

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 6, 2018
APPROVED: JANUARY 3, 2019**

Chairman Don Ritchie called the meeting to order at 7:00pm 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: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Jim Burns (arrived at 8:46pm) and Mark Shaw

Others Present: Liz Allard (Conservation Agent), Richard Jenson, Pat DeLeeuw, Derek Beard, Bill Clougherty (MassDOT), Chris MacKenzie (Ducharme & Dillis), Jeff Granville, Kyle Burchard (GPR, Inc.), Scott Wilkins, Trevor Granville and Fred Hamwey (Hamwey Engineering, Inc.)

Request to Remove Additional Trees from Bartlett Land for Solar Installation at 21 Mill Rd
Richard Jenson was present to request the removal of four pines and remove three oak trees on the conservation land that abuts his property. These trees cause shading of the solar panels on Mr. Jenson home at 21 Mill Road. The pines in question are not the same ones that were approved for removal in 2015, but the oak trees are the same ones previously requested and approved. The previously requested pine trees do not need to be removed. Don Ritchie and the Conservation Agent reviewed the site earlier this week. After a brief discussion Wendy Sisson made a motion to allow the removal of four pine trees and three oaks in the manner previously approved on November 19, 2015. The Conservation Agent will work with Mr. Jenson to properly mark the trees for removal. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Jaye Waldron made a motion to approve the minutes of October 18, 2018 as amended. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Wendy Sisson made a motion to approve the invoice for Mark J. Lanza in the amount of \$1565.00. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Request for a Certificates of Compliance – 19 Tahanto Trail, DEP#177-475 & 603

Mark Shaw made a motion to issue the Certificates of Compliance for 19 Tahanto Trail. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

The Conservation Agent requested the Commission re-issue the Certificate of Compliance for 8 Wilroy Avenue, DEP#177-487. Mark Shaw made a motion to re-issue the Certificate of Compliance for 8 Wilroy Avenue. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Zoning Board of Appeals Request for Comments

The application before the Zoning Board of Appeals (ZBA) may have activity within 200' of pond along Mill Road. The Conservation Agent will determine what if any activity is within these areas, which would require permitting under the Wetland Protection Bylaw. If that be the case this information will be provide to the ZBA and the applicant's representative.

Capital Planning & Improvement Committee (CPIC) Application Update

Don Ritchie updated the Commission on the meeting with held on November 19th CPIC, who had a few additional questions. Comments made during that meeting indicate that there are those who believe the existing trail on the property is open to the public, however this is untrue. It is the

understanding of the Conservation Agent CPIC will be making recommendation for funding to the Select Board in time for their December 18th meeting.

Memorandum of Understanding with Sudbury Valley Trustees for Smith Land

After review by Town Counsel minor revisions were made to the MOU, which is now ready for approval by the Commission. Wendy Sisson made a motion to approve the Memorandum of Understanding between the Harvard Conservation Commission and Sudbury Valley Trustees. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

White Land Conservation Land Encroachment

The Commission discussed the need to determine the scope of work. Mark Shaw agreed to develop a scope of work for the Commission's review at the next meeting. The scope should include the removal of loam, stone and gravel; areas of disturbance will need to be loamed and re-vegetate with natural vegetation.

Notice of Intent Hearing – Jeffrey & Lori Granville, 68 Still River Road, DEP#177-671, Harvard#1118-01. Opened at 7:30pm

Update on Pine Hill Village

There was no new information in regards to this item

Request for Determination of Applicability Hearing – Mass Department of Transportation, Route 2, Harvard#1118-02. Opened at 7:45pm

Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Slough Road, Harvard#1018-03. Opened at 7:58pm

Continuation of a Notice of Intent Hearing - Benjamin Hill, 9 Warren Avenue, DEP#177-669, Harvard#1018-02. Opened at 8:41pm

Request for Determination of Applicability Hearing – Luciana Manganella, 169 Littleton County Road, Harvard#1118-03. Opened at 8:44pm

Abbreviated Notice of Resource Area Delineation Hearing – Luciana Manganella, 175 Littleton County Road. Opened at 8:56pm

Discussion about determining effect of drawdown on downstream flooding of Bowers Brook during fall high water events

The Commission is interesting is discussing with the Bare Hill Pond Watershed Management Committee a way to regulate the pumping of Bare Hill Pond during high rain events. Members wondered if the pump is pulling water from the lower depths of Bare Hill Pond, which helps with the removal of phosphorus, then one would think the downstream wetlands are being affected by that phosphorus. The Conservation Agent was asked to invite the chair of BHPWMC into an upcoming meeting to discuss these matters.

Land Use Boards Update – Fiscal Year 2020 (FY20) Budget

There were no comments from the Commission in regards to the FY20 budget.

Revisions to the Erosion Control Bylaw

There were no comments at this time from the Commission on this bylaw.

Open Space Committee

Don Ritchie will incorporate the suggested revisions from the November 1, 2018 meeting into the draft charter for review at the next meeting.

Update from the Municipal Vulnerability Preparedness Program

The Conservation Agent was unable to attend the last meeting of the MVP; therefore there is no update this evening.

Request for Information Regarding Harvard Community Preservation Act Projects

The Conservation Agent has requested additional information on the more recent land purchases with CPA funds. Don Ritchie will update the information as requested,

The following items appeared on the agenda under “Pending Business” with nothing new to report at this time unless otherwise noted:

- Discuss Potential Gift of Land – Brown Road
- 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 9:10pm. 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
Jeffrey & Lori Granville, 68 Still River Road
DEP#177-671, Harvard#1118-01
December 6, 2018**

The public hearing was opened at 7:30pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron and Mark Shaw

Others Present: Liz Allard (LUB Admin), Chris MacKenzie (Ducharme & Dillis), Jeff Granville and Trevor Granville

This hearing is for a Notice of Intent filed on behalf of Jeffrey & Lori Granville for the installation of a septic system for an existing single-family dwelling within the 100' wetland buffer zone at 68 Still River Road, Harvard.

Chris MacKenzie, of Ducharme & Dillis Civil Design Group, Inc., was present, along with the property owner, Jeff Granville. Mr. MacKenzie explained the existing four-bedroom house needs a substantial amount of work including replacing the existing septic system. The property consists of a significant wetland to the north, putting all work within the 100' wetland buffer zone. A new well is to be drilled just outside the 100' wetland buffer zone in the south east corner of the property. Adjustments to the driveway are also outside the 100' wetland buffer zone. A proposed retaining wall will be within 10' of the delineated wetland. An existing fence line separates the useable yard area, in which the septic system will be located, and the wetland. The Conservation Agent noted wetland flag A2 is within what is now used yard area. The CA asked if the fence line could be moved in a southerly direction to make a straight line across the rear property line, which would remove human activity from the wetland itself in that area. The property owner understood the fence would be the limit of activity.

Additional improvements to the structure and the property were discussed. It was agreed that the applicant would include any additional activities he has planned for the site within the next three years will be added to the plan for review and approval by the Commission before issuing an Order of Conditions. With that said, Wendy Sisson made a motion to continue the hearing to December 20, 2018 at 7:30pm in the Town Hall, 13 Ayer Road. Jaye Waldron seconded the motion. The motion was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Mass Department of Transportation, Route 2, Harvard#1118-02
December 6, 2018**

The public hearing was opened at 7:45pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron and Mark Shaw

Others Present: Liz Allard (LUB Admin) and Bill Clougherty (MassDOT)

This hearing is for a Request for Determination of Applicability filed on behalf of Massachusetts Department of Transportation for resurfacing, tree trimming and removal of existing 7-foot fence within 100' of the wetland resource area along Route 2, east and westbound, Harvard.

Bill Clougherty, from the Massachusetts Department of Transportation, was present to discuss the request for the resurfacing, tree removal and replacement of an existing fence along Route 2. Mr. Clougherty stated the project in total is approximately 10.6 miles, between exits 35 and 40 of the Route corridor, with 5.2 miles within the Town of Harvard. Natural Heritage and Endangered Species has requested the fence be embedded one foot into the ground to reduce motility rates of wildlife in the area of the Oxbow National Wildlife Refuge.

After briefly discussing the need to embed the fencing deeper in other areas along the corridor, Paul Willard made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the condition to avoid a prohibited "Take" of Blanding's Turtles the conditions stated in the letter from the Massachusetts Division of Fish & Wildlife, dated November 1, 2018 shall be complied with. Mark Shaw 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
Harvard Department of Public Works, Slough Road, Harvard#1018-03
December 6, 2018**

The public hearing was opened at 7:58pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron and Mark Shaw

Others Present: Liz Allard (LUB Admin), Kyle Burchard (GPR, Inc.) and Fred Hamwey (Hamwey Engineering, Inc.)

This hearing was continued from November 15, 2018 for a Notice of Intent filed on behalf of Harvard Department of Public Works for the replacement of an existing culvert with concrete headwall and hooded catch basin within 100' of a wetland resource area between 88 and 118 Slough Road, Harvard.

Kyle Burchard, of GPR, Inc., was present to represent the applicant. Mr. Burchard stated he has been working with the Commission's consultant, Fred Hamwey, of Hamwey Engineering, to resolve all of the technical errors with the plan as originally proposed. Mr. Burchard stated water that flows along Slough Road will be directed to the west side of the roadway through a series of catch basins. The existing 24" culvert under Slough Road and the associated stone headwalls will be replaced. The size of the culvert will not be increased due to the fact that the existing culvert is half full with sediment. The existing stone headwalls will be replaced with concrete headwalls. The addition of energy dissipating riprap aprons at the drainage outlet will reduce the erosive effects of the flow exiting the system. Asphalt curbing and a guardrail are also proposed as part of this project.

Due to scheduling conflicts Mr. Hamwey has not had an opportunity to review new information provided by GPR. Members of the Commission explained the barrier to users on the roadway as it pertains to asphalt curbing. In addition, the proposed galvanized guardrail is not favorable to the community. It was explained the guardrail is a matter of roadway safety and is required when preparing a design such as the one before the Commission. The Conservation Agent has spoken with the Director of the Department of Public Works, who has agreed to the use of wooden guardrails to minimize the effects of it along the roadway. Mr. Burchard stated the curbing could be reduced to just where it is required to keep the water from running off the roadway. The Commission is concerned the increase of water to the west side of the roadway will cause flooding on in that area before water is able to flow through the culvert. Mr. Burchard reassured the Commission that would not happen. When asked about a maintenance plan for the drainage system, Mr. Burchard stated there is maintenance plan within the stormwater report.

With a final report from Hamwey Engineering pending Wendy Sisson made a motion to continue the hearing to December 20, 2018 at 7:35pm in the Town Hall. Paul Willard 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
Benjamin Hill, 9 Warren Avenue
DEP#177-669, Harvard#1018-02
December 6, 2018**

The public hearing was opened at 8:41pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron and Mark Shaw

Others Present: none

This hearing was continued from November 1, 2018 for a Notice of Intent filed on behalf of Benjamin Hill for the construction of a replacement septic system for an existing single-family house within 100' of a wetland resource area at 9 Warren Avenue, Harvard.

The hearing had been continued due to a missed notification to one abutter. The Conservation Agent confirmed the abutter has been properly. Paul Willard 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
Request for Determination of Applicability Hearing
Luciana Manganella, 169 Littleton County Road, Harvard#1118-03
December 6, 2018**

The public hearing was opened at 8:44pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin)

This hearing is for a Request for Determination of Applicability filed on behalf of Luciana Manganella for to determine whether the area or work is subject to jurisdiction under the Wetland Protection Act and the Wetland Protection Bylaw, and whether the boundaries of the resource area are accurately delineated at 169 Littleton County Road, Harvard.

With the inability to conduct a site walk prior to the opening of the public hearing the applicant's representative requested a continuance to the next available meeting of the Commission. Wendy Sisson made a motion to continue the hearing to December 20, 2018 at 7:50pm in the Town Hall. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

A site walk was scheduled for Sunday December 9, 2018 at 9:00am.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Abbreviated Notice of Resource Area Delineation Hearing
Luciana Manganella, 175 Littleton County Road, DEP#177-672, Harvard#1118-04
December 6, 2018**

The public hearing was opened at 8:56pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin)

This hearing is for a Abbreviated Notice of Resource Area Delineation filed on behalf of Luciana Manganella to determine whether the boundaries of the resource area are accurately delineated at 175 Littleton County Road, Harvard.

With the inability to conduct a site walk prior to the opening of the public hearing the applicant's representative requested a continuance to the next available meeting of the Commission. Wendy Sisson made a motion to continue the hearing to December 20, 2018 at 8:00pm in the Town Hall. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

A site walk was scheduled for Sunday December 9, 2018 at 9:00am.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

Conservation Commission Agenda, dated December 6, 2018

Approve Minutes

- *DRAFT* HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, OCTOBER 18, 2018, prepared by Liz Allard

Approve Invoice

- Mark J. Lanza, Attorney at Law, Invoice – Town of Harvard, dated 10/31/2018

Memorandum of Understanding with Sudbury Valley Trustees for Smith Land

- Memorandum of Understanding between the Harvard Conservation Commission and Sudbury Valley Trustees

Notice of Intent Hearing – Jeffrey & Lori Granville, 68 Still River Road, DEP#177-671, Harvard#1118-01

- Sewage Disposal System Design, 68 Still River Road, Harvard, Massachusetts, Job No. 5781, Drawing No. 5781-SDS, prepared by Ducharme & Dillis Civil Design Group, Inc., dated 11/6/2018

Request for Determination of Applicability Hearing – Mass Department of Transportation, Route 2, Harvard#1118-02

- Route 2 Resurfacing Limites of Clearing & Grubbing/Clearing & Thinning in Clear Zone
- Environmental Constraints Project#608475 Resurfacing & Related Work on Route 2
- Harvard - Route 2 - Wildlife Fence Replacement, dated 11/6/2018
- Division of Fisheries & Wildlife letter, NHESP File No. 18-38168, dated November 1, 2018

Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Slough Road, Harvard#1018-03

- Drainage Improvements, Slough Road, Harvard, MA 01451, sheets 1 -6, Job 181042, prepared by GPR, Inc., dated October 2018