

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JUNE 15, 2017  
APPROVED: August 3, 2017**

Chairman Paul Willard called the meeting to order at 7:06pm in the Town Hall, 13 Ayer Road, 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, Jim Breslauer, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), John Lee, Peter Dorward, Jim Lee (HCT), Bruce Ringwall (GPR, Inc.), Kerry Kunst, Bruce Leicher (BHPWMC), Mark Shaw, Mark Hilbrunner (GPR, Inc.), Pablo Carbonell, and Tim Kilhart (DPW Director)

**Community Preservation Committee Meeting**

John Lee was present to officially invite the members of the Commission to attend the June 28<sup>th</sup> meeting of the Community Preservation Committee to discuss their process and get a better sense of the Commission's needs in regards to funding. Additional information in regards to this meeting can be found under Open Space Protection Strategy & Plan below.

**Executive Session**

Jim Breslauer 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: Jaye Waldron, aye; Jim Breslauer, aye; Joanne Ward, aye; and Paul Willard, aye.

At the conclusion of the discussion under executive session, Jim Breslauer made a motion to come out of executive session and to return to the public meeting. Joanne Ward seconded the motion. A roll call vote was taken: Jaye Waldron, aye; Jim Breslauer, aye; Joanne Ward, aye; and Paul Willard, aye.

**Continuation of a Notice of Intent Hearing – Kerry Kunst, 34 Peninsula Road, DEP#177-655, Harvard#0517-03.** Opened at 7:42pm

**Continuation of a Notice of Intent Hearing – Pablo Carbonell, 45 Pine Ridge Drive, DEP#177-654, Harvard#0517-04.** Opened at 8:20pm

**Notice of Intent Hearing – Department of Public Works, Littleton Road, Harvard#0517-08.** Opened at 8:28pm

**Open Space Protection Strategy & Plan**

Peter Dorward was present to discuss the development of the open space protection strategy and plan. It was suggested the different Chapter (61/61A/61B) status be defined. Comments submitted by Wendy Sisson were read into the record, which suggested a small working group of the Commission to work on the plan. Ms. Sisson also suggested as part of the upcoming meeting with the Community Preservation Committee(CPC), at which this plan will be shared with the CPC, the Commission will need about \$300,000 a year for open space protection based on a five-year look back. Ms. Sisson would be inclined to ask the Town to plan on \$200,000 on an average annual basis for land protection expenses, with larger requests coming on a project-by-project basis. Ms. Sisson would further request CPC continue the support of invasive plant management at \$50,000 every three years.

Mr. Dorward requested the plan be a joint effort of the Commission and Harvard Conservation Trust. Members of the Commission agreed to the request. Paul Willard and Jim Burns agreed to meet with Mr. Dorward and Ms. Sisson next week to continue finalizing the plan. Members discussed reducing the list of properties within the plan and the fact that the list is not an absolute, but a guide to be used when things come on the market.

#### **Review & Approve Letter to Board of Selectmen re: Payment to Town Counsel**

After a brief discussion of the drafted letter and the comments submitted by Wendy Sisson, Jaye Waldron made a motion to approve the letter as amended this evening. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

#### **Licensing of Conservation Land Update**

Joanne Ward had nothing new to report as she is still compiling the information on the history of fees collected by the Commission for licensed land around town.

#### **Follow-up to activity on Cruft Lane within Buffer Zone of a Resource Area**

Liz Allard stated she has compiled information in regards to "land in agriculture" and how it is regulated under the Wetland Protection Act. Ms. Allard will create a user guide to assist with informing residents whose properties are considered agricultural lands in Harvard, as well as the Commission itself.

#### **Priority Mapping in the SuAsCo Watershed**

Liz Allard has not had an opportunity to review the map as requested. This item was postponed to the next meeting of the Commission.

#### **Planner Flowchart**

Members commented on the flowchart drafted by the Planning Board. In general, the Commission likes the flow, but would like to see the Bare Hill Pond Watershed Committee under the Conservation Agent, as opposed to the Planner. Liz Allard stated there is still the question of there being enough work for a full-time conservation agent, so it has been suggested that perhaps a Planner/Agent position be considered. Jim Breslauer felt that would be too much for one person. The Planning Board will be meeting with the Park & Recreation Commission this coming Monday to get their feedback as well.

#### **Approve Invoice**

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

- Mark J. Lanza - \$680.00

Jim Breslauer made a motion to approve the above mentioned invoice. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

#### **Approve Minutes**

Jim Breslauer made a motion to approve the minutes of May 18 and June 1, 2017 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

#### **Adjournment**

Jim Breslauer made his final motion as a member of the Harvard Conservation Commission, which was to adjourn the meeting at 9:50pm. Joanne Ward seconded the motion. The vote was 3-1, with Paul Willard opposing the motion.

Respectfully submitted,

Liz Allard Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Kerry Kunst, 34 Peninsula Road, DEP#177-655, Harvard#0517-03**  
**June 15, 2017**

The public hearing was opened at 7:42pm 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, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Jim Breslauer, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Kerry Kunst, Bruce Leicher (BHPWMC), Mark Shaw, Mark Hilbrunner (GPR, Inc.), Pablo Carbonell, and Tim Kilhart (DPW Director)

This hearing was continued from May 18, 2017 for a Notice of Intent filed on behalf of Kerry Kunst for the demolition of an existing house and driveway and the associated redevelopment of the lot within 200' of Bare Hill Pond, at 34 Peninsula Road, Harvard.

Bruce Ringwall, of GPR, Inc, was present to represent the applicant, Kerry Kunst, who was also present. Mr. Ringwall stated the comments made by the Department of Environmental Protection, in regards to the floodplain, do not apply as there is no proposed work within the floodplain area. The floodplain has been shown on the plan as the W-district. As discussed at the previous hearing, the driveway proposed to lead to a storage area on the north side of the house will have a stone diaphragm at the end of it to capture the first flush of stormwater runoff. This driveway has been changed to grass pavers as opposed to a paved driveway. The installation of the grass pavers will provide five times more recharge of stormwater on the site.

Requested waivers were discussed and Mr. Ringwall amended the requested waivers to the 75' and 50' setbacks for the structure, which will be 34' from Bare Hill Pond. The existing structure is 31' from the pond.

Liz Allard asked if the applicant would have any issues with conditions for the continued maintenance of the stormwater facilities, including the grass pavers. Mr. Kunst stated he did not. Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee, discussed the stormwater facilities in regards to how they would serve to treat stormwater before it enters Bare Hill Pond.

Jim Breslauer stated he had previously requested the existing driveway, which is hard-packed gravel now, be considered for a pervious surface. Mr. Ringwall stated that since the area is now hard-packed gravel and with the addition of the grass pavers for the lower driveway, there is no need to create a pervious surface here.

Stabilization of the site will be completed under a future landscape plan. This plan will require the approval of the Commission once it is developed.

Joanne Ward made a motion to accept the waiver as amended. Jaye Waldron seconded the motion. The vote was 3-1 with Jim Breslauer opposing the motion.

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

- Stormwater facilities, including the grass pavers, shall be maintained as recommended by Best Management Practices;

- Annual reporting shall be provided to the Commission on the maintenance and any repairs made to the facilities no later than December 31<sup>st</sup> of each year;
- A detailed landscape plan shall be submitted and approved by the Commission for all disturbed areas; and
- The existing vegetation along the shore of Bare Hill Pond shall be maintained.

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  
Pablo Carbonell, 45 Pine Ridge Drive, DEP#177-654, Harvard#0517-043  
June 15, 2017**

The public hearing was opened at 8:20pm 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 at, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Jim Breslauer, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Mark Shaw, Mark Hilbrunner (GPR, Inc.), Pablo Carbonell, and Tim Kilhart (DPW Director)

This hearing was continued from May 18, 2017 for a Notice of Intent filed on behalf of Pablo Carbonell for the razing of an existing dwelling and reconstruction of a single-family dwelling within previously disturbed areas within 200' of Bare Hill Pond, at 45 Pine Ridge Drive, Harvard.

Bruce Ringwall, of GPR, Inc, was present to represent the applicant, Pablo Carbonell, who was also present. Mr. Ringwall stated the hearing had been continued in order to wait until the Zoning Board of Appeals (ZBA) had completed their process. Mr. Ringwall stated the ZBA closed the hearing last night with no changes to the plan as submitted.

With no questions or comments, Jim Breslauer made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. 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  
Town of Harvard Department of Public Works  
Littleton Road, Harvard#0517-04  
June 15, 2017**

The public hearing was opened at 8:28pm 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, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Jim Breslauer, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin) and Tim Kilhart (DPW Director)

This is for a Notice of Intent filed on behalf of the Harvard Department of Public Works for the installation of two culverts along Littleton Road between telephone poles 12 and 13, and 23 and 24 within the resource area.

Tim Kilhart, the Director of the Department of Public Works, was present to discuss the application for the replacement of two culverts along Littleton Road. Mr. Kilhart stated the plan is to open the road to replace the existing pipes. The intent is to leave the existing headwalls in place to limit the disturbance. Members discussed completing the work during the dry season to reduce erosion into the flow of water. Liz Allard stated she had been advised by the State to suggest an increase in the pipe size to allow for future increase in flow. Mr. Kilhart stated this would require more disturbance as the headwalls would need to be removed in order to increase the pipe size. As for creating a natural substrate on the bottom of culvert, the corrugated pipe will create a natural flow that will fill in the ribs over time with natural substrate. The Wetland Protection Act regulations stated the standards need to be met where practical, and in this situation it is not practical as it would create more disturbances.

With no file number from the Department of Environmental Protection (DEP) the hearing will need to be continued. The members agreed an Order of Conditions (OOC) can be prepared for the next meeting if there are no comments that need to be addressed from DEP. The OOC will have the additional conditions that work shall be conducted in the dry season and the conservation agent shall be contacted when work is to be completed to determine what erosion control measures should be taken. Jim Breslauer made a motion to continue the hearing to July 6<sup>th</sup> 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

## EXHIBITS & OTHER DOCUMENTS

### **Conservation Commission Agenda, dated June 15, 2017**

#### **Open Space Protection Strategy & Plan**

- Town of Harvard Conservation Commission Open Space Protection Plan, revision 2.2, dated 6/13/2017

#### **Continuation of a Notice of Intent Hearing – Kerry Kunst, 34 Peninsula Road, DEP#177-655, Harvard#0517-03**

- Residential Redevelopment, Special Permit, Site Plan, 34 Peninsula Road, Harvard, MA 01451, prepared for 34 Peninsula Road Trust c/o Kerry Kunst, prepared by GPR, Inc., Job 151006, final revision date June 16, 2017

#### **Review & Approve Letter to Board of Selectmen re: Payment to Town Counsel**

- Letter from the Conservation Commission to Lucy Wallace Board of Selectmen chair, dated June 1, 2017

#### **Planner Flowchart**

- Untitled document detailing the hierarchy of a Town Planner and Conservation Agent, dated 07June2017

#### **Approve Invoice**

- Invoice from Mark J. Lanza, dated May 31, 2017

#### **Approve Minutes**

- Draft minutes prepared by Liz Allard dated May 18 and June 1, 2017 and amended by Jim Breslauer

**Additional Document:** email from Wendy Sisson to Liz Allard Subject: Wendy's input for tonight's concom mtg, date June 15, 2017