

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY DECEMBER 7, 2023 @7:00PM**

Pursuant to Chapter 2 of the Acts of 2023, an Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Dec 7, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85941145168?pwd=TzRhWURiN2NkVnYwODZlNWtDYXhsdz09>

Meeting ID: 859 4114 5168

Passcode: 946108

One tap mobile

+13092053325,,85941145168# US

+13126266799,,85941145168# US (Chicago)

Dial by your location

• +1 309 205 3325 US

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

• +1 929 436 2866 US (New York)

Meeting ID: 859 4114 5168

Find your local number: <https://us02web.zoom.us/u/kmNAkB76r>

Public Hearings:

7:05pm **Notice of Intent Hearing - Jonathan Bulger, 80 South Shaker Road, Harvard#1123-01**, for the clearing, grading, and filling to create an open space and useable yard area with portions of the fill within the 100' wetland buffer zone – ***Waivers Requested***

7:35pm **Continuation of a Notice of Intent Hearing – Travis Dery, 62 Old Littleton Road, DEP#177-729, Harvard#1023-01**, for the installation of a pool within the 100' wetland buffer zone – ***Continuance Requested***

8:05pm **Notice of Intent Hearing - Harvard Department of Public Works, along Depot Road, Harvard#1123-02** for the installation of a new water main approximately 8,900 linear feet long with portions within the 100' wetland buffer zone

8:35pm **Notice of Intent Hearing - Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03**, for the removal and replacement of an existing deck within the 200' buffer zone of Bare Hill Pond

9:05pm **Notice of Intent Hearing - Harvard Fire Department, 266 Stow Rd, 21 Scott Rd, 2 Lancaster County Rd, 74 Poor Farm Rd, 3 Cliffside Dr., 5 Sholan Circle, 175 Littleton County Rd, 140 Old Littleton Rd, 199 Still River Rd, across from 183 Littleton Rd, and the Ann Lees Playing Field on Ann Lees Rd, DEP#177-708, Harvard#0821-04**, for the dredging of existing fire ponds and the replacement of appliances associated with those ponds within the wetland resource area and the 200' wetland buffer zones at the following locations in Harvard – ***Waivers Requested***

New Business:

1. Discuss Memorial Bench and Tree Program
2. Ratify Enforcement Order – 8 Willow Road

Old Business:

1. Status Report Pine Hill Village, DEP#177-586
2. Status Report 90 Warren Ave, DEP#177-719, Harvard#1122-02

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

Standard Business:

1. Update from Representatives/Liaisons
2. Approve Minutes
3. Approve Invoice

NEXT MEETING: DECEMBER 14, 2023

AS



Tighe&Bond



HARVARD-DEVENS WATER SYSTEM INTERCONNECTION

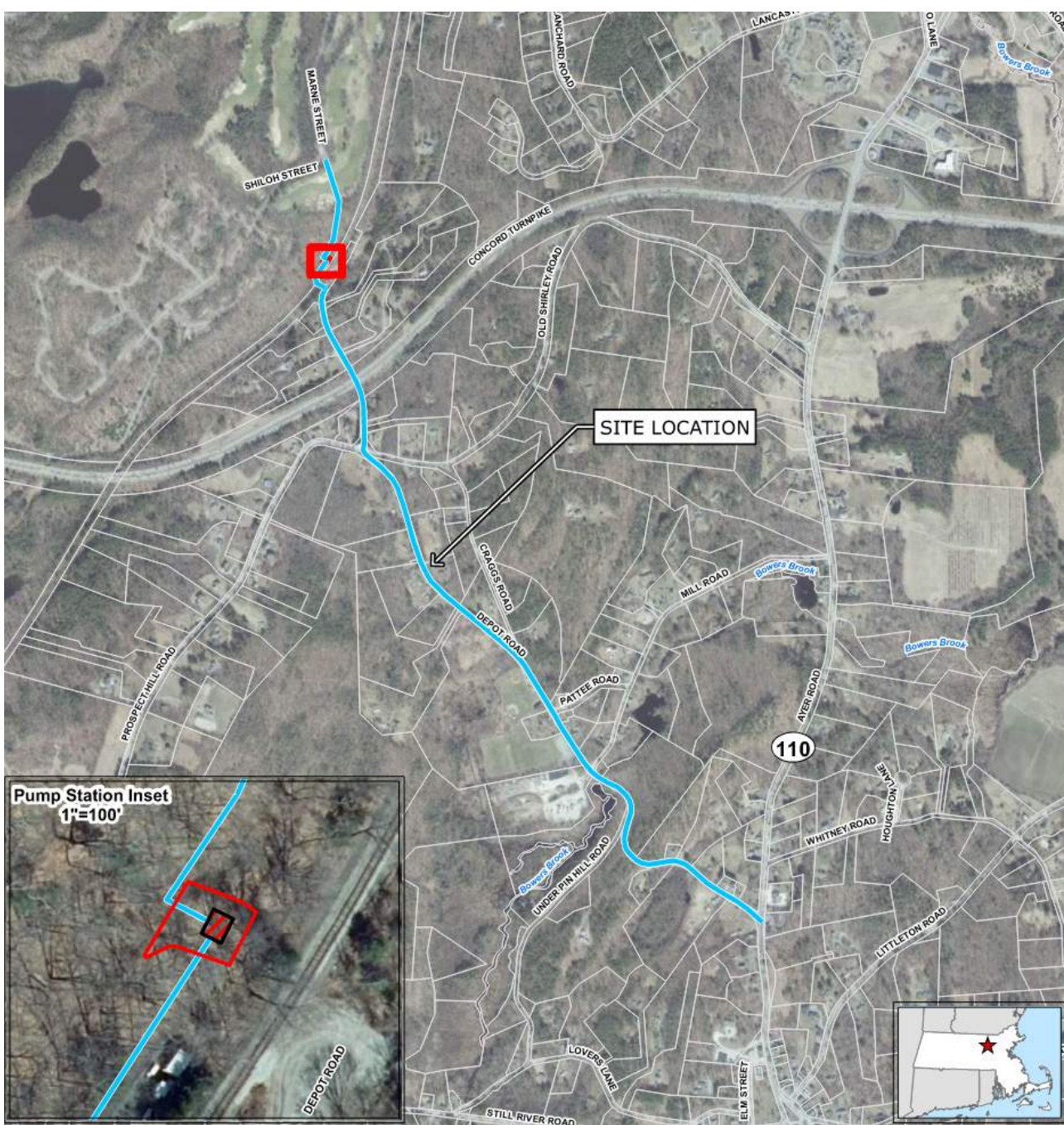
Town of Harvard – Department of Public Works

Mary Danielson, PE, Tighe & Bond, Inc.
Julia Novotny, Tighe & Bond, Inc.

PROJECT OVERVIEW

- **Construction of approximately 8,900 LF of ductile iron water main**
 - Originating at the Ayer Road and Depot Road intersection
 - Ties into proposed pump station at end of Depot Road
 - Runs cross country through forested parcel and Red Tail Golf Course (Devens)

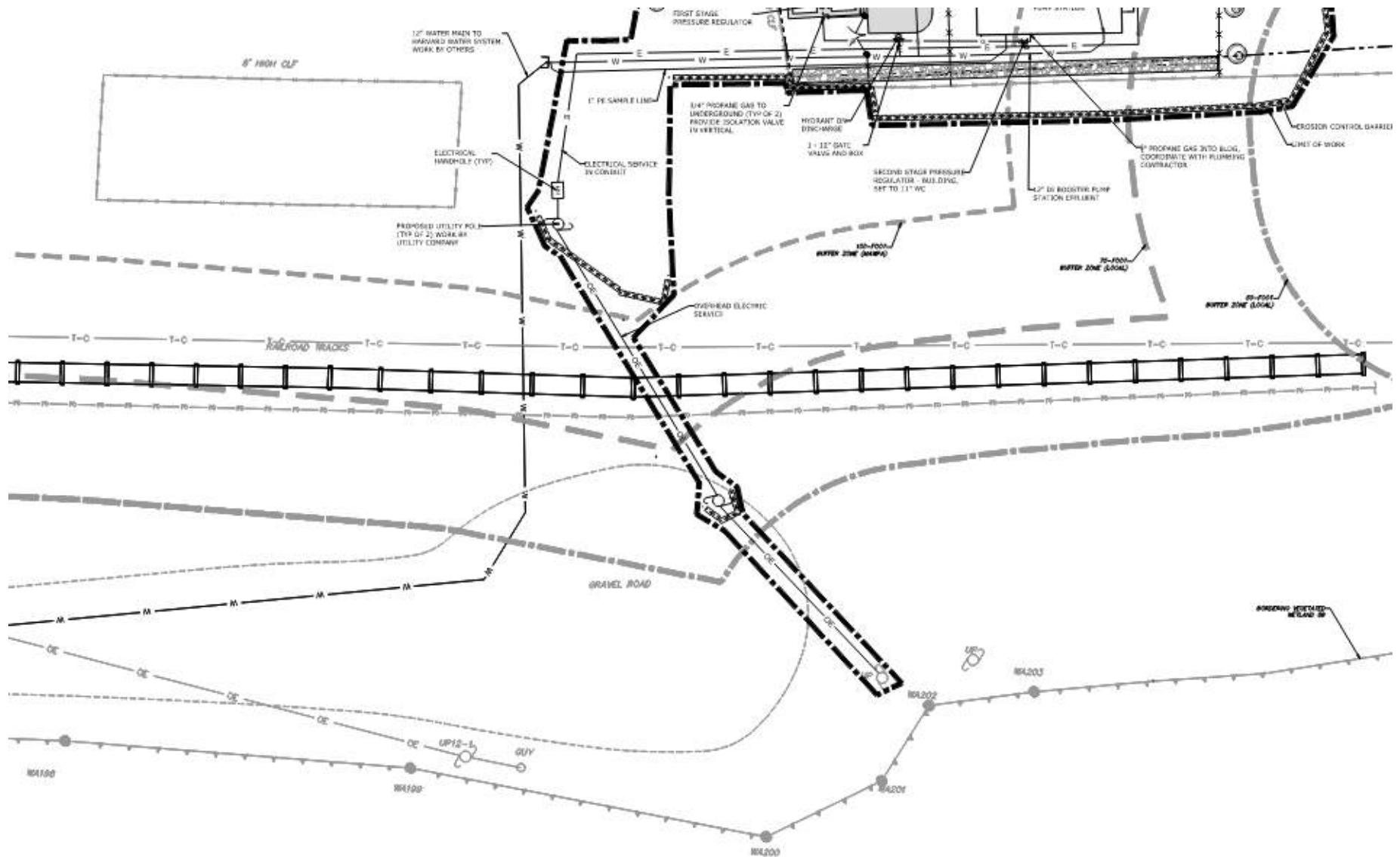




PROPOSED ACTIVITIES

- **Roadway limits of work**
 - Open trench installation
 - 5-feet-wide by avg. 7-feet-deep
 - Culvert crossings: includes Bowers Brook and unnamed perennial tributary
- **Railroad Track Crossing**
 - Jack-and-bore method
 - 10x10-foot and 25x10-foot pits
- **Meter building with booster pumps (Devens)**
 - Overhead electrical utility work associated with building will take place in Harvard





PROTECTIVE MEASURES

- **Construction-Period BMPs**

- Straw wattles/mulch logs, silt fence, catch basin inserts to be installed
- BMPs to be kept in good working order by contractor and inspected after storm events; repaired as necessary

- **Soil Stockpiling**

- Stockpiles will be surrounded by sediment controls and covered by tarp, as necessary to minimize erosion

- **Restoration**

- Disturbed areas to be restored to meet pre-construction conditions
- Loam and seed previously vegetated areas
- Roadway to be restored to pre-construction elevations



MA WPA RESOURCE AREAS

- **Riverfront Area**

- Associated with Bowers Brook and its perennial unnamed tributary
- Conveyed through culverts beneath Depot Road
- Approximately 7,000 SF of impacts to Riverfront Area (3,750 SF in first 100 feet, 3,250 SF in second 100 feet)
- No adverse impacts are anticipated as work is limited to the roadway
- Area will be restored to pre-existing conditions



BUFFER ZONE IMPACTS

- **100-foot Buffer Zone**

- Portion of the work is within the 100-foot Buffer Zone to inland Bank and BVW
- Approx. 30,800 SF of temporary impacts

- **75-foot Setback**

- Portion of the work is within the local 75-foot Setback
- Approx. 29,500 SF of temporary impacts



Memorial Bench and Tree Program

Tim Bragan <tbragan@harvard-ma.gov>

Wed 11/08/23 9:11 AM

To:Liz Allard <lallard@harvard-ma.gov>;anne mcwaters <anne_mcwaters@yahoo.com>;ldwight@psharvard.org <ldwight@psharvard.org>;Mary Wilson <mwilson@cwmars.org>
Cc:Julie Doucet <jdoucet@harvard-ma.gov>

Good morning,

Each of you represent an entity that has control over land on which a memorial bench or tree could be placed. I am writing to you as Julie and I are working on a policy for such a program that will include spaces, if you agree, that would fall under your jurisdiction. If you choose not to be included that is fine.

Ideally, from what we have researched, having pre-set locations for a bench or a tree is the way to go. It makes it easier all around.

Below is a link to the policy the Town of Ipswich uses (just for the feel of what we are looking to do).

<https://www.ipswichma.gov/DocumentCenter/View/612/SB-Memorial-Benches-and-Trees-on-Town-Property-Policy-PDF>

The link to the City of Mount Vernon policy shows a more detailed policy that has pre-set locations.

<https://www.mountvernonva.gov/DocumentCenter/View/13448/Memorial-Bench-and-Tree-Policy#:~:text=The%20Department%20will%20replace%20any,the%20donation%20for%20another%20term.>

Thank you for considering this inquiry and if you are interested then we would send the draft to you once we are done with it to get your input. If you are interested then we would ask you to take the next step and provide locations for each (bench,tree). We are working with Bill Calderwood and JC Ferguson (a.k.a. Tree Warden) on the tree piece with respect to species and locations as well.

I look forward to hearing from all of you.

Tim

Timothy P. Bragan
13 Ayer Road
Harvard, MA 01451

tbragan@harvard-ma.gov

Town of Ipswich, Massachusetts
Select Board Policy Directive #MBP2012
Adopted: March 12, 2012
Revised: November 5, 2018

Policy Title: Acceptance and Placement of Memorial Benches or Trees on Town Property

A. GENERAL

This policy directive establishes a set of procedures for responding to requests for the placement of memorial benches or trees on Town-owned land. (Note: For purposes of this policy, memorial benches or trees are assumed to include the installation of a memorial plaque.)

B. OBJECTIVES

The reasons for having an established procedure are to:

1. Provide a clear and uniform method for reviewing requests to place memorial benches or trees on Town property;
2. Ensure that decisions involving such requests are well-considered and address the concerns and needs of the Town relative to maintenance costs, durability of materials, aesthetics, appropriateness of bench or tree location and type, and merit of the requested memorial; and
3. Allow for the placement of high-quality benches and trees at an economical cost to the donor and in the most efficient and cost-effective manner for the Town.

C. STANDARDS

When considering a request for the placement of a memorial bench or memorial tree on Town-owned land, the Select Board shall apply the following standards:

1. Acceptance and placement of a memorial bench or tree on Town-owned property shall be done sparingly, for good cause shown. At minimum, persons being memorialized shall have, at some point in their lives, held residency or participated in the community for over ten years.
2. Except as otherwise allowed by the Town Manager, all memorial benches shall be one of two types. Bench A, made of steel and cast iron, and similar to benches installed on Market Street, North Main Street, and on the Downtown Riverwalk, shall be used for downtown locations. Bench B, made of recycled wood materials, shall be used for beach, parks and other recreational locations. A rendering of each bench is provided in Attachments A and B.
3. All proposed memorial trees shall require review by the Shade & Beautification Committee and approval from the Town Forestry Division, to ensure the appropriateness of the species and its proposed location, as well as the sufficiency of the selected tree's size and condition. The tree shall be planted by an experienced landscaper under the supervision of the Forestry Division, or if circumstances permit, by Forestry personnel themselves. The final location of the tree requires approval of the Select Board.

4. Except as otherwise permitted by the Town Manager, memorial benches will be allowed only at the locations identified by a master list of existing and proposed benches on Town property. The master list shall be updated by the Cemetery & Parks Department at least annually.
5. Pursuant to this policy, donors may be authorized to do one of the following: (1) fund the installation of a new park bench or tree on Town property, at a location either identified on the master list (benches only) or determined to be acceptable by the Select Board; (2) fund the replacement of an existing park bench on Town property that is identified on the master list as needing replacement; or (3) fund the placement of a plaque on an existing Town-owned bench that is not in need of replacement.
6. All costs associated with the installation of a new or replacement memorial bench or the planting of a tree will be the responsibility of the private donor. For the placement of plaques on existing Town-owned benches that are not in need of replacement, the donor shall be required to pay the Town an amount equivalent to 100% of the cost of installing a new bench or replacing an existing one.
7. Memorial plaques placed on benches shall be no more than two inches (2") by eight inches (8") in size, and the text shall be limited to three lines, 20 characters per line. Plaques associated with memorial trees shall be located within eight feet of the tree, be no greater than one foot (1') by two foot (2') in size, made of bronze or granite, have a thickness of at least four inches, and be installed flush to the ground. The procedure for the plaque installation shall be the same as employed by the Cemetery and Parks for flush grave markers. The proposed wording on the plaque shall require approval of the Select Board prior to installation.

D. PROCEDURES

The procedure for requesting the placement of a memorial bench or tree on public property shall be as follows:

1. Requests for permission to install new or replacement memorial benches or plant memorial trees (or to place a memorial plaque on an existing bench) on Town-owned real property shall be directed to the Office of Cemetery and Parks.
2. Requestors shall be provided with a copy of this policy directive.
3. Before submitting a formal request for a memorial bench or tree, the requestor is encouraged to discuss the matter with the Cemetery and Parks Office.
4. All requests shall be made by completing the Memorial Bench/Tree Request Form (Attachment C) and submitting it to the Office of Cemetery and Parks.
5. Submitted request forms shall be forwarded by the Office of Cemetery and Parks to the Planning Office, Department of Public Works, and any other department(s) responsible for maintaining or operating the Town-owned land in question.
6. Town departments shall submit their comments and/or recommendations to the Office of Cemetery and Parks within 21 days of receipt.
7. The Office of Cemetery and Parks shall submit the completed request form to the Town Manager/Select Board, with a request that the Select Board take action on the request, subject to its recommended conditions, if any.

8. As a condition of the approval of a memorial bench or tree request, the Office of Cemetery & Parks shall require the requestor to submit a certified bank check (or other form of payment acceptable to the Town) in an amount equivalent to the cost of ordering the tree and/or manufacturing/buying the bench, plus the cost of installation.

9. Once a memorial bench or tree request has been approved by the Select Board, it shall be effectuated as follows:

- Donor shall submit payment to the Office of Cemetery and Parks as described in D.9. of this policy directive.
- Depending on the bench type approved by the Select Board, the Town will then either order the bench or construct the bench in conjunction with a manufacturer.
- The Town will install a memorial bench, supervise the planting of a memorial tree, or plant a memorial tree, when conditions and circumstances permit.

Attachment A - Bench A



Attachment B - Bench B



Attachment C

Town of Ipswich - Memorial Bench/Tree Request Form

Before submitting a request for a memorial bench or tree, please review the listing of possible bench locations and the types and costs of benches associated with that location.

To: Cemetery and Parks Department

From: _____
(Please provide full name, address, phone number, and email address)

Please provide information regarding your request of a memorial bench/tree:

Please state the exact language you would like to appear on the plaque:*

*The cost of the plaque is the responsibility of the donor. The plaque must comply with the Ipswich Select Board's policy for the acceptance and placement of memorial benches or trees.

Proposed Bench/Tree Location _____

Proposed Bench Type/Tree Species _____

Signature of Applicant: _____ Date: _____

For Town Use Only

Staff Input

1. Planning Department: _____ Date: _____

Remarks: _____

2. Department of Public Works: _____ Date: _____

Remarks: _____

3. Other: _____ Date: _____

Remarks: _____

Select Board Authorization Date: _____

Bench Installation or Tree Planting Date: _____

TOWN OF HARVARD
POLICY FOR MEMORIAL BENCHES AND TREES

I. Purpose

This policy prevents our common and open space areas from becoming memorials. This policy is limited to properties controlled by the Select Board as other elected boards/committees and commissions which have control over municipal property may have their own policy.

II. Policy

With limited space being available and the space that is available for public use being for the enjoyment of all residents and so as to not inhibit such enjoyment it is the Select Board's policy to not allow for any new public memorials on Town owned land. Public open space is a finite resource that should be enjoyed by all and with space being a major limiter it is best to not have personal memorial recognition as undoubtedly someone will fail to be recognized due to lack of space and inability to properly maintain said memorial.

III. Violations

Anyone that violates this policy and installs a tree or bench on municipal property is put on notice that it will be removed by the town and disposed of without any notification.

Approved: _____

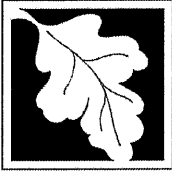
Harvard Conservation Commission
Policy on memorials on conservation land
November 28, 2023

Over the years, citizens have occasionally requested to install memorials on conservation land. These have taken the form of engraved granite benches, engraved rocks, and plaques on benches, but could take other forms. Because of issues of fairness in deciding what and how many requests should or shouldn't be allowed, the Commission's desire to steward conservation land to focus on the natural world and in consideration of all visitors to our public lands, the Commission has established the following policy:

Memorial markers are not permitted on town-owned Harvard Conservation land.

Response from LSS regarding a possible memorial bench and tree program:

As it happens, we have been discussing this topic in recent months and recommend against placing memorials on town conservation land. This would apply to planted trees as well as markers. The prohibition of memorials aligns with the Commission's Land Use Rules and reasons for the policy are outlined in the statement.



WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Violation Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Town of Harvard
Conservation Commission (Issuing Authority)

December 5, 2023
Date

To:

Lin Shim Thomas Young
Name of Violator
8 Willow Road
Address

1. Location of Violation:

Lin Shim Thomas Young
Property Owner (if different)
8 Willow Road
Street Address
Harvard
City/Town
Map17C
Assessors Map/Plat Number
01451
Zip Code
Parcel 14
Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

The installation of gardens, water feature, rip rap and other garden type structures within a wetland resource area and its associated 100' wetland buffer zone.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____ Dated _____

File Number _____ Condition number(s) _____

The Order of Conditions expired on (date): _____ Date _____

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before February 2, 2024
Date

for the following:

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

N/A

C. Order (cont.)

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date _____

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Liz Allard, Conservation Agent

Name

978-456-4100 ext 321

Phone Number

Monday - Thursday 8:00am - 5:00pm

Hours/Days Available

Issued by:

Town of Harvard

Conservation Commission

Conservation Commission signatures required on following page.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

N/A

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Liz Allard
Signature

Liz Allard - Conservation Agent
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

7018 1830 0000 3280 8009
Signature of delivery person or certified mail number



8 Willow Road

Town of Harvard, MA

1 inch = 70 Feet



www.cai-tech.com

December 5, 2023



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 30, 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

54
55
56
57
58
59

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

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

64
65 **Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw,
66 Jessie Panek and John Lee (Associate Member)

67
68 **Others Present:** Liz Allard (Conservation Agent), Walter Eriksen (Juno Development), Bruce Ringwall (GPR,
69 Inc.) and Limhout Tiv (GPR, Inc.)

70
71 This hearing was continued from November 16, 2023 for a Notice of Intent filed on behalf of Juno
72 Construction LLC for the construction of one duplex unit, deck, drainage, public water supply wells, tree
73 clearing, grading and associated utilities within the 100' wetland buffer zone and the 200' riverfront area
74 on Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard.

75
76 Bruce Ringwall, of GPR, Inc., stated the requested waiver to Chapter 147-12 Setbacks is to allow for the
77 construction of the access road to the Public Water Supply (PWS) wells, along with the wells themselves.
78 Once the wells are installed the area will be loamed and seeded, with the access road allowed to naturally
79 revegetate. Jessie Panek stated she agrees with what Mark Shaw stated during the site walk earlier this
80 week, pertaining to the location of the proposed PWS wells being a manmade structure within the
81 wetland. Ms. Panek is concerned with debris entering the surrounding wetland during the drilling of the
82 wells. Mr. Ringwall detailed how the work would take place, including the use of tailing pits for the spoils
83 from the digging of the wells; the removal of the top and subsoil for the access road; and the creation of
84 an earthen berm along the access road during installation of the wells. Eve Wittenberg asked about the
85 suggested redundancy in erosion control to assist in protecting the wetland. Mr. Ringwall explained the
86 need for the applicant to submit a Stormwater Pollution Prevention Plan (SWPPP). Mr. Ringwall also
87 stated breaches of the erosion control barrier would be realized early, as the SWPPP requires daily
88 inspections that can be addressed immediately. Ms. Panek suggested the Order of Conditions require the
89 PWS well area be in place and completely stabilized before anything else on the site is exposed. Mr.
90 Ringwall reminded the Commission that most of the site is sandy soils, therefore when there is a rain
91 event stormwater is going to absorb quickly in to the ground. In response to Joanne Ward's question
92 about increased rain events and the resulting erosion from such events Mr. Ringwall again stated the
93 erosion control barriers would be inspected daily. Ms. Panek clarified her suggested condition in that no
94 tree stumps were to be removed until the PWS area was stable as it serves as a conduit for water to flow
95 the wetland resource area. Mr. Ringwall explained the addition of a sedimentation basins can protect the
96 area once the wells are installed, along with a siltation barrier perpendicular to the access road.

97
98 A discussion was had in which Mr. Ringwall offered to withdraw the requested waivers from the
99 Comprehensive Permit before the Zoning Board of Appeals to allow Commission to have control of the
100 requested waivers. After a lengthy discussion, it was agreed the Commission should make their
101 recommendations on the waivers before deciding on the suggested withdraw of the waivers from the
102 Comprehensive Permit.

103
104 Jaye Waldron made a motion recommend to the Zoning Board of Appeals the waiver of Chapter 147-12
105 Setbacks: No disturb zone in which there shall be undisturbed natural vegetation, 50-foot setback. Joanne

106 Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie,
107 aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.
108

109 In regards to the waiver to the Stormwater management requirements, Mr. Ringwall stated the
110 application as submitted meets almost all of the Wetland Protection Bylaw requirements except for the
111 requirement to reduce post construction runoff from preconstruction runoff by 5%. Mr. Ringwall stated as
112 proposed stormwater has been reduced and/or is remaining at its existing runoff rate. In order to meet all
113 of the requirements under the Commission's regulations two additional basins, along with substantial
114 clearing within the 50-foot no disturb zone would be required. Ms. Wittenberg wondered if adding more
115 infiltration on site could be achieved outside the 100' buffer zone. Mr. Ringwall is not sure where or how.
116 Mr. Ringwall reminded the Commission that some of the stormwater being mitigated on the site is that
117 from the Town along Ayer Road. Jim Burns stated he understands the value of mitigating that water. Don
118 Ritchie asked about the amount of water going over the spillway in the 100-year storm event. While Mr.
119 Ringwall looked for the answer to that question, Ms. Panek wondered with a large lawn area over the
120 leach field, that could be used for recreation purposes, could some of the other proposed lawn areas be
121 replaced with rain gardens to encourage more infiltration up stream. Mr. Eriksen stated he would work
122 with Mr. Ringwall to look into that option. In response to Mr. Ritchie's question, Mr. Ringwall confirmed
123 that during a 100-year event stormwater will crest the spillway. Liz Allard noted Technical Release-20 (TR-
124 20) was used within the Stormwater Management Report and asked about using Northeast Regional
125 Climate Center at Cornell University or the National Oceanic & Atmospheric Administration Atlas 14 data
126 instead. Mr. Ringwall stated that although TR-20 was used with the Stormwater Management Report,
127 more aggressive rainfall numbers were used in those calculations. Mr. Ringwall noted Beals + Thomas,
128 per reviewer for the Commission, has agreed with the calculations provided within the Stormwater
129 Management Report.
130

131 Jessie Pank made a motion to recommend to the Zoning Board of Appeals the waiver of Chapter 147-14C
132 Stormwater Management. Jaye Waldron seconded the motion. The vote was in favor of the motion by a
133 roll call, Don Ritchie, nay; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and
134 Jessie Panek, aye.
135

136 It was determined with the willingness of Mr. Eriksen to work with the Commission to come to an
137 agreement on other aspects on the site outside of the jurisdiction of the Commission, there was no need
138 for the waivers to be withdrawn from the Comprehensive Permit before the Zoning Board of Appeals.
139

140 Jim Burns made a motion to continue the hearing to December 14, 2023 at 7:05pm. Jessie Panek
141 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye;
142 Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.
143

144 Respectfully submitted,
145

146
147 Liz Allard,
148 Conservation Agent