

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 18, 2015
APPROVED: AUGUST 6, 2015**

Paul Willard called the meeting to order at 7:07pm 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, Wendy Sisson, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin), Peter Dorward (HCT), Pam Durrant (HCT), David Outman (HCT), Michele Klein, Tom Fort, Gary Shepard (Ross Assoc.), Charlie Case, Joe Pettirossi and Rob Oliva (Ross Assoc.)

Discuss Willard Conservation Restriction with the Harvard Conservation Trust

Members of the Harvard Conservation Trust (HCT) and their Director were present to discuss the reason for requesting an endowment to take on the conservation restriction (CR) for the recently purchased Willard land. David Outman explained the HCT is adopting a standard practice in the land preservation community. The HCT holds several CRs and takes monitoring seriously; they are in the process of updating baseline reports. Although this is not the first time the HCT has requested that a property owner contribute funds for the acceptance of a CR, they are working through what will be the amount of that contribution. It is suspected the amount will be in excess of \$5000 and may be determined based on the value of the land. With thirty properties, that are either fee owned or have a CR held by the HCT, the HCT needs to have paid staff monitor for compliance.

Ms. Sisson stated she understands they are moving in this direction; however the Commission was surprised by the amounts initially mentioned. Paul Willard asked when monitoring is done. Pam Durrant stated each property is monitored every other year. Annual monitoring is part of certification requirements with the Land Trust Association (LTA); although not members of LTA, the HCT is trying to be more rigorous about monitoring. Monitoring on a regular basis helps maintain relationship with the property owner, check on boundaries, and general looking for natural changes as well.

The HCT may need the Commission to be the grantee on some of their properties and perhaps a deal can be worked out between the Commission and the HCT. Jim Breslauer would like to get information on what CRs the HCT would like Commission to hold and what the value is of those parcels.

Ms. Sisson stated it would be nice to arrive on an agreement for the Willard land; she would really like to see focus on the baseline report, which the Commission will need to get quotes for, as well as continue to work on the CR itself for the property.

The HCT agrees to forego an endowment for the Willard land, but an endowment for any future CR the Commission requests they hold will be required. Wendy Sisson asked if the endowment covers the cost of preparing the CR or baseline. Mr. Outman stated generally those costs are separate from the ongoing stewardship of the property.

On another note, Ms. Sisson stated the property available on Massachusetts Avenue is much better suited with the criteria for obtaining open space than is the land on Old Littleton Road that the Commission discussed with the HCT previously. The land on Mass Ave is in Chapter and will need to come to the town for right of first refusal once an offer is made; at that time more discussion on the value of the land can be discussed.

Continuation of a Notice of Intent Hearing – The Homescout, LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02. Opened at 7:35pm

Request for Determination of Applicability Hearing – Jim Breslauer, 130 Poor Farm Road, Harvard#0515-02. Opened at 7:37pm

Butterfly Talk

Wendy Sisson stated she is organizing an event for this fall with the members of Tufts University who are conducting butterfly research on the Williams land. This event will take place at either Volunteer's hall or the General Store. More information to follow.

Approve Invoices

Liz Allard stated the following invoices had been received for payment on the next bill warrant:

- Mark J. Lanza \$239.50 (Lawton & 100 Shaker Road)
- Bruce Sherer \$400 (Invasive plant management)

Jim Breslauer made a motion to approve the above mention invoices. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing – Charles Case, Lot 5 Bolton Road (Map 31 portion of Parcel 25), DEP#177-639, Harvard#0515-01. Opened at 7:45pm

Notice of Intent Hearing – Maureen Pettirossi, 64 Warren Avenue, DEP#177-640, Harvard#0615-01. Opened at 8:09pm

Discuss Community Preservation Committee Application for FY17

Liz Allard stated the Community Preservation Committee (CPC) is still trying to determine what the amount available for over-all funding will be for projects in FY17. Since the CPC is unaware of the amount of available funding, those present agreed to delay a discussion until amount is determined. The members requested a history of what has been received over the years from CPC. All agreed that having an actual project to put forth for funding would be better then just asking for a sum of money for a future unknown purchase of open space.

Update on MassDevelopment Design of new Bridge over the Nashua River for Jackson Road

Liz Allard stated she and Don Ritchie attended a meeting a Devens on Wednesday in regards to the proposed design for rebuilding the existing bridge over the Nashua River along Jackson Road. Currently funding is not available for the improvement. A full design will be completed once funding is obtained. The goal of the meeting was to gather input from concerned parties prior to final design. The bridge is functionally outdated, but is structurally sound. All stream crossing standards will be met where applicable. Although the construction may be exempt from filing locally, MassDevelopment will still take into consideration any local concern. Any critical impacts that the Commission may determine with this project should be brought to MassDevelopment attention.

Master Plan Update

Request for Proposals for the Impact Evaluation for Devens has been completed and interviews with potential consultants will take place next week, with potential finalist chosen by the 23rd of June.

ZBA Request for Comments – Finn, 44 Peninsula Road

Liz Allard had previously distributed the application before the ZBA for 44 Peninsula Road for the demolition and rebuilding of a single family dwelling at that location. The property is within 200' of Bare Hill Pond and will require the filing of a Notice of Intent with the Commission. Members wondered if they should seek advice from Town Counsel or the Massachusetts Association of Conservation Commissioners on this application as it may be beyond their scope of expertise. Concerns with runoff and maintaining existing vegetation should be expressed to the ZBA.

Board of Health Request to Streamline Seasonal Conversions to Year-round Residences

Liz Allard had previously distributed a request from the Board of Health (BOH) for a guidance document for residents as it pertains to converting a structure from seasonal to year-round use. Ms. Allard stated that some of the concepts the BOH have in mind would require amendments to existing bylaws and/or regulations. Ms. Allard suggested to the BOH that they craft a document for review and comment by the Commission.

Update to the Gift of Land – 100 Shaker Road

Liz Allard stated she had no new information in regards to the gift of land at 100 Shaker Road.

Adjournment

Jim Breslauer made a motion at 9:00pm 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
Continuation of a Notice of Intent Hearing Meeting Minutes
The Homescout, LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02
June 18, 2015

The public hearing was opened at 7:31pm 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, Harvard.

Members Present: Paul Willard, Wendy Sisson, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin)

This hearing was continued from May 21, 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 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.

The applicant's representative has requested a continuance of the hearing to July 16, 2015. Wendy Sisson made a motion to continue the hearing to July 16, 2015 at 7:30pm in the Hapgood Room at 7 Fairbank Street, Harvard. 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
Request for Determination of Applicability Meeting Minutes
Jim Breslauer, 130 Poor Farm Road, Harvard#0515-02
June 18, 2015**

The public hearing was opened at 7:31pm 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, Harvard.

Members Present: Paul Willard, Wendy Sisson and Jaye Waldron

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

This hearing is for 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.

Without a quorum to open the hearing Wendy Sisson made a motion to continue the hearing to July 16, 2015 at 7:25pm in the Hapgood Room at 7 Fairbank Street, Harvard. Jaye Waldron seconded the motion. The vote was unanimously in favor.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Charles Case, Lot 5 Bolton Road (Map 31 portion of Parcel 25)
DEP#177-639, Harvard#0515-01
June 18, 2015**

The public hearing was opened at 7:45pm 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, Wendy Sisson, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin), Michele Klein, Tom Fort, Gary Shepard (Ross Assoc.) and Charlie Case

This hearing is for a Notice of Intent filed on behalf of the Charles Case for the construction of a single family house and associated site work with in the 100' wetland buffer zone on Lot 5 Bolton Road, (Map 31 a portion of Parcel 25), Harvard.

Gary Shepard, of Ross Associates, was present to represent the applicant, Charles Case, who was also present. Mr. Shepard explained that the lot before the Commission is the only one of the five lots owned by Mr. Case that requires a wetland filing. The proposed plan is for a single family dwelling and its associated utilities. The proposed septic system is outside buffer zone; the proposed house is 76' from the delineated wetland.

At the recent site walk members requested additional information be added to the plan, which includes the locations of the soil samples taken at selected flag locations, and granite posts with permanent signage "Protected Wetland".

Members questioned whether or not the house could actually be shifted closer to the road to reduce the proximity of the lawn area at the back of the house to the 50' buffer zone. Mr. Shepard explained that although the required setback under zoning is 75' from the centerline of the right of way (ROW) for the front of the house, typically a generous enough box for the house is designed to attract potential buyers. Mr. Shepard suggested a note could be added to plan indicating that the house should be located as close to if not at the 75' setback from the centerline of the ROW. Members preferred the house be shifted on the final plan, with a note indicating that it is located at the maximum intrusion into the buffer.

Wendy Sisson requested that wetland flag 10-7 be shifted to fall more in line with the existing contour as the natural line location. After a brief discussion, Mr. Shepard agreed to adjust the wetland line as requested. The members requested two additional granite markers to take it to the property line. Mr. Shepard agreed to revise the plan as discussed this evening.

Jim Breslauer made a motion to close the hearing and issue a standard Order of Conditions and require the plan be revised to reflect the changes made this evening. 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
Maureen Pettirossi, 64 Warren Avenue, DEP#177-640, Harvard#0615-01
June 18, 2015**

The public hearing was opened at 8:09pm 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 Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin), Joe Pettirossi and Rob Oliva (Ross Assoc.)

This hearing is 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.

Rob Oliva, of Ross Associates, was present to represent the applicant. Mr. Oliva explained the existing one-story year-round residence on the property will be torn down and a new two story dwelling will be constructed. The proposed dwelling will essentially be within the existing foot print with the exception of the sunroom. All work on the site will be within the 200' buffer zone to Bare Hill Pond. The existing and proposed dwelling are within 75' of Bare Hill Pond. Additional site work will be within 50' of Bare Hill Pond. A waiver to these setbacks has been included in the application. The sunroom will require a 1:1 cut into the existing slope. Mr. Oliva noted that new dwelling will be no closer to Bare Hill Pond than the existing structure.

A recent site walk it was suggested a proposed re-vegetation plan and details for the installation of a walkway be include as part of the file.

It is Paul Willard's feeling that since the existing structure will be taken down and new structure constructed in its place, then the setbacks within Chapter 147 need to be met. Mr. Oliva explained the site does not allow for the setbacks to be met without further disturbance to the existing slope. Mr. Willard suggested the applicant think about making the dwelling smaller. Mr. Oliva stated in order to meet the setbacks under Chapter 147 the dwelling would have to be smaller than the existing home. Mr. Oliva stated as proposed the new dwelling maintains the setback that exists. Mr. Willard stated that may be true, but the footprint is 50% larger.

Wendy Sisson stated previously the Commission was under the impression that a non-conforming structure had to maintain the existing footprint. Mr. Oliva stated a 2010 court decision, *Gale vs. Town of Gloucester ZBA*, allows for pre-existing non-conforming dwellings to be removed and replaced with a larger dwelling as long as the new dwelling does not increase the non-conformity. Ms. Sisson stated in terms of conservation however, increased footprint increases the impacts to the wetlands. A discussion of not including or reducing the size of the sunroom was had as it pertains to reducing the disturbance to the existing slope.

Mr. Willard asked if pre and post drainage calculations have been submitted. Mr. Oliva stated they had not, but that the ZBA is seeking that information as well; he will supply the Commission with the information when available. Mr. Oliva stated the challenge with this site is that it is predominantly ledge; there is very little opportunity for infiltration on this site.

With the need for additional information and potential re-working of the proposed plan, Jim Breslauer made a motion to continue the hearing to July 16, 2015 at 7:45pm in the Hapgood Room at 7 Fairbank Street, Harvard. Jaye Waldron 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 – Charles Case, Lot 5 Bolton Road (Map 31 portion of Parcel 25), DEP#177-639, Harvard#0515-01

- Sewage Disposal System, Lot 5 Bolton Road, Map 31 portion of Parcel 25, Harvard, Massachusetts, designed for Charles Case, prepared by David E. Ross Associates, Inc., Job No. 26751, Plan No. L-12528, dated 6/17/2015

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, Lot A.31 & A.32, Map 22, Parcel 55, prepared by David E. Ross Associates, Inc., Job No. 30322, Plan No. L-12487-A, dated May 2015