

**Bare Hill Pond Watershed Management Committee
Town of Harvard
Town Hall
13 Ayer Road
Harvard, MA 01451**

Committee

Ben Baron
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March 28, 2024

By Email to: lallard@harvard.ma.us; ykonstantinidis@harvard-ma.gov

Harvard Conservation Commission
13 Ayer Road
Harvard, MA 01451

Harvard Zoning Board of Appeals
13 Ayer Road
Harvard, MA 01451

Re: Special Permit Request and Notice of Intent, 4 Wilroy Ave (“Applicant”)

Dear Commission and Board Members:

Thank you for requesting comments from the Bare Hill Pond Watershed Management Committee (the “Pond Committee”) on the special permit application and notice of intent filed relating to 4 Wilroy Ave. Applicant requests that the Harvard Zoning Board of Appeals (the “ZBA”) find that what appears to be non-conforming uses of the lot conforms to Section 125-3B and that the proposed reconstruction is in compliance with Section 125-11 of the Town By-Laws. As we understand it, Applicant seeks to convert a seasonally restricted lot into a year-round residence and to construct a new residence in an area that is approximately 50 feet from the shore of Bare Hill Pond. The Pond Committee requests that the ZBA and Conservation Commission carefully examine the plans and the construction process so that the Pond is protected in accordance with the By-Laws and the Wetlands Protection Act.

Unlike prior proposal for reconstruction this close to the Pond, this project is a proposal to *increase* the size of the existing home footprint, and to *increase* roof and impervious surfaces as well as to remove a number of trees. These changes appeared to the Committee as significant changes to the neighborhood and the view shed. No replanting or replication of the areas removed from the wetlands are proposed other than the inclusion of a trench to capture a portion of the increase in stormwater from the new

driveway. For example, when 45 Pine Ridge Drive was proposed for conversion and reconstruction, the footprint of the home was *reduced* and steps were taken to minimize impact on the wetlands to and capture storm water.

More specifically, the Committee discussed the following concerns:

- The plan calls for the removal of the vast majority (almost all) of the mature trees in on the site. This includes healthy standing white pines, healthy chestnuts (possibly misidentified as oak trees on the plans) and others within the buffer zones.
- The amount of increase in structures is virtually building a full wall of construction from one side of the “lot” to the other. The existing structure is fairly low. It is not clear if the “existing footprint” is accurate to the structure on site. With the addition of the proposed garage and likely two story house (two story is not specified) and especially after the removal most of the trees, are we setting a precedent of allowing a continuous wall of development along the shore line without maintaining the appropriate vegetative plantings in this critical zone.. As the area is not individual lots, there are no setbacks (front, side nor rear) for each “lot” making for no breaks in the continuity of neighboring structures in the future. This visual will further be amplified by the elevation of the terrain above the water as appearing to have even larger size when viewed from the pond perspective.
- Of further concern is the amount of increase in the impervious areas within the buffer zones caused by the increase in structure size, additional garage building, paved parking area, the “relocated” shed and proposed brick patio. Though there are proposed recharge trenches for some of these areas, with many of today’s storms, will some of these be overwhelmed? Will the brick patio that does not currently have any pavers or finish and no design provision for water attenuation, shed water causing erosion over the retaining wall and down the steep slope towards the pond? This patio will also receive roof load from the house and covered proposed deck.

Critically, a special permit requires a demonstration that no additional stormwater will run into the Pond. The Wetlands Protection Act requires that when there is removal of wetlands for construction, that replication be included to provide protection from the proposed activity in the buffer zone.

- Even the “setback” of the proposed garage; only 8.5 feet from the **centerline** of Wilroy Ave presents a precedent that changes the humble nature of the area towards overbuilding.
- Lastly, the conversion to year round use will by virtue of year round use, result in increased impact on the site.

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Overall, the Committee concluded that this proposal seems too intensive a redevelopment of this area with little consideration for the environmental and aesthetic repercussions and would thus set a new standard for the allowable future redevelopment of other structures on association and pondside properties. This change in the standard seems inconsistent with Zoning and creates concerns under the Wetlands Protection Act.

A new plan should be submitted that is consistent with prior seasonal conversions that minimize disturbance in the buffer zone, includes remedial vegetation and rain gardens to capture any impacts from the project, and does not expand the impervious footprint.

The Pond Committee appreciates this opportunity to comment and request that the ZBA Conservation Commission address the zoning and watershed concerns before proceeding with the approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. Leicher', with a stylized flourish at the end.

Bruce A. Leicher, Chair