

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JULY 21, 2016
APPROVED: NOVEMBER 17, 2016**

Vice Chairman Don Ritchie called the meeting to order at 7:02pm 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: Don Ritchie, Jim Breslauer, Charlie Gorss, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

Others Present: Liz Allard (LUB Admin), Jack Maloney (Ducharme & Dillis), Dan Wolfe (Ross Assoc.) and Julia Junkala

Approve Minutes

Jim Breslauer made a motion to approve the minutes of February 18, March 3 and 17 and April 21, 2016 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoices

Liz Allard stated the following invoices have been received and require approval for inclusion on the next bill warrant:

- MACC - \$901.00
- Turner Lane Association - \$150.00
- Bare Hill Homeowners Association - \$100.00
- Heritage Fields \$2000.00
- Joe Wilder – 7400.00

Wendy Sisson made a motion to approve the above mentioned invoices. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Senior Community Service Project

Liz Allard had previously distributed the proposal from Jack Shelton to complete aerial photography on conservation land as part of his senior community service project. After a brief discussion Wendy Sisson made a motion to approve the senior community service project proposed by Jack Shelton, which is to be supervised by the Conservation Agent. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Wetland Violation – 12 Harris Lane

Liz Allard stated she had been alerted to a potential wetland violation at 12 Harris Lane, which included fill within the buffer zone to a resource area and perhaps the resource area itself. Ms. Allard reviewed the site and found the property owner is in the process of regrading the rear lawn area within the buffer zone.

Jim Breslauer made a motion to issue an Enforcement Order requiring the property owner to file an application with the Commission and immediately install an erosion control barrier. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Jim Breslauer and Don Ritchie agreed to accompany Ms. Allard on Monday to deliver the enforcement order.

Land Stewardship Subcommittee Update

Wendy Sisson reported the Land Stewardship Subcommittee (LSS) conducted a great chainsaw group workday on the Old Mill Land recently; new younger recruits are working out well. Ms. Sisson reported there are other groups forming to help with trail work and the LSS is working towards an adopt-a-trail program. A fall walk is being organized for the Prospect Hill

Conservation Area. LSS is working on improving the trail to Dean's Hill by making it wider. Peter Dorward will be mowing top of Dean's Hill.

Hosking's Point has had an increase in after-hours activity with more graffiti, fire pits and beer cans in the pond. Ms. Sisson stated there is a boat moored on the dock at Clapp-Scorgie in the area of the illegal camp from last year. Ms. Sisson wondered if adding a wildlife camera out there would assist in determining the activity that is going on there. LSS will take care of the trash and has removed the fire pit.

Liz Allard asked if the issue of encroachment at Bare Hill Wildlife Sanctuary been rectified. Ms. Sisson stated it has.

Request for the Determination of Applicability Hearing – Richard Rogers, 49 Littleton County Road, Harvard#0616-04. Opened at 7:30pm

Discuss Abutter Notification for Notice of Intent Re: Fire Pond

Liz Allard explained the Fire Department will be submitting a Notice of Intent for the dredging of fire ponds around town. The representative is wondering how to deal with abutter notification considering there are a number of fire ponds around town. Members agreed to advertisement on Nextdoor Harvard and in the newspaper that will list the locations affected.

FY16 4th Quarter Conservation Funds Update

Liz Allard had previously distributed the fiscal year 2016 fourth quarter spreadsheets for the funds under the control of the Commission for their review. There were no comments from the Commission.

Refund Escrow Account

Liz Allard stated the remaining \$200.00 balance in the escrow account for consultant review for the application of Kenneth Kasabian at Lot B Poor Farm Road can be refunded now that the hearings have been closed and all outstanding invoices have been paid. Jim Breslauer made a motion to refund Kenneth Kasabian \$200.00, the balance of the escrow account. Joanne Ward seconded the motion. The vote motion was unanimously in favor of the motion.

Land Stewardship Subcommittee Request for the Allocation of Funds for Equipment

After a brief explanation by Wendy Sisson as to why a battery powered weed whacker is preferred, Jim Breslauer made a motion to allocate up to \$200.00 to for trail maintenance equipment for the Land Stewardship Subcommittee. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Request for the Determination of Applicability Hearing – Julia Junkala, 99 Ayer Road, Harvard#0716-01. Opened at 7:50pm

Ayer Road Rotary Proposal

Jim Breslauer and Paul Willard recently attended a meeting with the committee proposing the Ayer Road roundabout to discuss the decision that needs to be made by the Commission in regards to removing land from conservation. This decision should not be determined based on personal opinion as to whether or not a roundabout is necessary, but on the whether or not the land is surplus conservation land.

After a discussion, the members agreed the land on Lancaster County Road is better than or equal to the value of the land that is needed for the roundabout. The land on Gebo Lane is of no interest or value to the Commission.

Notice of Intent Hearing – Brian Sundeen, 35 Scott Road, Harvard#0716-02. Opened at 8:02pm

LAND Grant Update – CPIC & CPC Process

Liz Allard stated the LAND grant was delivered on July 12th by Dave Outman of the Harvard Conservation Trust. Ms. Allard received an email from the contact person at the State today seeking additional information for the application, including the required Conservation Commission signature page.

There was no new news in regards to applying to Capital Planning and Improvements Committee (CPIC) for funding this fall. Ms. Allard stated she spoke to Didi Chadran today, the chair of the Community Preservation Committee (CPC) in regards to applying for Community Preservation Act funds in time for the special town meeting in October. Mr. Chadran is attempting to arrange a meeting of CPC to get the approval needed in order for an application for funding to be submitted for special town meeting.

Update on Gifts of Land

- Stone Cutter's Path – Nothing new to report

Bylaw Amendment – Land Subject to Flooding

Jim Breslauer stated he had nothing new to report on this matter.

Emergency Certification – DPW, Stow Road

Liz Allard reported the work completed under Emergency Certification (EC) issued to the Department of Public Works for a failed culvert along Stow Road Culvert ignored the conditions detailed in the EC. Members agreed this has provided an opportunity to determine if this is the way to go about these types of replacements. Future replacements will require the filing of a Notice of Intent to allow for more oversight of the project.

Adjournment

Charlie Gorss made a motion at 8:45pm to adjourn the meeting. 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
Richard Rogers, 49 Littleton County Road, Harvard#0616-04
July 21, 2016**

The public hearing was opened at 7:30pm by Vice Chairman Don Ritchie 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 at 13 Ayer Road, Harvard

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

Others Present: Liz Allard (LUB Admin) and Jack Maloney (Ducharme & Dillis)

This hearing is for a Request for Determination of Applicability filed on behalf of Richard Rogers for the installation for a new septic system within the 100' wetland buffer zone at 49 Littleton County Road, Harvard.

Jack Maloney, from Ducharme & Dillis, was present to represent the applicant, Richard Rogers. Mr. Maloney stated the application is for the installation for a new septic system, which proposes temporary disturbance within the 100' wetland buffer zone. There are no trees that need to be removed for this installation. At the site walk members had asked that the buffer zones associated with the pond on the property be added to the plan. A revised plan was received yesterday.

With no questions or comments, Wendy Sisson made a motion to close the hearing and issue a Determination of Applicability Negative #3, with the condition that the erosion control barrier is to be inspected by the Conservation Agent prior to activity. 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 Meeting Minutes
Julia Junkala, 99 Ayer Road, Harvard#0716-01
July 21, 2016**

The public hearing was opened at 7:50pm by Vice Chairman Don Ritchie 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 at 13 Ayer Road, Harvard

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

Others Present: Liz Allard (LUB Admin) and Julia Junkala

This hearing for a Request for Determination of Applicability was filed by Julia Junkala for the construction of a retaining wall and associated fill within 200' of a pond and stream at 99 Ayer Road, Harvard.

Julia Junkala was present to explain to the Commission the retaining wall she began having installed a few weeks ago. A site visit was conducted and concluded the installation of the wall has and will cause very little disturbance to the buffer zone. There is no need to require erosion control. As recommended at the site visit, Ms. Junkala will extend the wall to the tree located at the south end to retain fill that will be added on the road side of retaining wall.

Jim Breslauer made a motion to close the hearing and issue a Determination Negative #2. Wendy Sisson 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
Brian Sundeen, 35 Scott Road, Harvard#0716-02
July 21, 2016**

The public hearing was opened at 8:02pm by Vice Chairman Don Ritchie 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 at 13 Ayer Road, Harvard

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

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

This hearing is for a Noticed of Intent filed on behalf of Brian Sundeen for work already performed including fill, grading, installation of pool, patio, gazebo, benches and pool equipment within the 100 wetland buffer zone at 35 Scott Road, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant. Mr. Wolfe explained the applicant had the pool installed last year and was unaware it was within the wetland buffer zone until issues with property line setbacks came to light. The Commission has no issues with the pool and the associated features as installed. Since an enforcement order had been issued the members discussed whether or not to require the applicant pay double the filing fee, as required by the Wetland Bylaw Regulations. After a brief discussion, Jim Breslauer made a motion requiring the applicant to pay double fees for this application. Charlie Gorss seconded the motion. The vote was 3-2 in favor of the motion.

Jim Breslauer made a motion to close the hearing and issue an Order of Conditions to include the following two permanent conditions – 1) cease the dumping of yard waste within the buffer zone and 2) if the pool requires to be drained at anytime the water is to be hauled off site. 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

Senior Community Service Project

- The Bromfield School, Senior Community Service Project Proposal, Jack Shelton, 2016

Request for the Determination of Applicability Hearing – Richard Rogers, 49 Littleton County Road, Harvard#0616-04

- Sewage Disposal System Design, 49 Littleton County Road, Harvard, Massachusetts, prepared by Ducharme & Dillis Civil Design Group, Inc., Job No. 5309, Drawing No. 5309-SDS, dated 7/19/16

Notice of Intent Hearing – Brian Sundeen, 35 Scott Road, Harvard#0716-02

- Site Plan in Harvard, Mass., prepared for Brian Sundeen, prepared by David E. Ross Associates, Inc., Job No. 31294, Plan No. L-12948, dated June 2016