

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 18, 2018
APPROVED: FEBRUARY 1, 2018**

Wendy Sisson called the meeting to order at 7:02pm in the Town Hall, 13 Ayer Road, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Carl Sciple and Mark Shaw (Associate Member)

Others Present: Liz Allard (LUB Admin), Neil Gorman (Ross Associates), Steve Hierman, Susan Colwell, Steve Colwell, Justin Brown, Doug Thornton, Rebecca Brown, Suzanne Allen and Jeff Brown

Open Space Committee

Wendy Sisson stated the idea of an Open Space Committee is new concept to Harvard Conservation Trust as well. Ms. Sisson stated that although this committee could be under the appointment of Board of Selectmen, it is possible to get the task done without creating another committee. Joanne Ward stated she thought there is not enough time to prepare a request for the 2018 town meeting; this is something that is going to take more thought and is not to be rushed through. Liz Allard suggested creating a committee that would implement the entire Open Space & Recreation Plan (OSRP), as opposed to just a handful of goals within the OSRP. This may show that the Commission is not solely focused on protecting open space.

Joanne Ward made a motion not to request a warrant article for the annual town meeting to create an Open Space Committee, but to discuss with other boards and committees involved with the implementation of the Open Space & Recreation Plan to determine their desire to achieve the goals. Jim Burns seconded the motion. The vote was unanimously in favor of the motion. .

Respond to request to preserve open space along Willard Lane

A letter to Robert Capobianco had been drafted and circulated to the members. Wendy Sisson stated this project is ranked low by Harvard Conservation Trust (HCT); there are other projects HCT are working on with higher priority. As previously discussed, this is a high priority for the Commission in regards to trail connection, protection of wetlands and preservation of Bare Hill Pond. Getting other interested parties involved, such as Harvard Snowmobile Club and Bare Hill Pond Watershed Management Committee, will be added support when seeking funding for this project. Jim Burns made a motion to approve the letter with a minor edit. Carl Sciple seconded the motion. The vote was unanimously in favor of the motion.

Discuss Potential Gift of Land – Brown Road

Liz Allard stated she sent the property owner, Susan Wildman, the information she gathered in regards to the possibility that Ms. Wildman may need to reinstate the limited liability corporation on one of the parcels of land in order to have a clear title. This information was sent today, at the time of the meeting there had been no response from Ms. Wildman.

Approve Minutes

Jim Burns made a motion to approve the minutes of November 16, 2017 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing – YYT Harvard, LLC, Lot 1 166 Littleton Road, Harvard#0118-01.
Opened at 7:30pm

Review Offer Letter for Smith Land – Littleton County Road (Map 14 Parcel 56)

Wendy Sisson stated the Harvard parcel is important to Sudbury Valley Trustees for access to Black Pond, which is located on abutting conservation land in Harvard and is the primary feature. As stated previously, if the purchase of this land is delayed it will free up funding for other projects the Commission has in the works. In addition to requesting the purchase be delayed until July of 2020, the Commission is requesting public access be allowed over land until the purchase, because the existing conservation restrictions only allows for public access with permission.

Deer Management Update

Wendy Sisson made amendments to the draft charter from the feedback she received at the last meeting. It was suggested the document be circulated to the membership list for feedback. Carl Sciple suggested inviting someone from the rod and gun club to be a member of this committee. It is Ms. Sisson's hope that someone from one of the other boards or committees involved will also belong to the rod and gun club.

Harvard Snowmobile Proposed Trail Connection Herman Orchard and Coke Land

Members of the Commission reviewed the location this week. Carl Sciple stated he can see how this area can be very dangerous, but at the same time he can understand why a rider would want to go across the area when the area is frozen. Mark Shaw asked from an environmental standpoint, what are the issues with crossing a wetland resource area when the ground is frozen. Ms. Sisson explained that not all areas of a wetland resource areas freeze completely leaving habitat vulnerable to potential of contamination from the use of motorized vehicles. Even those that do freeze completely are still susceptible to contamination should there be any type of leak of these vehicles during use in these areas.

Update Pine Hill Village, Stow Road, DEP#177-586

Members of the Commission, the Conservation Agent, representatives from R. Wilson Associates and David Crossman reviewed the wetland and the re-installed erosion control barrier at Pine Hill Village. The erosion control barriers are now in the proper locations. Mr. Crossman suggested an additional row of erosion control between wetland flag MT B14 and MT B12 to allow for the stabilization of the grading from the constructed wetland. This detail will be added to the final plan, which will require final approval from the Conservation Commission.

Approve Invoice

Jim Burns made a motion to approve the invoice of Mark J. Lanza in the amount of \$52.50. Carl Sciple seconded the motion. The vote was unanimously in favor of the motion.

Land Use Boards Meeting Update

Liz Allard stated representatives from the four land use boards meet this morning and discussed the change in date for the opening of the public hearing for Craftsman Village to February 7 at 7:40pm in the Town Hall Meeting room. Comments from Board of Health and Planning Board have been received and delivered to the applicant. Conservation had discussed at the last meeting off-site wetlands and concerns with potential activity within 100' of those wetlands.

Recent interaction with the new owner of Pine Hill Village were discussed; those present at the Land Use Board meeting agreed that inviting the owner to the next meeting to discuss what is needed from him prior to any activity on the site and/or the issuance of any building permit.

The Commission has high concerns on the monitoring of this project. It was suggested hiring someone to monitor the project daily. Liz Allard will be in touch with Nitsch Engineering to discuss a projected cost for daily monitoring of a project of this scope.

There was no new information in regards to the organization of the Land Use Office for FY2019 and beyond with the potential addition of the Director of Planning.

ZBA Request for Comments – MCI Communications, Depot Road

Liz Allard stated she has no comments on the application before the ZBA, which is for an existing fiber optics long distance repeater site. The applicant had let the previous special permit lapse and is requesting a new five-year permit from the ZBA.

2017 Annual Report

Being prepared and will be approved February 1, 2018

The following items appeared on the agenda under “Pending Business” and nothing new report at this time:

- Potential Open Space – Woodside Road, Map 30 Parcel 14
- Licensing of Conservation Land Update
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:39pm. 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
YYT Harvard, LLC Lot 1 166 Littleton Road, Harvard#0118-01
January 18, 2018**

The public hearing was opened at 7:30pm by Wendy Sisson under Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room, 13 Ayer Road, Harvard

Members Present: Wendy Sisson, Jaye Waldron, Joanne Ward, Carl Sciple, Jim Burns and Mark Shaw (Associate Member)

Others Present: Liz Allard (LUB Admin), Neil Gorman (Ross Associates), Peter Deng, Steve Hierman, Susan Colwell, Steve Colwell, Justin Brown, Doug Thornton, Rebecca Brown, Suzanne Allen and Jeff Brown

This Notice of Intent was filed on behalf of YYT Harvard, LLC for the construction of a single-family dwelling, driveway, well and sewage disposal system, with a portion of the work within the 100' wetland buffer zone on Lot 1 166 Littleton Road, Harvard.

Neil Gorman, Ross Associates, was present along with the applicant, Peter Deng. Mr. Gorman stated the existing site contains 29.02 acres of land, 2,200 feet of road frontage, with an existing dwelling built in the 1800's. The project proposes the creation of six lots (Lots 1-6) and two parcels (Parcels A & B). The existing dwelling (Lot 4) will be renovated into a multi-family dwelling, the development of four basic house lots (Lots 1-3 & 5), with three of those lots along Pinnacle Road and one along Littleton Road, Parcel A is intended to be sold as "not a building lot; Parcel B is proposed to be donated to the Town of Harvard for open space purposes, and Lot 6 still has not been proven as a buildable lot. Extensive soil testing had been completed on all lots, except for Lot 6, which has extensive wetlands and other building constraints.

The lot under this Notice of Intent is Lot 1, which is a proposed 3.11 acre lot with 223.56 feet of frontage along Pinnacle Road. The proposed buildable land area is within an old farm field near Pinnacle Road; the remaining land is wetlands. The lot meets all other zoning criteria except for buildable land area. Under the Protective (zoning) Bylaw buildable area is defined as land area available, under the Bylaw (zoning) and any other lawful restrictions, for location of a main building. The buildable land area for Lot 1 does not meet that definition as proposed because the structure has been sited within the 75' setback that has been established within the Wetland Protection Bylaw Rules (Chapter 147-17). This setback was established after the definition of buildable area was defined. If the Commission was to allow a waiver from the 75' setback to site a portion of the dwelling (3970 square feet) then the applicant would meet the definition of buildable land area. If the waiver is granted it allows for the entire parcel to be developed as detailed above; maintaining the existing dwelling and donating Parcel A to the Town for open space. Members of the Commission requested the lot line between Lot 6 and Parcel B be straightened out giving Parcel B additional land area. Mr. Gorman did not believe there would be any issue with this request.

Mr. Gorman detailed the proposed plan, which shows minimal grading for the proposed driveway, with a four-bedroom structure and associated septic and well. A 3' wide infiltration trench is proposed along the entire south edge of the driveway. As proposed the house is 45' from the side property line; zoning allows for a 40' off-set; Mr. Gorman was asked to determine if the dwelling could be shifted closer to the 40' off-set. It was suggested the erosion control barrier be shifted to run along the 50' buffer zone line and the out to the proposed well to allow for useable lawn area, as the erosion control barrier is the limit of disturbance under the Commission's standard special conditions.

The Commission discussed the ability to include a condition that requires final plan approval that shifts the dwelling as far out of the 75' buffer zone as possible. How does the Commission ensure the existing structure remains and Parcel B is gifted to the Town? Mr. Gorman stated the waiver could include contingencies. Jim Burns thinks this is a good trade off, but will need to see the site to be certain. Peter Deng stated it is not his goal not to build within the 75' at all. Carl Sciple suggested the applicant or his representative draft up an agreement for the Commission to review.

Members of the public had questions in regards to the overall site plan. It was clarified that the applicant will need to file another Notice of Intent with the Commission for the development of Lot 5 as well. Questions in regards to zoning requirements were clarified, along with the process.

A site walk was scheduled for January 24th at 11:00am.

Joanne Ward made a motion to continue the hearing to February 1, 2018 at 7:30pm. 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 January 18, 2018

Approve Minutes

Notice of Intent Hearing – YYT Harvard, LLC, Lot 1 166 Littleton Road, Harvard#0118-01

- Sewage Disposal System Plan, designed for YYT Harvard, LLC,, prepared by David E. Ross Associates, Inc., Plan No. L-13328, sheets 1 and 2, dated January 2018
- Proposed Lot 1 Pinnacle Road (Portion of #166 Littleton Road), Overall Project Scope, undated
- Proposed Lot 1 Pinnacle Road (Portion of #166 Littleton Road), Proposed Lot#1, undated
- §125-2 Definitions – Buildable Land, undated
- Image obtained from Google Earth Pro, April 2017
- Image obtained from Google Earth Pro, July 2007