

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
June 7, 2007**

Vice Chair Wendy Sisson called the meeting to order at 7:05 pm in the Town Hall Meeting Room.

**Members Present:** Wendy Sisson, Don Ritchie, Jim Breslauer, Charlie Gorss, Otto Solbrig and George Watkins

**Others Present:** Liz Allard, Molly Cutler (Harvard Press), Tom Cotton (Land Stewardship Sub-Committee), Barbara Heim (HCT, Trail Guides), Steve Rowse (Land Stewardship Sub-Committee), Pam Browning, Ted Van Dusen, Pam Durrant, Al Combs (Agricultural Commission), Phil Knoettner (HCT) and Bruce Ringwall (GPR, Inc.)

**Williams Conservation Land - Stow Road**

Molly Cutler was present and had a request that the invasive species that have grown on the stone wall on the Williams Land be removed. Harvard Public Works restored the wall about four or five years ago and left behind some stones on the opposite side of the road. These rocks make it difficult for the mower to get up to the stone wall and keep up with the invasive species.

Rich Nota, the Director of Public Works, was later present and this issue was discussed with him. Mr. Nota asked how to remove the invasive species. Wendy Sisson suggested digging the plants up. Mr. Nota asked if there is enough room to get a piece of equipment in to push the stones back. George Watkins stated there is a break in the wall in which equipment could get in. Mr. Nota will take a look at the site and see how the area can be reclaimed for haying.

**Thurston's Cove**

A current filing with the Conservation Commission and the Zoning Board of Appeals has raised the issue of the gate leading to Thurston's Cove off Warren Avenue. The gate was installed at the top of the driveway which creates the impression that people can not access the conservation land. Mark Hasting, the abutter who shares the drive, has concerns with individual accessing the pond with boats and jet skis. Wendy Sisson would prefer not seeing the gate at the top of the drive. Ms. Sisson suggested putting signs up stating no blocking of the road as it is used as a private drive. Otto Solbrig stated Mr. Hastings could put a gate at his property which would stop people from turning around down at his house. Charlie Gorss stated Mr. Hastings has frontage to put in his own driveway. Mr. Solbrig stated if Mr. Hasting has a safety concern at night on his property he could lock the gate at night, but access should be available from dawn to dusk. George Watkins added if signs were installed stating "No Trespassing Dusk to Dawn" then he could call the police when individuals are down there after dusk.

Mr. Solbrig stated he would be more comfortable knowing that the inappropriate activity is grand, rather than this happen once and this is being blown up. Mr. Solbrig would

suggest the gate be moved or the gate be left open until dusk. Jim Breslauer would be happy with the gate being unlocked during the day and locked dusk to dawn. Signs should be put up stating "Do Not Block Driveway and No Swimming".

### **Use of Conservation Trails – Agricultural Commission & Local Horse Owners**

Wendy Sisson had invited horse owners within the community to come in and speak with the Commission about trail uses and horses. New Town residences, who have purchased a property on Tahanto Trail, were present to determine what trails can be used by horses. Ms. Sisson explained there have been some horses degrading the trails in the spring when there are frost heaves and muddy trails, which cause riders to widen the trails. Ms. Sisson thinks the best approach is to discuss this outside of a hearing since not many individuals have attended this evening. Ms. Sisson will talk again with the Agricultural Commission and some horse owners to determine which trails in Town are suitable for riding. Guidelines as to when and where riding is allowed will need to be established. There maybe some trails that need to be closed to riding until they are restored. It was suggested that the guidelines be printed within the Trails Guide or to create a network of horse owners and borders.

Barbara Heim stated the best recommendation would be that the blue trails are not suitable for horse travel. The main trails, yellow trails, are better for horses. Pam Durrant stated there was a large amount of damage done this spring on the Powell-Abbott-Reed trails. George Watkins asked Mrs. Durrant how the Commission can police this area. Mrs. Durrant suggested speaking with the horse's barns in that area.

Steve Rowse spoke about how the Land Stewardship Sub-Committee is studying how these trails are being used. He would like to be connected to this group as well so they can determine who, how and why individuals are using the trails.

Mr. Watkins suggested talking to the snowmobile club as well, since they have extensive trails on public and private land. Ms. Sisson does not think this is a good idea because those trails go through some sensitive areas that may not be suitable for horses.

Al Combs, of the Agricultural Commission, stated the agricultural commission is working with a network of horse people to aid in safety situations that may arise. Mr. Comb stated some of it is just education, people who do not know what to do. Mr. Combs volunteered to help in educating individuals on the proper use of the Town trails.

### **Continuation of a Notice of Intent Hearing – Massachusetts Housing Opportunities Corporation, 262/264 Ayer Road, DEP#177-538, Harvard#407-4. Opened at 7:30pm**

#### **Citizen Letter - Massachusetts Housing Opportunities Corporation (MHOC)**

The Commission had received a letter dated June 2, 2007 from Keith Cheveralls expressing his concern over the non profit status of MHOC. Otto Solbrig wondered what would be the course of action the Commission could take in letting the ZBA know they had the same concerns. The Commission agreed a letter should be sent to the ZBA. Jim Breslauer made a motion to send the ZBA a letter expressing our concerns over MHOC's

non-profit status. Otto Solbrig seconded the motion. The vote was unanimously in favor of the motion.

**Continuation of a Notice of Intent Hearing, Massachusetts Housing Opportunities Corporation, 15 Littleton Road, DEP#177-535, Harvard#307-1. Opened at 7:45pm**

**Land Stewardship Sub-Committee Updates**

Steve Rowse was present to discuss with the members the grant applications and the application that needs to be completed for the Farm Services Agency. Mr. Rowse is willing to ask the Board of Selectmen (BOS) for a letter authorizing the Chair of the Commission the ability to sign these documents and others that may arise. Jim Breslauer volunteered to draft a letter to the BOS for their approval at the June 19, 2007 meeting.

Mr. Rowse informed the members the sub-committee is working on a wildlife study on the land from behind the Public Works facility to the top of Deans Hill. Nashaway trackers went out this past winter and did some tracking for the sub-committee. A report has been circulated around to the sub-committee. Mr. Rowse will forward the report to the admin for distribution to the members.

Mr. Rowse explained to the members that the sub-committee has not figured out how to get a low cost vegetative plan on these properties. They received one offer that started at \$19,000 well above the costs they were hoping for. They also received an unsolicited offer from Ross Associates in Ayer in the area of \$6,500. Mr. Rowse plans on contacting the foresters personally to determine what needs to be done to the request to get it in the price range the sub-committee was looking for.

**Potential Violation – 50 Westcott Road**

The Commission had received complaints of siltation within a channel on Jacob Gates Road during a large rain event that occurred during the last week of May. George Watkins visited the site at 50 Westcott Road and found one channel that is carrying a lot of sediment between Jacob Gates Road and Wade Orchard. Bruce Ringwall explained the site in question has a pond being dug, in which they found an old stone wall once they began digging. The walls indicate the area was once a valley that has been filled in over the years. Mr. Ringwall further explained the created pond will be sealed with bentonite once it is complete. A dewatering hole had been dug by the contractor; the rain on Monday caused the dug well to fill in along with the water that would normally flow through the swale from the watershed. The pump within the dewatering hole had been turned off, which had clean water coming out of it initially, causing the water level to rise up. The pump was then turned on the next morning. A berm has been created to sever the pond area from the rock area. The over flow pipe will flow into the rock area. A well will be used to maintain the water height in the pond. Mr. Ringwall stated we have had a mishap none of us saw it coming and he does not know what else we could have done to prevent it.

Don Ritchie asked Mr. Watkins if there is there any major damage down below this site. Mr. Watkins stated silting has occurred on the Boy Scout land, but he does not think we

can ask the owners of 50 Westcott Road to put up silt fences on the Boy Scouts land. Charlie Gorss stated according to the Massachusetts Association of Conservation Commissioners handbook even though it is not a wetland, now that it is affecting a wetland the project should be permitted. Wendy Sisson stated it sounds as if it is a big project, to flow that far during the rains. Mr. Gorss added the regulations are fairly clear that they need to file for the project. Mr. Watkins stated providing it can be proven the silt is coming from there. Mr. Ringwall also stated that the dry well on the property, that was breached during this project, will need to be corrected. Ms. Sisson asked the members if the Commission would accept anything less than a Notice of Intent. Mr. Watkins believes the work started should be completed as quickly as possible to avoid any further siltation. Jim Breslauer suggested having the property owner come in to a meeting to determine what is going on and what his intent is.

Mr. Breslauer asked what the time frame of getting this completed would be. Mr. Ringwall stated the rock area should be done by next week. The concrete should be done next week as well. Mr. Ritchie asked if there were any permits needed for the dam. Mr. Ringwall stated no because it is not bigger than six feet. Mr. Ringwall stated if another heavy rain occurs everything will be contained by the berm. Any water contained can be pumped out to different areas of the property. Mr. Ringwall stated they were not introducing any more water on site.

Ms. Sisson stated she would like to see the berm in place. Mr. Ringwall will contact Mr. Watkins tomorrow to come out and see the berm. Mr. Breslauer requested a state of the berm report from Mr. Ringwall by the next meeting.

### **Certificate of Compliances**

Paul Willard conducted site reviews for Certificate of Compliance at 64 Warren Avenue and 334 Littleton Road. Mr. Willard informed the admin that both locations were acceptable, but he asked that other members review 64 Warren Avenue as well. Members did review the site and had no issues with it.

Don Ritchie made a motion to issue a Certificate of Compliance for 64 Warren Avenue, DEP#177-460. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Jim Breslauer made a motion to issue a Certificate of Compliance for 334 Littleton Road, DEP#177-301. Otto Solbrig seconded the motion. The vote was unanimously in favor of the motion.

### **Adjournment**

Don Ritchie made a motion to adjourn the meeting at 10:18pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted, Liz Allard Administrative Assistant

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Massachusetts Housing Opportunities Corporation**  
**262-264 Ayer Road, DEP#177-538, Harvard#407-4**  
**June 7, 2007**

The public hearing was opened at 7:30pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40

**Members Present:** Wendy Sisson, Don Ritchie, Jim Breslauer, Charlie Gorss, Otto Solbrig and George Watkins

**Others Present:** Liz Allard

This hearing was continued from May 17, 2007 on a Notice of Intent filed on behalf of Massachusetts Housing Opportunities Corporation for the construction of a 6-bedroom building, detention basin, retaining wall and associated utilities within the 100' wetland buffer zone at 262/264 Ayer Road, Harvard.

The applicant's representation has requested the hearing be continued to the next regularly scheduled meeting. Jim Breslauer made a motion to continue the hearing until June 21, 2007 at 8:00pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing Meeting Minutes  
Massachusetts Housing Opportunities Corporation  
15 Littleton Road, DEP#177-535, Harvard#307-1  
June 7, 2007**

The public hearing was opened at 7:45pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act M.G.L. ch. 131 §40

**Members Present:** Wendy Sisson, Jim Breslauer, Charlie Gorss, Don Ritchie, Otto Solbrig and George Watkins

**Others Present:** Liz Allard

This hearing was continued from May 17, 2007 on a Notice of Intent filed on behalf of Massachusetts Housing Opportunity Corporation for site preparation including removal of vegetation, excavation and grading and construction of a stone retaining wall within the 100' wetland buffer zone at 15 Littleton Road, Harvard.

The applicant's representation has requested the hearing be continued to the next regularly scheduled meeting. Don Ritchie made a motion to continue the hearing until June 21, 2007 at 8:15pm. Otto Solbrig seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Request for Determination of Applicability Meeting Minutes**  
**Harvard Public Works**  
**Pinnacle and Old Littleton Road, Harvard#507-1**  
**June 7, 2007**

The public hearing was opened at 8:15pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act M.G.L. ch. 131 §40 and the Harvard Wetland Bylaw

**Members Present:** Wendy Sisson, Jim Breslauer, Charlie Gorss, Don Ritchie, Otto Solbrig and George Watkins

**Others Present:** Rich Nota (Director Harvard Public Works) and Liz Allard

This hearing is for a Request for Determination of Applicability filed on behalf of the Harvard Public Works for the resurfacing of the entire roadway within the 100' wetland buffer zones on Pinnacle and Old Littleton Road, Harvard.

Rich Nota, the Public Works Director, was present to explain to the members he will be resurfacing Pinnacle Road from Old Littleton Road to Oak Hill Road and all of Old Littleton Road. The resurfacing will be done with liquid asphalt and a course base. Old Littleton Road does not have a good profile, so they are going to be putting down a leveler course so it will have a crown on it which will not allow water to puddle. Otto Solbrig asked how he was going to keep material from getting into the wetlands. Mr. Nota stated the asphalt is pretty stable material, which would be rolled out. George Watkins asked if when crossing a culvert will you be putting up silt fence. Mr. Nota does not plan on having any loose material, what is pored out will be immediately used to pave the road. Wendy Sisson stated what the Commission would be most concerned about is if the shoulder needs filling and if there is a lot of material needed, the Commission would want to see protection. Mr. Nota would like to, in areas prone to erosion, put a spill edge, because he is not sure how he is going to change the flow patterns on these roads after the leveler course is put in. Mr. Nota stated he would come back in to the Commission for any of that work. The leveler course will be put in and then the fill on the edges. Ms. Sisson suggested before the fill is put in maybe the Commission can drive by and take a look at these areas to determine if they will need any protection. Mr. Nota stated after the level coat is down he will mark the areas where fill or drainage will be done so members can view prior to that work being done and allow the Commissions time to comment.

Don Ritchie made a motion to close the hearing and issue a Negative #3 Determination with the condition that once the areas of fill or new drainage is determined the Commission will be notified in order to recommend the placement of siltation barriers. Otto Solbrig seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted, Liz Allard Administrative Assistant