

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 4, 2014
APPROVED: OCTOBER 16, 2014**

Chairman Paul Willard meeting to order at 7:00pm in the Town Hall Meeting Room 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, Wendy Sisson, Charlie Gorss, Jim Breslauer, Jaye Waldron, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press), Peter Dorward (HCT), Molly Cutler (HCT), John Dick (Hancock Assoc.), Bruce Leicher (BHPWMC), Wendy Gendron (ARC), Robert Arellano, John Chapman, Patty Ruze, Laura Johnson, Jenny Gormley, Rose Ruze, Mike & Barb Griesbach, Brinn McClain, Joe Peznola (Hancock Assoc.), Douglas Deschenes, Alice von Loesecke and Peter von Loesecke

Review Purchase & Sale Agreement/Conservation Restriction re: Lawton 121 Old Littleton

A final purchase and sales agreement, which includes a sample declaration of conservation restriction, had been circulated to the members of the Commission. The use of a declaration of conservation restriction rather than the standard conservation restriction was discussed. With no further questions or comments, Jim Breslauer made a motion to accept the Purchase and Sales Agreement between the Harvard Conservation Commission and the Harvard Conservation Trust for 3.21 acres of land at 121 Old Littleton Road. Don Ritchie seconded the motion. The motion was unanimously in favor of the motion.

Approve Minutes

Don Ritchie made a motion to approve the minutes of July 17, 2014 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Discuss Camp Site & Dock on the Clapp Land

Jim Breslauer reported that since the last meeting he has posted the letter asking the occupants to please remove their belongings from the site, which they have completed for the most part. The dock and a few tarps remain at the site. A response letter was also at the site when Mr. Breslauer returned, which stated the dock was already there and that they had only made improvements to it.

Wendy Sisson stated she has discovered fire pits on the Sprague land, along with destruction of the regulation signs that indicate no trespassing dusk to dawn. A few years ago Ms. Sisson discovered a fire on one of the islands in which she believed was thought to have been extinguished, but in fact has begun to burn the underground root system in the area of the fire pit. Ms. Sisson asked the newspapers help to get the word out that these types of activities are not allowed on conservation land.

It was recommended that the property owners on the pond be informed of the dock and if they would like, they can take it away.

Jim Saalfield arrived at 7:25pm

Request for Determination of Applicability Hearing – Alice von Loesecke, 84 Warren Avenue, Harvard#0814-03. Opened at 7:32pm

Continuation of a Request for Determination of Applicability Hearing – Harvard Conservation Commission, Hoch Land, Still River Road, (Map 29 Parcel 2). Opened at 7:40pm

Approval of Invoices

Liz Allard stated the following invoices have been received and require approval for inclusion on the next bill warrant:

- Mark J. Lanza \$112.00

Jim Breslauer made a motion to approve the above mention invoices for payment. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

MACC Fall Conference – Managing Aquatic Invasive Plants, September 27th

Liz Allard reminded the members of the up coming fall conference; if anyone was interested in attending let her know and she will get you signed up.

Delinquent Taxpayers Report

Liz Allard stated she has received a list from the Treasure/Tax Collector of delinquent taxpayers. There are six vacant lots that abut existing conservation land. There are several steps in the process before the Town will take the land for failure of payment. Ms. Allard will keep up with that process and the potential for additional open space.

Continuation of a Notice of Intent Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, 105 Stow Road, Harvard#0814-02. Opened at 7:50pm

Bare Hill Pond Watershed Management Committee Request for Annual Draw Down

Bruce Leicher, the Chairman of the Bare Hill Pond Watershed Management Committee (BHPWMC), along with Wendy Gendron, of Aquatic Restoration Consulting (ARC), were present to request the annual draw down of Bare Hill Pond for weed management and to discuss the annual testing of water quality in Bare Hill Pond. Mr. Leicher noted the ARC report, dated September 3, 2014, indicates eleven points (or 21% of the survey points) have higher plant coverage in 2014 as compared to 2013. As for biovolume (as measured by the amount of the water column filled with plants), 13 locations (25% of the survey points) exhibited higher biomass in 2014 as compared to 2013. Ms. Gendron and Mr. Leicher agree the plants on the pond have increased, but not a significant increase such as what was seen in the pond three or four years ago. Water quality has remained consistent over the year. Ms. Gendron stated not conducting a draw down this past winter made no impact on the phosphorus levels in the pond; however she does believe if there is not a draw down this year there will be an increase in plant growth. Milfoil has shown an increase in areas it had not been seen in before. Foregoing a draw down this year runs the risk of being back to a biovolume of previous pre-draw down status and may result in taking two to three years to get back to the results of last year.

Mr. Leicher stated the BHPWMC is recommending a five and a half foot draw down for the 2014 season with a start date of September 24th.

Several residents on the pond had comments on the effects of no draw down last year on the quality of the pond this summer, which included observation of increased weeds; including milfoil in areas it had not previously been seen. One resident stated they would be in support of the use of chemicals to control weeds on the pond, but understands this would be a hard sell in Harvard, so the alternative is the annual draw down.

Jim Breslauer stated he has noticed a lot more milfoil this year as well and is in favor of a draw down this year and potentially a year on - year off approach for the future. Paul Willard pointed out that if recreational uses are going to be a factor in determining a draw down, you should bear in mind the users both summer and winter. Those present this evening stated they have found there to be no issues with winter activities on the pond.

Mr. Breslauer asked if BHWMC would consider starting the draw down a week later to allow for activities to continue to use the pond until the end of September. Mr. Leicher stated since there is no real effect to the pond and its activities until you reach two and half feet, that they are essentially doing so. Wendy Sisson noted the Commission would like to do more research to see how the draw downs are affecting the downstream habitats.

With no further questions or comments, Wendy Sisson made a motion to allow the annual draw down of Bare Hill Pond as detailed in the letter from the Bare Hill Pond Watershed Management Committee, dated August 20, 2014. Jim Breslauer seconded the motion. The vote was 6-0, with Jaye Waldron abstaining from the vote as an abutter to the pond.

Paul Willard left the meeting at 9:30pm; Don Ritchie took over to chair the meeting.

Wetland Violation – 188 Stow Road

Robert Arellano, the new owner at 188 Stow Road, was present to discuss with the Commission a recent violation of the Wetland Protection Act on the property, which includes the removal of vegetation within the wetland buffer zone and the disposal of the hay bales on the abutting conservation land within the boarding vegetated wetland. After a discussion between the Commission members and Mr. Arellano, the Commission required the disturbed areas be re-seeded with a conservation shady mix and the hay bales be removed by hand.

Request for Reserve Fund Transfer for ArchGIS to complete Land Book Update

Don Ritchie spoke with the Town Administrator in regards to the current GIS program used by the Assessing Department. According to the Town Administrator the only information on that system is parcel information. Liz Allard stated the program has additional data layers beyond the basic parcel information, as she assisted in building the program; data layers include wetland information. However, the issue Ms. Allard has with the program is the fact that you cannot add a legend to a map or manipulate the data layers. Having data layers with no way of knowing what those layers stand for makes the maps virtually useless. CAI Technologies, the creators of the program have been promising legends since the program was completed in the spring of 2013. The last request made to them on the status of this request resulted in a response of “they don’t know when they will get to it”.

Members agreed the contract with CAI Technologies should be reviewed to determine if the Town got what they paid for. Jim Breslauer stated he would review the contract and report back to the Commission at the next meeting.

Adjournment

Don Ritchie made motion to adjourn the meeting at 9:49pm. 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
Alice von Loesecke, 84 Warren Avenue, Harvard#0814-03
September 4, 2014**

The public hearing was opened at 7:32pm 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

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Charlie Gorss, Jim Breslauer, Jaye Waldron, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin) and Alice von Loesecke

This hearing is for a Request for Determination of Applicability filed on behalf of Alice von Loesecke for the removal of a tree within the 200' buffer zone of Bare Hill Pond at 84 Warren Avenue, Harvard.

Alice von Loesecke explained to the Commission that she had previously received an Emergency Certification to remove the branches of a pine tree on the edge of Bare Hill Pond that had been heavily damaged by lightning this summer. The request this evening covers the removal of the remaining trunk of the tree within 200' of Bare Hill Pond. The tree may be dropped on to Bare Hill Pond during the winter when the pond is frozen. If so, the applicant was advised to seek permission from the Board of Selectmen and/or Bare Hill Pond Watershed Management Committee. Ms. von Loesecke stated the contractor is hopeful they will be able to fell the tree away from the pond.

With no further questions, Jim Breslauer made a motion to close the hearing and issue a Negative 3 Determination of Applicability with the condition that work associated with the removal of the tree trunk shall take place when the ground is frozen. Don Ritchie seconded the motion. The vote was 6-0, with Jaye Waldron abstaining from the vote as an abutter.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Request for Determination of Applicability
Hearing Meeting Minutes
Harvard Conservation Commission, Hoch Land,
Still River Road (Map 29 Parcel 2), Harvard#0814-01
September 4, 2014**

The public hearing was opened at 7:40pm 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

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Charlie Gorss, Jim Breslauer, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from August 21, 2014 for a Request for Determination of Applicability filed on behalf of the Harvard Conservation Commission for the installation of a foot bridge and boardwalk within the 100' wetland buffer zone at the Hoch Land, Still River Road, Harvard.

Wendy Sisson stated the Land Stewardship Subcommittee has proposed the installation of a three foot wide bridge over the existing collapsed culvert along the cart path into the Hoch Land. In addition, a twelve foot boardwalk is proposed over the existing drainage ditch. Jim Breslauer asked about removing the existing culvert and reinforcing the banks. Ms. Sisson stated that activity would be more detrimental to the intermittent stream then leaving the culvert in its current condition, not to mention the associated cost with such a project.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue a Negative 2 Determination of Applicability. 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
Continuation of a Notice of intent Hearing Meeting Minutes
Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, Inc.
105 Stow Road, Harvard#0814-02
September 4, 2014

The public hearing was opened at 7:50pm 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

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Charlie Gorss, Jim Breslauer, Jaye Waldron, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin), Joe Peznola (Hancock Assoc.) and Douglas Deschenes, and John Dick (Hancock Assoc.)

This hearing was continued from August 21, 2014 for a Notice of Intent filed on behalf of Chelmsford Housing for Intergenerational and Community Endeavors (CHOICE), Inc., for the removal of an existing structure and the construction of a new residential building and appurtenances within the 100' wetland buffer zone at 105 Stow Road, Harvard

Doug Duchesne, of Duchesne & Farrell, P.C., was present to represent the applicant, CHOICE, Inc. Mr. Deschenes stated the proposed project includes the construction of nine units of affordable housing on the site, which now has five. The project will include the rehabilitation of the existing farmhouse and cottage and the construction of three new buildings. The site consists of two unnamed streams on either side of the property with a bordering vegetated wetland, creating both a 200 foot riparian zone and a 100 foot buffer zone. The plan calls for a little over 6,000 square feet of impact within the riverfront area. The existing driveway will be reconstructed to serve all of the units. Impacts within the buffer and riparian zone include the driveway, the existing cottage, one of the three newly constructed buildings, stormwater management facilities and grading for the septic system. The plan proposes an additional 6,300 square feet of impact outside the 200 foot riparian zone. The new driveway and parking area will be pitched in the direction of the infiltration basin, which will include catch basins and a sediment forbay. As noted earlier, a new septic system along with a new well will be installed. The application submitted included an operation and maintenance plan for the stormwater management facilities. The design plan indicates the use of straw waddles for erosion control. The sediment forbay will be constructed above final grade and will be cleaned out at the end of construction to meet the requirements under stormwater management.

John Dick, of Hancock Associates, reviewed the alternative analysis required for activity within the riverfront area. The plan is to retain and enhance vegetated cover on the site. Mr. Dick noted the new impacts that are proposed are further from the resource areas than the existing impacts (i.e. the garage and barn). Mr. Dick stated all disturbed areas will be loamed and seeded with an upland mix. Wendy Sisson asked if it would be more of a disturbance to remove the garage slab rather than to leave it in place. Joe Peznola, also of Hancock Associates, stated the slab should be removed and replaced with natural vegetated as the area is part of the stormwater calculations. Ms. Sisson stated if the garage slab is being removed the Commission will need to see detail of that work. It was noted the detail on the plan only shows straw waddles; the Commission requested an erosion control barrier along with the straw waddles.

Jim Breslauer asked about the walkway associated with the cottage and the infiltration basin being within the 50' no disturb zone. Mr. Peznola stated the Department of Environmental Protection requires a 15' walk around an infiltration basin. Mr. Peznola stated it may be possible to maintain the 50' buffer zone with the grading of the infiltration basin. Mr. Breslauer asked

about using popcorn pavement rather than traditional pavement. Mr. Peznola stated it is feasible, but he is not sure the soils will be acceptable; additionally the applicant, as a non-profit agency, is seeking the most cost effective ways to develop the property.

Ms. Sisson asked why the parking was not designed to be in the location of the existing barn, which will be removed. Mr. Peznola stated under the stormwater management regulations you are limited to a 10% impact on the site. In addition, some of the units will be handicapped accessible and would require parking as designed, in front of the units.

Liz Allard asked if the applicant had any issues with added conditions as detailed under the stormwater management checklist. Mr. Peznola stated he thought all of the documentation was received with the original filing. Ms. Allard stated the information received is lacking and that some the requirements under the checklist cannot be completed until the project is ready to start. Ms. Allard further explained the Commission has crafted a set of conditions for a previous comprehensive permit with stormwater management components and would be using it as a template to craft the Order of Conditions for this project. Neither Mr. Peznola, nor Mr. Duchesne had an issue with this request. Ms. Sisson asked if the invasive plant species, tree of heaven, could be removed from the site during construction. Again, the representatives had no issue with this request

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the additional special conditions as they pertain to the Massachusetts Stormwater Management Checklist, the Harvard erosion and sediment control barrier shall be used, the 50' no disturb zone shall be respected as much as possible during construction and the tree of heaven shall be moved from the site as suitable during construction. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

Review Purchase & Sale Agreement/Conservation Restriction re: Lawton 121 Old Littleton

- Purchase and Sale Agreement, dated September 4, 2014

Discuss Camp Site & Dock on the Clapp Land

- Undated response from "The Arcane" to the Commission's August 21, 2014 letter

Continuation of a Notice of Intent Hearing – Chelmsford Housing Opportunities for Intergenerational and Community Endeavors, 105 Stow Road, Harvard#0814-02

- Renovations and New Construction, The Elms, 105 Stow Road, Harvard, MA, plans C001, C002, Existing Conditions Plan, C101, C102, C103, C201, C301, C302, prepared by Hancock Associates, dated 7/22/2014

Bare Hill Pond Watershed Management Committee Request for Annual Drawdown

- 2014 Report and Fall 2014 Drawdown Plans, submitted by Bruce Leicher, Chair of the Bare Hill Pond Watershed Management Committee, dated August 20, 2014
- Report from ARC, dated September 3, 2014