

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 30, 2023
APPROVED: DECEMBER 7, 2023**

Chair Eve Wittenberg called the meeting to order at 7:03pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Bruce Ringwall (GPR, Inc.), Water Eriksen (Juno Development) and Limhout Tiv (GPR, Inc.)

Continuation of a Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), DEP#177-733, Harvard#0923-01. Opened at 7:05pm

Adjournment

Don Ritchie made a motion to adjourn the meeting at 8:34pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye. Jim Burns depart prior to this vote.

Respectfully submitted,

Liz Allard,
Conservation Agent

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53),
DEP#177-733, Harvard#0923-01
November 30, 2023

The public hearing was opened at 7:05pm by Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

Members Present: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Walter Eriksen (Juno Development), Bruce Ringwall (GPR, Inc.) and Limhout Tiv (GPR, Inc.)

This hearing was continued from November 16, 2023 for a Notice of Intent filed on behalf of Juno Construction LLC for the construction of one duplex unit, deck, drainage, public water supply wells, tree clearing, grading and associated utilities within the 100' wetland buffer zone and the 200' riverfront area on Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard.

Bruce Ringwall, of GPR, Inc., stated the requested waiver to Chapter 147-12 Setbacks is to allow for the construction of the access road to the Public Water Supply (PWS) wells, along with the wells themselves. Once the wells are installed the area will be loamed and seeded, with the access road allowed to naturally revegetate. Jessie Panek stated she agrees with what Mark Shaw stated during the site walk earlier this week, pertaining to the location of the proposed PWS wells being a man-made structure within the wetland. Ms. Panek is concerned with debris entering the surrounding wetland during the drilling of the wells. Mr. Ringwall detailed how the work would take place, including the use of tailing pits for the spoils from the digging of the wells, the removal of the top and subsoil for the access road, and the creation of an earthen berm along the access road during installation of the wells. Eve Wittenberg asked about the suggested redundancy in erosion control to assist in protecting the wetland. Mr. Ringwall explained the need for the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP). Mr. Ringwall also stated breaches of the erosion control barrier would be realized early, as the SWPPP requires daily inspections that can be addressed immediately. Ms. Panek suggested the Order of Conditions require the PWS well area be in place and completely stabilized before anything else on the site is exposed. Mr. Ringwall reminded the Commission that most of the site is sandy soils, therefore when there is a rain event stormwater is going to absorb quickly into the ground. In response to Joanne Ward's question about increased rain events and the resulting erosion from such events, Mr. Ringwall again stated the erosion control barriers would be inspected daily. Ms. Panek clarified her suggested condition in that no tree stumps were to be removed until the PWS area was stable as it serves as a conduit for water to flow to the wetland resource area. Mr. Ringwall explained the addition of a sedimentation basin can protect the area once the wells are installed, along with a siltation barrier perpendicular to the access road.

A discussion was had in which Mr. Ringwall offered to withdraw the requested waivers from the Comprehensive Permit before the Zoning Board of Appeals to allow Commission to have control of the requested waivers. After a lengthy discussion, it was agreed the Commission should make their recommendations on the waivers before deciding on the suggested withdrawal of the waivers from the Comprehensive Permit.

Jaye Waldron made a motion to recommend to the Zoning Board of Appeals the waiver of Chapter 147-12 Setbacks: No disturb zone in which there shall be undisturbed natural vegetation, 50-foot setback. Joanne

Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

In regards to the waiver to the Stormwater management requirements, Mr. Ringwall stated the application as submitted meets almost all of the Wetland Protection Bylaw requirements except for the requirement to reduce post construction runoff from preconstruction runoff by 5%. Mr. Ringwall stated as proposed, stormwater has been reduced and/or is remaining at its existing runoff rate; the volume of runoff is the aspect that is not meeting the Harvard bylaw. In order to meet all of the requirements under the Commission's regulations two additional basins, along with substantial clearing within the 50-foot no disturb zone, would be required. Ms. Wittenberg wondered if adding more infiltration on site could be achieved outside the 100' buffer zone. Mr. Ringwall is not sure where or how. Mr. Ringwall reminded the Commission that some of the stormwater being mitigated on the site is that from the Town along Ayer Road; Jim Burns stated he understands the value of mitigating that water. Don Ritchie asked about the amount of water going over the spillway in the 100-year storm event. While Mr. Ringwall looked for the answer to that question, Ms. Panek wondered with a large lawn area over the leach field, that could be used for recreation purposes, could some of the other proposed lawn areas be replaced with rain gardens to encourage more infiltration up stream. Mr. Eriksen stated he would work with Mr. Ringwall to look into that option. In response to Mr. Ritchie's question, Mr. Ringwall confirmed that during a 100-year event, stormwater will crest the spillway. Liz Allard noted Technical Release-20 (TR-20) was used within the Stormwater Management Report and asked about using Northeast Regional Climate Center at Cornell University or the National Oceanic & Atmospheric Administration Atlas 14 data instead. Mr. Ringwall stated that although TR-20 was used with the Stormwater Management Report, more aggressive rainfall numbers were used in those calculations. Mr. Ringwall noted Beals + Thomas, peer reviewer for the Commission, has agreed with the calculations provided within the Stormwater Management Report.

Jessie Panek made a motion to recommend to the Zoning Board of Appeals the waiver of Chapter 147-14C Stormwater Management. Jaye Waldron seconded the motion. The vote was in favor of the motion by a roll call, Don Ritchie, nay; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

It was determined with the willingness of Mr. Eriksen to work with the Commission to come to an agreement on other aspects on the site outside of the jurisdiction of the Commission, there was no need for the waivers to be withdrawn from the Comprehensive Permit before the Zoning Board of Appeals.

Jim Burns made a motion to continue the hearing to December 14, 2023 at 7:05pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent