

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
November 1, 2007
APPROVED: March 5, 2009**

Chairman Paul Willard called the meeting to order at 7:08pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss and Don Ritchie

Others Present: Liz Allard (LUB Admin), Sean Hale (Ross Assoc.), Robert Capobianco, Joe Theriault, Jim DeZutter, Dennis Delaney, Fr. Dennis O'Brien, Robert Blank and Nick Browse

Planning Board Request for Comments

The Planning Board has forwarded the application of Carlton Traywick on Cleaves Hill Road (Map 18 Parcel 46.2) for comment from the Commission. The Commission had no comments in regards to the work proposed for the alteration of the stone wall, but is concerned that the plan submitted is dated September 2002. The wetland line should be reconfirmed by the Commission to be certain the construction if the house is not within the 100' wetland buffer zone. A letter will be sent to the Planning Board in that regards.

Local Initiative Program Procedural Process Request Letter

The members were informed that a letter has been generated to the Board of Selectmen (BOS) in regards to the process undertaken when a Local Initiative Program (LIP) is before the BOS. The letter will be signed by the four Land Use Boards Chairs. The intent of the letter is to give other boards and committees in Town the ability to comment on LIP applications prior to the BOS signing on to them.

Notice of Intent Hearing – Willard Millis, 349 Ayer Road, Harvard#1007-1. Opened at 7:30pm

Notice of Intent Hearing – Leon Smith, 345 Ayer Road, Harvard#1007-2. Opened at 7:45pm

Continuation of a Request for Determination of Applicability Hearing – P&E Trust, South Shaker Road (Map 4 Parcel 22), Harvard#907-2. Opened at 8:00pm

Request to Amend the Order of Conditions – Barbara Newcomb, 95 Oak Hill Road, DEP#177-527. Opened at 8:15pm

Enforcement Order – St. Theresa's 17 Still River Road

Joe Theriault and other parishioners from St. Theresa's Parish were present to discuss the Enforcement Order issued in October. Mr. Theriault made a presentation to the Commission outlining the work that has been done on the site and the work the parishioners want to do. The Enforcement Order was issued for the digging of a drainage

ditch within what the Commission believes is a wetland buffer zone within 200 feet of a vernal pool. Mr. Theriault and others did not understand why the Commission thinks the area contains wetlands. Paul Willard explained that any activity that involves alteration requires a filing of a Notice of Intent (NOI) if the work is within the wetland, resource area or its buffer zone. Mr. Willard explained that the NOI should address the channeling of water, the vegetation you wish to maintain and control and any other activities you intent on doing within the buffer zone.

Charlie Gorss explained that the Commission became aware of the drainage ditch when the Commission was accompanying the Bare Hill Pond Committee on a site walk that was being conducted to determine sources of storm water contamination into the pond. Mr. Gorss stated the property in question contains a certified vernal pool at the end of the newly created ditch. Although the vernal pool is on Town property it has a 200' buffer zone that may reach across property lines. Mr. Gorss added that the Commission does not know if there are any wetlands on the St. Theresa property, but the burden of proof that there are no wetlands or buffer zone on the property falls on St. Theresa's and not the Commission.

The Commission required that St. Theresa's hire a wetland scientist to survey the area to determine if there are wetlands on the property and how far away the vernal pool is to the work that was done and if there is a need to file a Notice of Intent.

Bare Hill Pond Watershed Management Committee – Deeper Draw Down

Robert Blank and Nick Browse were present to discuss the request made earlier this fall by the Pond Committee to conduct a deeper draw down. Mr. Blank stated the draw down as of today is at five (5) feet. The Pond Committee has decided to hold the draw down at the approved five (5) feet for the winter. This level will be maintained through the winter. It has been determined that the mussel populations have not survived greatly with the deeper draw downs. Paul Willard asked if the Committee knew how many of the dead mussels are due to predation. They feel there had been some predation, but how much is unknown. It has also been determined that the decline may be due to some other fish issue.

Wendy Sission asked when the Committee will take a year off from draw down. Mr. Blank stated this is a subject that has been discussed, but can not predict as how the draw down will be this year and that would play into the decision to take next year off. Mr. Willard asked if the draw down is successful on weeds, why would the Committee want to take a year off. Mr. Blank stated that in order to prevent too many weeds which benefits from the draw down there is a balancing act going on.

The Committee will work on collecting data from other parts of the State in regards to draw downs and mussel populations.

Wendy Sisson made a motion to accept the Bare Hill Pond Watershed management Committee request to withdraw their request for a deeper draw down this year. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Harvard Conservation Trust – Conservation Restrictions

Dennis Delaney of the Harvard Conservation Trust was present to request that Commission sign two (2) Conservation Restrictions that are being submitted to the State by the Trust. The first was for Erhart Muller's property on South Shaker Road, which abuts the New England Forestry property. The second was for Pricilla Endicott's property on Littleton County Road that abuts Harvard Conservation land.

Charlie Gorss made a motion to have the Commission sign the Conservation Restrictions for the Muller and Endicott properties as presented by the Harvard Conservation Trust. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:30pm. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Administrative Assistant

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Willard Millis, 349 Ayer Road, Harvard#1007-1
November 1, 2007**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss and Don Ritchie

Others Present: Liz Allard (LUB Admin) and Sean Hale (Ross Assoc.)

This hearing is for a Notice of Intent filed on behalf of Willard Millis for a proposed sewage disposal system upgrade within 100' of an isolated wetland at 349 Ayer Road, Harvard.

A site walk was conducted on October 23, 2007 with members of the Commission and Sean Hale, of Ross Associates. Mr. Hale explained to the Commission that the proposed septic system will be sandwich between ledge or unsuitable soils and the wetland. The current cess pool will be filled in. Paul Willard asked if there are any restriction as to how close you can run the force main to the property line. Mr. Hale believes there is not. Don Ritchie asked how the area was going to be accessed since the wetland crosses the entire span of the property. Mr. Hale stated there is a small area on the properties edge that can be used. The Commission requested that since the next hearing is for the abutting property and Ross Associates is representing both applicants could it be requested that access is gained from the abutting property which is already in disturbed state.

Wendy Sisson made a motion to close the hearing and write an Order of Conditions that includes the condition that the applicant seek an alternate route through the abutting property to access the septic system location. If access is not granted the hay bale line can be moved in a few feet closer to the wetland for access. In addition the trash within the buffer zone shall be removed as noted on the site walk. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Administrative Assistant

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Leon Smith, 345 Ayer Road, Harvard#1007-2
November 1, 2007**

The public hearing was opened at 7:45pm by Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss and Don Ritchie

Others Present: Liz Allard (LUB Admin), Leon Smith and Sean Hale (Ross Assoc.)

This hearing is for a Notice of Intent filed on behalf of Leon Smith for the proposed construction of a residential garage within 100' of an isolated wetland at 345 Ayer Road, Harvard.

A site walk was conducted on October 23, 2007 with members of the Commission and Sean Hale, of Ross Associates. The proposed structure is outside the seventy-five (75) foot no build area. Wendy Sisson asked Leon Smith if access could be gained through his site for the abutting site to install their septic system. Mr. Smith was agreeable to this request.

Wendy Sission made a motion to close the hearing and write a standard Order of Conditions. Charlie Gorss 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
November 1, 2007

The public hearing was opened at 8:00pm 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 and Don Ritchie

Others Present: Liz Allard (LUB Admin)

This hearing is continued from October 18, 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.

There has been no request received from the applicant or his representative to continue the hearing. The Commission decided that based on the evidence present to date that a Positive Determination should be issued.

Charlie Gorss made a motion to close the hearing and issue a Positive Determination#5. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Administrative Assistant

Harvard Conservation Commission
Request to Amend the Order of Conditions
Barbara Newcomb, 95 Oak Hill Road, DEP#177-527
November 1, 2007

The public hearing was opened at 8:15pm by Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Bylaw, Chapter 119

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss and Don Ritchie

Others Present: Liz Allard (LUB Admin) and Sean Hale (Ross Assoc.)

This hearing is for a Request to Amend an Order of Conditions filed on behalf of Barbara Newcomb for the installation of a septic system at 95 Oak Hill Road, Harvard.

Sean Hale presented a revised plan to the Commission that shows a Presby system to be installed in place of a conventional system. This type of systems is a reduction in size and the amount of grading necessary to install the system.

Wendy Sission made a motion to close the hearing and amend the Order of Conditions to reflect the new plan. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Administrative Assistant