

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 17, 2016
APPROVED: DECEMBER 15, 2016**

Chairman Paul Willard called the meeting to order at 7:00pm in the Old Library 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, Jim Breslauer, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

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

Approve Minutes

Jim Breslauer made a motion to approve the minutes of July 21, August 4 & 18, September 1, and October 6 & 20, 2016 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Willard Land Conservation Restriction & Trail Easement

There was no update available this evening on this matter, however Wendy Sisson would like to schedule a walk of the property with the Harvard Conservation Trust this winter.

LAND Grant Update

After a brief discussion on the required updates and the work completed so far, Liz Allard was instructed to assign the remaining tasks to Commission members.

Update on Gifts of Land

- Stone Cutter's Path – The representative from Stone Cutter's Path and Town Counsel have been in contact with each other, but still no progress has been made.
- Still River Road - The Commission is waiting to hear from the Harvard Conservation Trust (HCT) on their interest in accepting this parcel as a gift as it abuts existing Trust land. HCT will meet on December 21st to discuss this matter.

Bylaw Amendment – Land Subject to Flooding

Jim Breslauer stated two bylaws would be required in order to achieve additional protection of land subject to flooding. The initial step is to document existing land under water in Town. Mr. Breslauer suggested the Commission look toward annual town meeting 2018 for this bylaw.

Land Stewardship Update

Wendy Sisson stated the rerouting of the Holy Hill trail has no good solution. The final determination is to leave the trail as it is and route walkers to the blue trail to avoid snowmobiles.

Ms. Sisson is working on a protocol for the snowmobile club in order to have something in writing in regards to the use and maintenance of the trails. A draft of this protocol will be circulated for member comments.

The Commission received notice from the Department of the Interior (DOI) in regards to the land on Old Mill Road given to the Town when Fort Devens closed. Ms. Sisson stated the Land Stewardship Subcommittee (LSS) did a major clean-up prior to review by the DOI, however a large number of ash trees have since come down and need to be cleared, which will be taken care of by the LSS; once complete, a response will be sent to the DOI.

Ms. Sisson stated the fall walk of the Prospect Hill conservation area was well attended by about 46 individuals. A photo of the group can be seen on the Conservation Commission and the LSS page of the Town website.

The bridge on the Clapp-Scorgie land over a mud wallow has been completed by a joint effort of Phil Knoettner and employees of the Department of Public Works.

Ms. Sisson stated the Board of Health is seeking to have a student to do a science fair project on water conservation in the landscape. After a brief discussion, Jim Burns volunteered to be the contact person for the Commission to discuss the project with the student.

Continuation of a Notice of Intent Hearing Mikhail Zheleznyak, 23 Peninsula Road, DEP#177-651, Harvard#1016-02. Opened at 7:33pm

Continuation of a Notice of Intent Hearing – Stephanie Opalka, Depot Road (Map 12 Parcel 5), Harvard#1016-03. Opened at 7:45pm

Discuss Amendment to Smith Conservation Restriction held by the Littleton Conservation Trust

Liz Allard had previously distributed the material in regards to the sale of the Smith land that borders on both Harvard and Littleton, which has an existing conservation restriction (CR). The estate will be seeking to turn the land in Harvard over to the Town once the transaction is completed in Littleton. The attorney for the estate is handling the necessary steps to amend the CR.

The Commission had no issues with the amendments as requested and looks forward to further protecting a valuable piece of open space.

Comments to Draft Proposed Charter

Members had the following comments in regards to the draft Charter for the Town of Harvard:

- Need a definition for “authority”
- A form for residential review of employees
- Lacking in overall governmental structure - will there be more to come

A letter will be drafted for the Commission’s review at the next meeting.

FY18 Budget Questions

Questions received today from the Finance Committee (FinCom) were discussed, as well as the narrative sent to the FinCom with the FY18 budget. Members were surprised to learn of the request for clerical assistance for the Land Use Boards and the establishment of a Town Planner position. The thought of having the letter retracted was discussed. Liz Allard stated the chair of the Planning Board (PB) will be in the office on Monday November 28th to finalize the answers to the FinCom questions, which are due on Tuesday November 29th. Ms. Allard will be able to answer questions 2 and 3. Don Ritchie and Paul Willard stated they will come into the office on the 28th to further discuss the items detailed in the narrative with the PB chair.

Jim Breslauer left the meeting at 8:50pm

Executive Session

Don Ritchie 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. Joanne Ward seconded the motion. A roll call vote was taken: Joanne Ward, aye; Don Ritchie, aye; Wendy Sisson, aye; Jaye Waldron, aye; Paul Willard, aye.

Adjournment

Don Ritchie made a motion at 9:19pm 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 Notice of Intent Hearing Meeting Minutes
Mikhail Zheleznyak, 23 Peninsula Road,
DEP#177-651, Harvard#1016-02
November 17, 2016**

The public hearing was opened at 7:33pm 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 Old Library at 7 Fairbank Street, Harvard

Members Present: Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns (Associate Member)

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

This hearing was continued from November 3, 2016 on a Notice of Intent filed on behalf of Mikhail Zheleznyak for the remodeling of an existing single family dwelling maintaining the existing foundation within the 200' wetland buffer zone of Bare Hill Pond at 23 Peninsula Road, Harvard

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Mr. Ringwall stated as requested by the Commission the dwelling has been reduced by eight feet, and the size of the deck and patio have been reduced as well. The ledge between the dwelling and the pond will remain. A stone diaphragm has been added to the west edge of the driveway to control storm water runoff. Four new trees will be planted to replace the two trees that are being removed. The reduction of the dwelling moves the structure outside the 75' wetland buffer zone; therefore a waiver is not required. The trees will be installed by hand. Liz Allard detailed the maintenance of the stormwater facilities, which will be included in the Order of Conditions. Wendy Sisson stated the Commission is appreciative of the reduction of the structure and that the allowance of a waiver to the setbacks is determined on a case by case basis.

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

- 1) Installation of the four proposed trees (Sugar Maples) shall be completed by hand; and
- 2) The storm water structures shall be maintained in the following manner: a) Stone Diaphragm inspected biannually for sediment buildup, b) Stone Chamber inspected after every major storm within the first few months after construction to ensure proper stabilization and function thereafter inspect annually, c) infiltration chamber inspect inlet at least twice a year and remove debris that may clog the system. The property owner shall submit a written report annually detailing the maintenance and any improvements made to the structures no later than December 31st of each year. This is a permanent condition and does not expire with the issuance of the Certificate of Compliance.

Don Ritchie seconded the motion. The vote was unanimously in favor of the motion. Jim Breslauer abstained from voting as he was not at the first hearing for this application.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Stephanie Opalka, Depot Road (Map 12 Parcel 4&5)
DEP#177-652, Harvard#1016-02
November 17, 2016**

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 Old Library at 7 Fairbank Street, Harvard

Members Present: Paul Willard, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from November 3, 2016 on a Notice of Intent filed on behalf of Stephanie Opalka for the construction of a single family dwelling within the 100' wetland buffer zone on Depot Road (Map 12 Parcels 4 & 5), Harvard

Liz Allard stated the hearing had been continued in order to receive comments and a file number from the Department of Environmental Protection. The file number has been received with no comments in regard to this application. An Order of Conditions has been drafted based on the decision made at the November 3rd meeting.

Don Ritchie made a motion to close the hearing and issue the Order of Conditions as drafted. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion. Jim Breslauer abstained from voting as he was not at the first hearing for this application.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Continuation of a Notice of Intent Hearing Mikhail Zheleznyak, 23 Peninsula Road, DEP#177-651, Harvard#1016-02

- Residential Redevelopment, Special Permit Site Plan, 23 Peninsula Road, Harvard, MA 01451, prepared for Mikhail Zheleznyak c/o Olga Bykhovsky, 649 Mass Ave., Boxborough, MA 01719, Job 161057, prepared by GPR, Inc., dated 11/14/2016