

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 5, 2015
APPROVED: MARCH 19, 2015**

Chairman Paul Willard meeting to order at 7:03pm in the Town Hall Meeting Room 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, Jim Breslauer, Jaye Waldron and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press) and Jon Bishop (Harvard Hillside), Steve Daman, Debby Daman, Jim Lee, Neil Gorman (Ross Assoc.) and Jonathan Williams

Discuss Potential Gift of Land – Parcel D Brown Road

Steve Daman and his wife Debby were present to discuss a potential gift of land to the Conservation Commission. Mr. Daman explained that he and his wife are in the process of downsizing and preparing for the future for his family. Currently a large portion of the 48.5 acres of land his family owns is in Chapter 61B, with some of the land in Bolton. There is a plan before the Planning Board this evening for the creation of a single house lot, which will leave 34.8 acres available for open space. The parcel the Daman's wish to gift to the Town contains a dog leg to an existing lot with a right of way (ROW) along its boundary. Brown Road dead ends at Interstate 495, making it for a good location for access and parking, should the ROW allow for the passing and re-passing to the dog tail. The Daman's believe the ROW allows for access to the dog tail.

As this is a gift of land the Daman's are hoping the Concom can help with remaining costs. Mr. Daman stated an appraisal is needed in order to receive the conservation credits through the State's program. The Daman's will follow up on the ROW and make certain access could be obtain from the existing lot that fronts onto Brown Road and consist of a wireless communications tower. Wendy Sisson stated the site has a lot of features that are appealing to the Concom.

Jim Breslauer made a motion to allocate up to \$5000 for an appraisal and closing cost for the 38.4 acre parcel owned by Steve Daman on Brown Road to be gifted to the Town for the purpose of open space. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

The Daman's will follow up with Liz Allard on this project.

Jaye Waldron arrived at 7:25pm

Notice of Intent Hearing – Jonathan Williams, 13 Whitman Road, DEP#177-636, Harvard#0115-01. Opened at 7:30pm

Continuation of a Notice of Intent Hearing – The Homescout LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02. Opened at 8:00pm

Update on the Lawton and Willard Land Purchases

Wendy Sisson stated Wendell Willard, Liz Allard and she completed a brief final walk through of the Willard land, but cold weather kept them from locating the boundaries. Ms. Sisson explained that an existing leaf pile will need to be chained off and the leaves pulled back. Paul Willard stated he would get the word out to the property owners that they can no longer dump leaves in that area. The purchase and sale requires that the roadway remain Willard Lane and that the memorial bench remain as well. At this point it is a matter of having the attorneys complete a final review of the title and then a closing can be scheduled.

Ms. Sisson stated the property on Old Littleton Road (Lawton) has changed back to a purchase of Parcel A by the Commission. The appraisal for this parcel should be completed shortly and will exceed the \$150,000 offer the Commission has made for its purchase. With that said, Wendy Sisson made a motion to rescind the motion made December 30, 2014 in which the Conservation Commission would have purchased the Conservation Restrictions for parcels B and C and Lot 2 at 121 Old Littleton Road for \$150,000.00, contingent upon (1) an appraisal that verify the value of those restrictions to be greater than \$150,000.00, and (2) the Harvard Conservation Trust will confirm, through its attorney, that under VI. ASSIGNABILITY clause within the restriction for the above mentioned parcels and lot, approved by the Secretary of Energy and Environmental Affairs Commonwealth of Massachusetts on December 23, 2014, that the term "Trust" will be replaced by the "Town of Harvard" where appropriate to the rights and obligations within the restriction by the Harvard Conservation Trust assigning the restriction to the Conservation Commission; the Commission will purchase Parcel A Old Littleton Road (3.81 acres) from the Harvard Conservation Trust for the amount of \$150,000. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approval of Minutes

Wendy Sisson made a motion to approve the minutes of December 4 and 30, 2014 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Approval of Invoices

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

- Mark J. Lanza - \$272.00
- MACC (Annual Conference) - \$690.00

Jim Breslauer made a motion to approve the above mentioned invoices for inclusion on the next bill warrant. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – Cleaves Hill Road

Liz Allard stated the Commission has received a request for comments from the ZBA in regards to the request for a variance from The Homescout LLC for the construction of a single family dwelling on Cleaves Hill Road. Ms. Allard explained the property itself does not contain any resource areas, but there is a resource area on the back side of the property across Littleton County Road, in which the 100' buffer zone encroaches onto the property. There is no activity proposed within the buffer zone. The property in question does contain a steep slope leading to Littleton County Road. Since a previously constructed dwelling on Cleaves Hill Road cause significant damage to the roadway and surrounding vegetation during its construction due a large rain event, Ms. Allard is recommending that should the ZBA grant the variance that they require the use of erosion controls at the rear of the property to prevent any potential erosion from leaving the site during construction.

Right of First Refusal – Lot 2-B Prospect Hill Road

Liz Allard explained to the members that they have received notice of sale of 4.60 acres of land on Prospect Hill Road for the sum of \$228,000.00. As land that was just recently taken out of Chapter 61A, the Town has the right of first refusal to purchase the property. Ms. Allard explained the site is that of the former Phil's Apples, formerly owned by Phil Rymsha and is a part of a larger parcel that was recently divided under an Approval Not Required plan endorsed by the Planning Board. Ms. Allard stated the parcel does not have significant wetland value, but could have wildlife habitat value. The parcel is located close to the entrance for the Prospect Hill Management Area. After a brief discussion the Commission agreed they did not have interest or have the resources to obtain this property currently.

Adjournment

Jim Breslauer made a motion at 8:23pm to adjourn the meeting. 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
Notice of Intent Hearing Meeting Minutes
Jonathan Williams, 13 Whitman Road, DEP#177-636, Harvard#0115-01
February 5, 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 Town Hall Meeting Room

Members Present: Paul Willard, Don Ritchie, Charlie Gorss, Wendy Sisson, Jim Breslauer, Janet Waldron and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin), Neil Gorman (Ross Assoc.) and Jonathan Williams

This hearing is for a Notice of Intent filed on behalf of Jonathan Williams for an upgrade to the sewage disposal system for an existing four-bedroom single-family house within the 100' wetland buffer zone at 13 Whitman Road, Harvard.

Neil Gorman, of Ross Associates, was present along with Jonathan Williams the property owner, to discuss the project for the upgrade of a sewage disposal system at 13 Whitman Road. Mr. Gorman gave an overview of the property and the proposed plan. The site is bordered by a stream with an associated bordering vegetated wetland, making it difficult to locate a septic system on the property. Mr. Gorman stated they tried to get system as close to the road as possible. By using the Presby[®] system they were able to take advantage of the reduction in the size of up to 40%. There is a proposed boulder wall eight feet from wetlands. Mr. Gorman stated they have not met with the Board of Health as of yet. The closest disturbance to the wetlands will be the force main. Jim Breslauer asked if there is any value in relocating the existing well and installing the septic system in that location. Mr. Gorman stated that due to ledge and other offsets that is not really an option. The number of bedrooms and the size of the system were discussed. Jaye Waldron asked about building above the ledge. Mr. Gorman stated they are unable to meet the restrictions under Title 5. A tight tank is not an option, as Title 5 does not allow for them for year round residence. Wendy Sisson asked if there are any other suggestions that could reduce the size of the system. Mr. Gorman stated there is other technology, such as a fast system, but those come with increased costs and inspections. Liz Allard noted that type of systems would reduce nitrogen loadings. Ms. Allard asked if testing was conducted on the adjacent lot, also owned by the Williams. Mr. Williams stated the adjacent lot did not perk in the 1980's.

A discussion about this parcel being an ideal location that should have been included in the Town Center Sewer, ended with the Commission agreeing to work with the Board of Health, the Department of Public Works and the Bare Hill Pond Watershed Management Committee to urge the Sewer Commission to extend the district to include this location.

Wendy Sisson made a motion to continue the hearing to February 19th at 8:30pm to allow the Commission and the applicant to further explore the extension of the sewer district. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
The Homescout LLC, 90 Warren Avenue, DEP#177-635, Harvard#1114-02
February 5, 2015

The public hearing was opened at 8:00pm 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, Don Ritchie, Charlie Gorss, Wendy Sisson, Jim Breslauer, Janet Waldron and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from January 15, 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 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, Ross Associates, have requested the hearing be continued to allow for revisions to the plan in response to recent Board of Health and Zoning Board of Appeals hearings. Jim Breslauer made a motion to continue the hearing to February 19, 2015 at 7:30pm. 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

Discuss Potential Gift of Land – Parcel D Brown Road

- Plan of Land in Bolton & Harvard, Massachusetts, Stephen J. & Deborah J. Damon, prepared by Ducharme & Dillis Civil Design Group, Inc., Job No. 1003, Dwg No. 1003-ANR-H, dated December 23, 2014

Notice of Intent Hearing – Jonathan Williams, 13 Whitman Road, DEP#177-636, Harvard#0115-01

- Sewage Disposal System, 13 Whitman Road, Harvard, Massachusetts, designed for Jonathan Williams, prepared by David E. Ross Associates, Inc., Job No. 30125. Plan No. L-12506, dated January 2015