

**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**October 18, 2007**  
**Approved: June 5, 2008**

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall Meeting Room

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

**Others Present:** Liz Allard (LUB Admin), Jim Lee (Park & Rec.), Bruce Leicher (BHPWMC), Keith Cheveralls (Shaker Hills Ad Hoc), Gerry Welch (MHOC), William Fateiger (JLA Land Survey), Peter Kouracles and Jason Michaels

**Informal Discussion with Park & Recreation Department – Town Beach**

Jim Lee, of the Park & Recreation Department (P&R), was present to discuss with the Commission the possibility of filing for a small-scale project to test the sediments at the Town beach to determine if a larger scale sediment removal project should be undertaken at the beach. Mr. Lee explained that past environmental reports have indicated one of the biggest factors on weed growth is the level of available phosphorous and one of the biggest sources of this phosphorus is contained in the sediment. Removing the sediment also removes the accumulated seedbed established by vascular plants. The removal of sediments will increase the depth of water in the swimming area, which will alleviate safety concerns. Also, remnants of a “weed mat” which was installed in the 70’s is degrading and protruding from the sediment could be removed during this project.

Otto Solbrig asked how this small scale project would be conducted, would core sampling be done. Mr. Lee stated no, an excavator would scoop out several yards of sediment from three (3) main areas at the beach, the sediments would then be stockpiled for dewatering and the final material would be removed off site for composting. Members asked why core sampling would not be done since it seems that procedure would create less disturbance of the sediment. Mr. Lee stated the P&R would like to conduct the small scale project with an excavator to see how it would work on a large scale. Mr. Solbrig stated if the sediment is removed by excavator it will be mixing everything up and will yield poor results, maybe the P&R should consider doing the core sampling as well. Mr. Lee stated the intention of this project is to aid in the controlling of the weeds and sediments. Charlie Gorss thinks this is a drastic step for the initial steps, because the Commission does not want to take more material than needed out of the pond. Mr. Solbrig asked if the project could be done in two steps, start with the core sampling to determine the depths of the sediment and then remove the sediments for dewatering and composting. The members recommended the P&R contact someone who can do the core sampling and determine how much and how thick the sediment is, which would only require one excavation to dewater and compost.

Otto Solbrig made a motion allowing the Park & Recreation Department to do core sample testing in order to prepare for the filing of a Notice of Intent for sediment removal within the beach area of Bare Hill Pond. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

### **Site Approval – Shaker Hills Golf Course**

Keith Cheveralls, of the Shaker Hills Ad Hoc Committee, was present to ask the Commission if Item #4 in the Site Approval letter received by Shaker Hills Golf Club, dated August 8, 2007, was correct. This item points out the concern the municipality has over the wetland acreage on this site and that the applicant has indicated these man-made wetlands do not meet the criteria for protected resource areas under the Wetland Protection Act. Mr. Cheveralls wanted to know if this is a true statement. The members were conflicted as to the correct answer as it would be dependant upon the sizes and uses of those man-made wetlands.

### **Approval of Minutes**

Jim Breslauer made a motion to accept the minutes of October 4, 2007 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion with the exception of George Watkins was not in attendance at the October 4<sup>th</sup> meeting.

Otto Solbrig reviewed and made grammatical changes to the October 19, 2006 and June 7, 2007 minutes. Wendy Sisson made a motion to accept the minutes of October 19, 2006 and June 7, 2007 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

### **Continuation of a Notice of Intent Hearing – Massachusetts Housing Opportunities Corporation, 262/264 Ayer Road, DEP#177-538, Harvard#407-4. Opened at 7:33pm**

Jim Breslauer left the meeting at 7:45pm

### **Continuation of a Request for Determination of Applicability Hearing – P&E Trust, South Shaker Road (Map 4 Parcel 44), Harvard#907-2. Opened at 7:45pm**

### **Horses on Conservation Trails**

Wendy Sisson informed the members that she has been meeting with local horse owners who have suggested creating a trail maker that indicates which trails are suitable for horse use. George Watkins asked if this would dilute the message that people need to use common sense as to where to ride. Ms. Sisson does not believe it would. The members were agreeable to the idea and look forward to the communication between the Commission and the equestrians in Town continuing.

### **Holy Hill Trail – Bridge Damage**

Otto Solbrig informed the members that the bridge on the Holy Hill trail, which had recently had signage attached to it that stated “pass at your own risk”, has gotten to the point that the bridge should be closed physically. Wendy Sisson suggested that Rich Nota, the DPW Director, should know that the bridge has become more of a problem and

if he can not do the work need to repair it then maybe the Commission should hire someone else to do the work. Paul Willard will speak with Mr. Nota about putting up the sign and nail a 2 x 4 across the bridge to deter its use.

**Adjournment**

Don Ritchie made a motion to adjourn the meeting at 8:30pm. 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**  
**October 18, 2007**

The public hearing was opened at 7:33pm by Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40

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

**Others Present:** Liz Allard (LUB Admin) and Gerry Welch (MHOC)

This hearing was continued from September 20, 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.

Gerry Welch explained to the members that testing had been done in August with Nashoba Associated Boards of Health for the septic system, which yielded a perk rate of twelve (12) minutes. The review letter from Ira Grossman in March 2007 has had all of the items addressed. Mr. Welch's engineer has assured him that any changes made to the plan at this point would not affect the wetlands. Paul Willard explained that the Commission would want to know what the Harvard Board of Health (BOH) has to say about the project before releasing the Order of Conditions. Mr. Willard further explained that this is the Commission's standard procedure that they do not do anything until a filing has been made to the BOH and the BOH is satisfied with the plan.

Jim Breslauer made a motion to continue the hearing to a date to be determined, which will require a new legal notice and notification to abutters, once approval has been received from the Board of Health. Otto Solbrig seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Administrative Assistant

**Harvard Conservation Commission**  
**Continuation of a Request for Determination of Applicability Hearing**  
**P&E Trust, South Shaker Road (Map 4 Parcel 44), Harvard#907-2**  
**October 18, 2007**

The public hearing was opened at 7:45pm by Chairman Paul Willard under the Wetland Protection Act M.G.L. Chapter 131 §40 and the Code of the Town of Harvard, Chapter 119 Wetland Protection Bylaw

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

**Others Present:** Liz Allard (LUB Admin), William Fateiger (JLA Land Survey), Peter Kouracles and Jason Michaels

This hearing is continued from October 4, 2007 for a Request for Determination of Applicability filed on behalf of P&E Trust for the construction of a single family dwelling proposed outside the 100' wetland buffer zone on South Shaker Road (Map 4 Parcel 44), Harvard.

The hearing had been continued to allow for the review of the site by an independent consultant. Terry Gensel performed a review of the site and submitted his conclusion to the Commission in a letter dated October 18, 2007. A copy was given to the applicant's representative. William Fateiger requested the Commission to allow Mr. Gensel and himself review the site to determine if the two areas in question quantify an area that would meet the 500 square foot requirement of the Bylaw. Paul Willard stated he has been on the site when there has been standing water in the ruts and the former owner has indicated there had been disturbance on the site for some time. Otto Solbrig is concerned because there is a lot of water on that property when there is a wet spring and what will happen when this property is developed to the excess water. George Watkins stated if there was that much water would the Commission not be seeing more hydric soils. Wendy Sisson stated the site had had a different appearance when the Commission looked at it previously rather than now, which is an extreme drought situation. Some of the members would like to revisit it under different conditions.

Jason Michaels, an abutter, thinks the Commission had this same meeting in 1999. Mr. Michaels stated that in the spring it is wet along the property line until late June. Charlie Gorss believes the Commission needs to make a decision on the information provided by the two wetland scientists.

Mr. Fateiger requested a copy of the 1999 report. Don Ritchie asked if the line would be determined based on soils only. Mr. Fateiger stated he and Mr. Gensel would take into account some of the vegetated species on the site. Mr. Gorss stated the area is a lot more overgrown than when the Commission first reviewed the site in 1999, if taken out the water may return. Mr. Ritchie believes that Mr. Gensel and Mr. Fateiger should go out and compare the site to the previous plan.

George Watkins made a motion to continue the hearing to November 1, 2007 at 8:00pm. Charlie Gorss seconded the motion. The vote was 5-1-1, five in favor of the motion, Wendy Sisson opposing the motion and Otto Solbrig abstaining from the vote.

Respectfully submitted,

Liz Allard  
Administrative Assistant