing was opened at 8:30pm 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 Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.), Willie Wickman, Darrell Wickman and John Finn

This hearing was continued from July 16, 2015 for a Notice of Intent filed on behalf of John Finn for the demolition of the existing dwelling, the reconstruction of a single family home and driveway, along with the installation of a new holding tank, well and propane tank within 200' of Bare Hill Pond at 44 Peninsula Road, Harvard.

Dan Wolfe, of Ross Associates, was present, along with the applicant, John Finn. Mr. Wolfe explained the site and location, along with the proposed project. The site is located at the end of Peninsula Road and is surrounded on three sides by Bare Hill Pond. A majority of the water's edge is vegetated, with a small cleared area to the east and an additional area with a dock and swimming area to the north. There is an existing dwelling that was constructed in 1951 and is currently used as a seasonal residence. The new owners propose removing the existing dwelling and constructing a new dwelling that will meet the setbacks as required by the Commission rules. A new holding tank for septic is proposed closer to Peninsula Road, making access for pumping easier. The proposed location for the holding tank moves it further away from the pond as well.

Mr. Wolfe recognizes this is one the most sensitive sites around the pond and took that into careful consideration when designing the site. The site has limited infiltration due to poor soils. The plan proposes planting beds to assist with nutrient up take. As already mentioned there is a thick buffer of trees around the peninsula that will be maintained to provide infiltration and cleansing of water before entering Bare Hill Pond. Drainage calculation shows the volume of runoff is the same, if not less than existing.

Revised plans were submitted this evening based on comments made at the recent site walk. Those revisions include modifications to the erosion control barrier; the addition of orange snow fence around the 30" oak on the west side of the property; a stone tree well around the 30" pine on the west side of the property; and additional tree removal indicated on the plan.

Paul Willard stated it was his understanding early on that there was a large amount of tree clearing that would take place, he has since learned that is not true. Bruce Leicher, of the Bare Hill Pond Watershed Management Committee (BHPWMC), supplied photos from the pond that provide a view of the existing cottage and the existing vegetation.

Mr. Leicher stated he his happy with the effort put forth by the engineer to address concerns of the BHPWMC.

Jaye Waldron asked if the driveway could be conditioned to not use salts or chemical de-icers. Don Ritchie noted there is a re-charge trench at the end of the driveway that would trap salts.

Darrell Wickman asked about the differences in the square footage of the existing house and the proposed house. Mr. Wolfe stated the existing dwelling has a floor area of 1,585 square feet and the proposed dwelling will have a proposed floor area of 6,242 square feet. Mr. Wickman thinks the proposed structure will be more visible from the pond. Mr. Wickman is also concerned with tight tank and its requirement to be pumped on a regular basis. Mr. Wolfe noted that all but one house on Peninsula Road is on a tight tank.

Willie Wickman asked about runoff from snow melt. Wendy Sisson explained the maintenance of the vegetative layer around the edges of the pond will help treat and slow down the water. Ms. Sisson stated maintaining and increasing the amount of vegetation on the site is key. Ms. Sisson would like to see special measures to ensure the vegetated buffer remains. She would like to see a vegetation plan drawn up and maintained that would not interfere with the owner's current use of the pond. Ms. Sisson suggested restoring the shrub layer along the shores' edge, perhaps from 5 – 10 feet inward. Mr. Wolfe would be hesitant to take away areas that have existed for decades. Ms. Sisson suggested perhaps cease the mowing to allow natural vegetation to grow in at the 50' buffer zone.

Ms. Sisson stated she is not prepared to accept the drainage calculations as she does not have experience with them. Mr. Wolfe explained his expertise in doing so. Jim Breslauer would like to see what could be done in the cleared area on the north side along with perhaps a footpath being created to the swimming area. Ms. Sisson suggested that a consultant be hired to work with the applicant to come up with a plan. Mr. Breslauer stated he would like to see what Mr. Wolfe can come back with and work from there as to whether or not the Commission needs additional consultation.

With no further questions or comments, Jim Breslauer made a motion to continue the hearing to August 20, 2015 at 7:45pm. 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
Kenneth Kasabian. Lot B Poor Farm Road (Map 9 Parcel 4.2.1)
DEP#177-643, Harvard#0715-02
August 6, 2015**

The public hearing was opened at 9:09pm 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, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin), Scott Smyers (Oxbow Assoc.), Ken Kasabian and Seth Pease (Oxbow Assoc.)

This hearing is for a Notice of Intent filed on behalf of the 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.

Scott Smyers and Seth Pease, of Oxbow Associates, were present to represent the applicant, Kenneth Kasabian, who was also present. Mr. Smyers explained the proposed driveway will follow an existing path initially and then turn slightly to the proposed house location. Mr. Smyers stated that although the property has additional frontage along Poor Farm Road, existing wetlands in the area indicated that the driveway, as proposed, is in the best location.

Mr. Smyers stated there is an isolated depression on the site within the location of the proposed disturbed area, which holds some water in winter and early spring, but by the second week of May was dried completely. It is Mr. Smyers professional opinion this area is not functioning as a vernal pool. Wendy Sisson asked if it is true that periodically some vernal pools could dry out early. Mr. Smyers stated the area did not have other typical characteristics of a vernal pool. The plan proposes to fill in the depression.

As suggested on the site walk, the erosion control line was revised to create a more cohesive yard area. Mr. Smyers stated the Board of Health is requiring there be approved access before issuing a septic permit.

Paul Willard stated a few years ago the wetland line was problematic and was not clear where the line was. Mr. Willard asked if the members who were on the site walk would be willing to accept the wetland line as show on the existing plan, or should the Commission have it professionally reviewed. Members of the Commission agreed a consultant should be hired for this project. Ken Kasabian explained the previous filing for this property, in which the wetland line was adjusted based on a peer review.

Jim Breslauer asked if there is a hydrological connection at the front of the property where the proposed driveway is located. Mr. Smyers stated the area is a low spot, but without the plant community it is not indicating a wetland. Ms. Sisson suggested the Commission hire someone capable of reviewing all of the issues of the site, not only the delineated wetland, but the engineering aspects as well.

Liz Allard explained to Mr. Smyers that under new National Fire Codes access roads are required to be 20' in width. There are some exemptions to the requirement, however Ms. Allard is not

familiar with them and suggested the representatives discuss it further with the Fire Chief. Additional, as proposed the driveway may not meet the existing requirements under zoning.

Members were extremely concerned with the floodplain elevation of 250' and the highest gradient shown within the disturbed area at 252'.

Overall the Commission has issues with the development of the site in regards to the floodplain, delineated wetland line, habitat, and the potential impacts to the high grade habitat.

Jaye Waldron asked about the different types of zones in which the property is within under the Harvard Protective Bylaw, as indicated on the plan. Mr. Smyers was not familiar with the zones or their requirements. This would be a question for the engineer, who was not present this evening.

Mr. Smyers debated the jurisdictions of the Commission and what they can have reviewed. Mr. Willard stated he would need to be much more comfortable with the development of this site before he would approve an Order of Conditions. Having peer review to prove or disprove this site is usable for the proposed project would help in making that determination.

Ms. Sisson stated the draw down in the fall of Bare Hill Pond could have a significant impact on the resource areas on and adjacent to the site and how it is viewed at different times of the year.

Jim Breslauer made a motion that the Commission engage in the process of obtaining a consultant to review the flood plain elevation and the location of the proposed structure, the delineated wetland, specifically the area between wetland flag A14 and A31. Wendy Sisson suggested a friendly amendment to the motion to include the review of the project in total for the entire impact to the resource areas and the surrounding habitat. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Jim Breslauer made a motion to continue the hearing to September 3, 2015 in the Hapgood Room at 7 Fairbank Street at 7:30pm. 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
Request for Determination of Applicability Hearing Meeting Minutes
Harvard Park & Recreation Commission
Harvard Park, Lancaster County Road, Harvard#0715-03
August 6, 2015**

The public hearing was opened at 9:52pm 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, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Jim Lee

This hearing is for a Request for Determination of Applicability filed on behalf of the Harvard Park & Recreation Commission for improvements to the footpath with the wetland resource area and its associated buffer zone along the wood trail behind Harvard Park on Lancaster County Road, Harvard.

Jim Lee was present to discuss the proposed trail improvements to the existing trail at Harvard Park. Paul Willard stated he was amazed at the scope of the area in width and length. Mr. Lee stated this is an existing trail, which is used regularly and is becoming a danger. Mr. Lee stated material will need to be brought in by bobcat. Mr. Lee requested material placed on Old Mill Road at the Stone land and the site be accessed through the Stone land. Members agreed in areas of concern (wet areas) rubber mats shall be used. Stock piled material shall be placed on fabric for easy clean up. The area shall be accessed through the Stone land as necessary by staying on the field edges.

Jim Breslauer made a motion to close the hearing and issue a negative #3 determination with the following conditions:

- 1) Access to the trail from the Stone Land on Old Mill Road is allowed for this project and shall be completed with equipment traversing along the edge of the field;
- 2) Any stockpiled material shall be placed on top of fabric for easy removal;
- 3) In areas that are wet and equipment is required to transverse, rubber mats shall be used. Stone shall be laid down over the rubber mat for easy removal after activity; and
- 4) The Conservation Agent shall be notified prior to the commencement of any activity and
- 5) The Commission's standard conditions as they apply to this project.

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

Continuation of a Notice of Intent Hearing – The Homescout, LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02

- Sewage Disposal System, designed for The Homescout, LC, 90 Warren Avenue, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 29808, Plan No. L-12657, dated 8/6/15

Continuation of a Notice of Intent Hearing – Maureen Pettirossi, 64 Warren Avenue, DEP#177-640, Harvard#0615-01

- Site Plan, designed for Joseph Pettirossi, 64 Warren Avenue, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 30322, Plan No. L-12487-A, dated 7-8-15
- Letter prepared by Robert Oliva, Senior Project Manager, David E. Ross Associates, Inc., Re: 64 Warren Ave – Pettirossi, Notice of Intent, DER Project No, 30322, dated July 16, 215
- Runoff Volume Calculations, David E. Ross Associates, Inc., calculated by REO, dated 7-8-15

Continuation of a Notice of Intent Hearing – Kevin O'Malley, 8 Wilroy Avenue, Map 31 portion of Parcel 25), DEP#177-639, Harvard#0515-01

- Sewage Disposal System, designed for Kevin O'Malley, 8 Wilroy Avenue, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 19473, Plan No. L-8569-A, dated June 2015

Continuation of a Request for Determination of Applicability Hearing – Town of Harvard Department of Public Works, Poor Farm and Ayer Road, Harvard#0615-04

- Roadway Improvements, RDA, Site Plan, Poor Farm Road, owner: Town of Harvard DPW, 47 Depot Road, Harvard, MA 01451, Job 151027, dated June 2015

Continuation of a Notice of Intent Hearing – John Finn, 44 Peninsula Road, Harvard#0715-01

- Site Plan, designed for John Finn, 44 Peninsula Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 30122, Plan No. L-12643, dated 7/16/15
- Pre-Construction Photos of 44 Peninsula Road, July 3, 2015

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

- Notice of Intent Plan for Poor Farm Road, Harvard, MA, Map 9, Block 4, Lot 2.1, prepared for Kenneth Kasabian, 97 Poor Farm Road, Harvard, Massachusetts 01451, prepared by Hancock Associates, Project No. 18509