

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MAY 18, 2017  
APPROVED: JUNE 15, 2017**

Chairman Paul Willard called the meeting to order at 7:01pm in the Town Hall, 13 Ayer Road, 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:** Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Mimi & Peter Dorward, Tom Cotton (HCT), Jim Lee (HCT), Dave Outman (HCT), Andrew Charron, Mark Shaw, Bruce Leicher (BHPWMC), Daniel Tracey, Nick Aloise, Mark Lavallee (GPR, Inc.), Jude Gavin (GPR, Inc.), Mike Hilbrunner (GPR, Inc.), Adam Hughes and Oliva Rooney

**Executive Session**

Jim Breslauer made a motion to go into Executive Session to discuss the possible purchase of real property, the public discussion of which could have detrimental effects on the negotiating position, only to return to the public meeting once completed. Joanne Ward seconded the motion. A roll call vote was taken: Jaye Waldron, aye; Don Ritchie, aye; Wendy Sisson, aye; Jim Breslauer, aye; Joanne Ward, aye; and Paul Willard, aye.

At the conclusion of the discussion under executive session, Jim Breslauer made a motion to come out of executive session and to return to the public meeting. Jaye Waldron seconded the motion. A roll call vote was taken: Jaye Waldron, aye; Don Ritchie, aye; Wendy Sisson, aye; Jim Breslauer, aye; Joanne Ward, aye; and Paul Willard, aye.

**Request for Determination of Applicability Hearing – Nicholas Aloise, 197 Littleton Road, Harvard#0517-01.** Opened at 7:38pm

**Request for Determination of Applicability Hearing – Andrew Charron, 155 Shaker Road, Harvard#0517-02.** Opened at 7:57pm

**Request for Determination of Applicability Hearing – Daniel Tracey, 149 Shaker Road, Harvard#0517-06.** Opened at 8:10pm

**Notice of Intent Hearing – Kerry Kunst, 34 Peninsula Road, DEP#177-655, Harvard#0517-03.** Opened at 8:15pm

Jim Breslauer left the meeting at 8:35pm

**Annual Appointments**

Liz Allard stated both Jim Breslauer and Charlie Gorss will not be seeking re-appointment this year. This will leave the Commission short two members until replacements can be found. Jim Burns stated he would be interested in becoming a member of the Commission. Liz Allard will inform the Selectmen's office; appointments are being made by the Selectmen on June 20<sup>th</sup>.

**Harvard's Environmental Forum May 31<sup>st</sup>**

Paul Willard volunteered to attend the forum to represent the Commission. Members reviewed and discussed the mission of the Commission, major challenges, future plans and how volunteers can help out.

**Notice of Intent Hearing – Pablo Carbonell, 45 Pine Ridge Drive, DEP#177-654, Harvard#0517-04.** Opened at 8:48pm

### **Approve Invoice**

Liz Allard stated the Commission has received the following invoice for inclusion on the next bill warrant:

- Mark J. Lanza - \$17.00

Wendy Sisson made a motion to approve the above-mentioned invoice. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

In regards to the above invoice, Don Ritchie made a motion to draft a letter to the Board of Selectmen requesting that expenditures for Town Counsel services be paid for from the general fund, as they are for other Boards and Committees. Jaye Waldron seconded the motion. The motion was unanimously in favor of the motion. Don Ritchie volunteered to draft the letter for approval at the next meeting.

### **Potential Open Space – Wilson, Still River Road**

Liz Allard confirmed the land in question would be the field beyond the barn at 327 Still River Road. The Commission agreed a site visit would be helpful in making a decision as to whether or not it is a piece of land they would be interested in for open space purposes. Ms. Allard will reach out to the property owner to arrange a site walk.

### **Approve Minutes**

Don Ritchie made a motion to approve the minutes of May 4, 2017 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

### **Approve MACC Webinar Training for Jaye Waldron, May 30<sup>th</sup>**

Jaye Waldron has request the allocation of \$75.00 to participate in a MACC webinar on May 30<sup>th</sup>. Joanne Ward made a motion to allocate \$75.00 for the MACC webinar on May 30<sup>th</sup>. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

### **Follow-up to activity on Cruft Lane within Buffer Zone of a Resource Area**

Liz Allard stated she is still doing research on the matter. Ms. Allard expects to be able to report her findings at the June 15<sup>th</sup> meeting of the Commission.

### **Discuss Public Outreach for Deer & Tick Management with the Board of Health**

Liz Allard reminded the members that the Garden Club plant sale is this weekend, at which members of the Board of Health (BOH) will be to hand out information on ticks and garlic mustard. Members of the Commission are welcome to join them on this effort to get the word out.

The Tick Talk that took place on May 2<sup>nd</sup> is now available on both the Commission's and the BOH's page of the website. It was suggested that an announcement that this event is available to view be made on the front page of the website as well.

### **Comments to Town Charter**

Members made revisions to the drafted letter to the Charter Commission in regards to the proposed Charter for the Town of Harvard. The revisions discussed this evening will be incorporated into the document and redistributed for discussion on June 1<sup>st</sup>.

### **Notice of Intent Hearing – Dareth Colburn, 18 Cove Road, DEP#177-653, Harvard#0517-05.**

Opened at 9:15pm

### **Department of Public Works Request for Culvert Replacement along Littleton Road**

Liz Allard stated the wetland protection regulations require culvert replacements to meet the stream crossing standards. In addition, Ms. Allard has spoken with Tim Choley, at the Division of Ecological Restoration, who stated with the addition of the stream crossing standards in 2014 into the wetland regulations, communities understand the benefit and have agreed to follow the

standards. From a resiliency standpoint Mr. Chorey stated it is not smart to replace old culverts with an in-kind culvert due to the expected increase in precipitation. Mr. Chorey suggests increasing the size of the culvert and providing a natural substrate to provide connectivity. Members of the Commission agreed a Notice of Intent should be filed for this activity.

**Adjournment**

Don Ritchie made a motion to adjourn the meeting at 10:06pm. 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 Meeting Minutes  
Nicholas Aloise, 197 Littleton Road, Harvard#0517-01  
May 18 2017**

The public hearing was opened at 7:38pm by Chairman Paul Willard 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:** Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Nick Aloise Andrew Charron, Mark Shaw, Bruce Leicher (BHPWMC) and Daniel Tracey

This hearing is for a Request for Determination of Applicability filed on behalf of Nicholas Aloise for the clearing and removal of trees, proposed plantings and renovations to an existing barn within the 100' wetland buffer zone, at 197 Littleton Road, Harvard.

Nick Aloise was present to discuss his application for clearing of trees that are either dead or dying, as well as a long-term plan for landscaping of the property within the 100' wetland buffer zone. The plan details the removal of a number of trees, but not an equal number of replacement trees. The Commission would like there to be no net loss of trees. Mr. Aloise agreed to this request. In addition, Mr. Aloise agreed to only grind the stumps of the trees removed to grade. Mr. Aloise explained the existing circular driveway in front of the existing barn will be repaired with gravel and hard pack. Wendy Sisson asked about the existing septic system and how the area around it will be stabilized. Mr. Aloise stated he intends to install a retaining wall at the toe of the slope. The existing disturbed areas are due to the septic system upgrade, which will be loamed and seeded. It was requested that Mr. Aloise repair the existing erosion control fencing and remove silt that has made its way into the 100' wetland buffer zone.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue a Negative Determination #3 with the following conditions:

1. All trees to be removed shall be replaced with a tree listed on the plan to ensure no net loss of trees on the property;
2. The stumps of the removed trees may be ground to grade, no stumps are to be removed;
3. The fence along the west property boundary is to remain as a buffer to the wetland resource area;
4. No yard waste or other material shall be dumped beyond the previously mentioned fence;
5. The proposed evergreens on the west property line are NOT to be planted;
6. The existing erosion control shall be repaired and silt removed from the 100' wetland buffer zone;
7. A retaining wall, although not shown on the plan, will be installed at the toe of the slope along the 100' wetland buffer line on the west side of the property; and
8. The driveway in front of the barn will be repaired with gravel and hard-pack to reduce the potential for any runoff into the wetland resource area.

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  
Hearing Meeting Minutes  
Andrew Charron, 155 Shaker Road, Harvard#0517-02  
May 18, 2017**

The public hearing was opened at 7:57pm by Chairman Paul Willard 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:** Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Andrew Charron, Mark Shaw, Bruce Leicher (BHPWMC) and Daniel Tracey

This hearing is for a Request for Determination of Applicability filed on behalf of Andrew Charron for the installation of a shallow draft well within the 200' of Bower's Brook, at 155 Shaker Road, Harvard.

Andrew Charron was present to discuss his need to install a new well for his property. His well has the highest level of arsenic in Town, which is treated prior to consumption. Mr. Charron stated the disturbance for the installation of the new well will include trenching, a pump house, and the well itself. As a shallow well the Commission discussed conditioning the usage of the well to deter from any draining of the resource area.

Jim Breslauer mentioned the filling within the resource area and its buffer zone that was seen during the site walk. Mr. Charron will need to work with the Conservation Agent on establishing a buffer zone between human activity and the resource area. Mr. Charron was instructed to rake out some of the yard waste that has been recently dumped in the resource area to allow natural vegetation to grow.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue a Negative Determination #3 with the following conditions:

1. Yard waste recently dumped within the wetland resource area shall be removed;
2. A permanent "No Disturb" zone shall be established. This area will be allowed to re-vegetate naturally and will be demarcated with "Protected Wetland" signage available from the Commission. The Conservation Agent will assist in determining the "No Disturb" zone & signage placement; and
3. Yard waste shall no longer be disposed of within the 100' wetland buffer zone

Don Ritchie 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 Meeting Minutes  
Daniel Tracey, 149 Shaker Road, Harvard#0517-06  
May 18, 2017**

The public hearing was opened at 8:10pm by Chairman Paul Willard 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:** Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Mark Shaw, Bruce Leicher (BHPWMC) and Daniel Tracey

This hearing is for a Request for Determination of Applicability filed on behalf Daniel Tracey for the removal of trees within the 100' wetland buffer zone at 149 Shaker Road, Harvard.

Daniel Tracey explained his request to remove six trees within the 100' wetland buffer zone, with the closest tree at 70'. Mr. Tracey stated the stumps will remain in place and will use the driveway as a staging area for the crane that will be used to remove the trees.

With no questions or comments, Jim Breslauer made a motion to close the hearing and issue a Negative Determination #2. Don Ritchie 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  
Kerry Kunst, 34 Peninsula Road, DEP#177-655, Harvard#0517-03  
May 18, 2017**

The public hearing was opened at 8:15pm by Chairman Paul Willard 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:** Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Mark Shaw, Bruce Leicher (BHPWMC), Mark Lavallee (GPR, Inc.), Jude Gavin (GPR, Inc.) and Mike Hilbrunner (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of Kerry Kunst for the demolition of an existing house and driveway and the associated redevelopment of the lot within 200' of Bare Hill Pond, at 34 Peninsula Road, Harvard.

Jude Gavin, of GPR, Inc., was present to represent the applicant. Mr. Gavin stated the site contains an existing structure that will be removed and replaced with a two-story structure. The new structure will be further away from Bare Hill Pond by 4'. Two infiltration chambers will be installed to capture stormwater runoff. The new driveway will include a stone diaphragm where it terminates at the proposed garage location on the north side of the dwelling.

Liz Allard stated the Department of Environmental Protection has issued the file number and had the following comments: the boundary of the Bordering Land Subject to Flooding (BLSF) is to be shown on the plan. If the work is proposed within the BLSF the applicant should demonstrate that the performance standards are being met. In addition, the application did not include a request for a waiver to the 75' setback for the driveway. This waiver should be submitted or the driveway should be removed from the 75' buffer zone.

Bruce Leicher, Chairman of the Bare Hill Pond Watershed Management Committee (BHPWMC), stated the Committee is concerned with the conversion from seasonal to year-round in regards to the septic system and the additional usage of the property. BHPWMC has requested the applicant explain how, when proposing additional stormwater through an increase in impervious surface, stormwater will be captured and treated before running off into the pond. Mr. Gavin pointed out the plan calls for the addition of two infiltration chambers and a stone diaphragm at the base of the driveway. The Commission requested the plan be revised to reduce the amount of impervious surface as the existing driveway is unpaved. Additional details on how the site will be stabilized once construction is completed were requested.

The applicant has a hearing scheduled with the Zoning Board of Appeals (ZBA) for June 14<sup>th</sup>. The Commission is interested in the outcome of that hearing, as there could be additional suggested revisions to the plan from ZBA. Jim Breslauer made a motion to continue the hearing to June 15, 2017 at 7:30pm in the Town Hall. Don Ritchie 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  
Pablo Carbonell, 45 Pine Ridge Drive, DEP#177-654, Harvard#0517-04  
May 18, 2017**

The public hearing was opened at 8:48pm by Chairman Paul Willard 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:** Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Mark Shaw, Bruce Leicher (BHPWMC), Mark Lavallee (GPR, Inc.), Jude Gavin (GPR, Inc.) and Mike Hilbrunner (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of Pablo Carbonell for the razing of an existing dwelling and reconstruction of a single-family dwelling within previously disturbed areas within 200' of Bare Hill Pond, at 45 Pine Ridge Drive, Harvard.

Jude Gavin, of GPR, Inc., was present to represent the applicant. Mr. Gavin explained the proposed project includes the removal of the existing structure, which will be replaced with a two-story structure within the same footprint. There will be no increase in impervious surface and stormwater runoff has been designed in accordance with the stormwater policies. Members discussed how stormwater would be recharged on the site with Mr. Gavin. The site consists of well established vegetation and ledge outcrops, which should have no impact during construction.

The applicant has a hearing scheduled with the Zoning Board of Appeals (ZBA) for June 14<sup>th</sup>. The Commission is interested in the outcome of that hearing, as there could be additional suggested revisions to the plan from ZBA. Don Ritchie made a motion to continue the hearing to June 15, 2017 at 7:45pm in the Town Hall. 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  
Dareth Colburn, 18 Cove Road, DEP#177-653, Harvard#0517-05  
May 18, 2017**

The public hearing was opened at 9:15pm by Chairman Paul Willard 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:** Paul Willard, Don Ritchie, Jim Breslauer, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Mark Shaw, Bruce Leicher (BHPWMC), Mark Lavalley (GPR, Inc.), Jude Gavin (GPR, Inc.), Mike Hilbrunner (GPR, Inc.), Adam Hughes and Oliva Rooney

This hearing is for a Notice of Intent filed on behalf of Dareth Colburn for the installation of a septic tank, dosing chamber and force main within 200' of Bare Hill Pond at 18 Cove Road, Harvard.

Jude Gavin, of GPR, Inc., was present to represent the applicant. Mr. Gavin stated the proposed project includes the installation of a septic tank, dosing chamber and forced main located within the 100' buffer zone of Bare Hill Pond. A four-bedroom septic system has been designed for the site, although the existing structure is a two-bedroom dwelling. Members discussed the reasoning behind designing a four-bedroom system for a two-bedroom dwelling. There were concerns with the amount of clearing required for the leaching area for the four-bedroom system as opposed to the two-bedroom system. Mr. Gavin explained the system is considered new construction under Title V, which allows for the installation of a fully compliant septic system, and in this case the site can accommodate a four-bedroom system; therefore, the applicant has chosen to install a four-bedroom septic system.

It was noted the plan does not contain a detail for the erosion control barrier. The existing guardrail at the edge of the driveway shall be reinstalled after construction to deter the storage of snow on the slope to Bare Hill Pond. Stabilization of the disturbed area of the septic tank and dosing chamber should be done with loam and rapidly growing vegetation.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue an Order of Conditions with the condition of stabilizing the disturbed area with loam and rapidly growing vegetation. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion, with Wendy Sisson abstained from voting.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## EXHIBITS & OTHER DOCUMENTS

### Conservation Commission Agenda, dated May 18, 2017

#### **Request for Determination of Applicability Hearing – Nicholas Aloise, 197 Littleton Road, Harvard#0517-01**

- Proposed Work Within 100' Buffer, Request for Determination plan, prepared for Aloise Residence, 197 Littleton Road, Harvard, Massachusetts, prepared by Fieldstone Design, dated 3-28-17

#### **Request for Determination of Applicability Hearing – Andrew Charron, 155 Shaker Road, Harvard#0517-02**

- Proposed Well Site for 155 Shaker Road, undated

#### **Request for Determination of Applicability Hearing – Daniel Tracey, 149 Shaker Road, Harvard#0517-06**

- Annotated Google Satellite Map of 149 Shaker Rd, undated
- Annotated Septic System Map of 149 Shaker Rd, undated

#### **Notice of Intent Hearing – Kerry Kunst, 34 Peninsula Road, DEP#177-655, Harvard#0517-03**

- Residential Redevelopment, Special Permit, Site Plan, 34 Peninsula Road, Harvard, MA 01451, prepared for 34 Peninsula Road Trust c/o Kerry Kunst, prepared by GPR, Inc., Job 151006, dated May 2017

#### **Notice of Intent Hearing – Pablo Carbonell, 45 Pine Ridge Drive, DEP#177-654, Harvard#0517-04**

- Notice of Intent & Special Permit, Site Plan, 45 Pine Ridge Drive, Harvard, MA. Prepared for Pablo Carbonell, prepared by GPR, Inc., Job 161031, dated 5/10/2017

#### **Approve Invoice**

- Invoice from Mark J. Lanza, dated 4/30/2017

#### **Approve Minutes**

- Draft minutes of May 4, 2017, prepared by Liz Allard

#### **Comments to Town Charter**

- Draft Proposed Town of Harvard Charter, dated March 31, 2017
- Letter to Paul Cohen, Harvard Charter Commission, Re: Draft Proposed Town of Harvard Charter, March 31, 2017, dated May 4, 2017

#### **Notice of Intent Hearing – Dareth Colburn, 18 Cove Road, DEP#177-653, Harvard#0517-05**

- Subsurface Sewage Disposal System New Construction, Site Plan and Flow Profile, 18 Cove Road, Harvard, MA, prepared for Harriet Perry, prepared by GPR, Inc., Job 101001, dated 10/12/10