

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
October 1, 2009  
APPROVED: December 3, 2009**

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, Don Ritchie and Josh Gould

**Others Present:** Liz Allard (LUB Admin), Alice Thayer, Connie Thayer, Dennis Delaney (HCT), Victor & Jackie Normand (HCT), Sally Carrona, Michael Turgeon (Turgeon Environmental Services), Andy Warner, Cater Scott (Transformations, Inc.), Judy Gustafson, Cindy Femino, Lynn Alder, Chris Durham, Sherlie LaPierre, Bob LaPierre, Barbara Henderson, Daniel Femino, Judith Williams and Kim Palli

**Approval of Minutes**

Wendy Sisson made a motion to approve the minutes of September 3, 2009 as amended. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**Conservation Restriction – Alice Thayer, 92 South Shaker Road**

Alice Thayer & Connie Thayer were present with Dennis Delaney of the Harvard Conservation Trust, requesting that the Commission accept and sign the Municipal Certification for a Conservation Restriction (CR) on the Thayer's property at 92 South Shaker Road. Permitted uses would be agricultural and passive recreation. The site contains 1/3 meadow and 2/3 woods. The existing temporary electric fence would be allowed to remain. The CR would allow for forestry. The property will remain in private use. Wendy Sisson made a motion to accept and sign the Municipal Certification for a Conservation Restriction at 92 South Shaker Road currently owned by Alice Thayer. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

**Update on Trail Keeper**

Liz Allard informed the members that she has spoken with Phil Knoettner who will be stepping down from his role with the Harvard Conservation Trust this fall, but would like to continue to do trail work with the Commission. The Commission was happy to hear that Mr. Knoettner would like to continue his work on and around the trails. The Commission unanimously agreed they would like Mr. Knoettner to continue in his role as Trail Keeper.

### **Letter for Acorn Landscape & Design**

Liz Allard informed the members that Sean Bilodeau of Acorn Landscape & Design removed the trees that had fallen from Conservation Land on to a residences property on Glenview Drive. Mr. Bilodeau stated he was not going to charge the Town for his time and to consider it his Conservation contribution for the year. Mrs. Allard will send a letter of thanks to Mr. Bilodeau for his work and generosity.

### **Request to Clear Field at Shaker Dance Area**

The Commission has been contacted by Ron Kusner who recently cleared two fields on the Holy Hill land and is willing to clear the field at the Shaker Dance area. Wendy Sisson thinks this is good idea as the area is getting grown up by saplings. The Commission always encourages volunteers and if Mr. Kusner would like to keep charge of this area he could do so. It should be suggested to Mr. Kusner that work should be conducted in the fall work to avoid spring weather.

### **Request to Create New Conservation Land Map for the Land Book**

Liz Allard requested approval from the Commission to have a new map created by Montachusett Regional Planning Commission for the Land Book. The Commission agreed unanimously for the use of funds to create the map.

### **Request to Develop Policy from Agricultural Commission**

The Commission has received a request from the Agricultural Commission stating that they be notified of any filings that pertain to farms or farming within Town. Josh Gould made a motion that the Commission adopts the policy that any application before them in regards to farms or farming shall be sent to the Agricultural Commission for review. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

### **Notice of Intent Hearing – Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1), DEP#177-568, Harvard#0909-02. Opened at 7:30pm**

### **Request for Determination of Applicability Hearing – Jonathan & Judith Williams, 13 Whitman Road, Harvard#0909-03. Opened at 8:00pm**

### **Extension Request – Zhong, 210 Littleton County Road, DEP#177-524**

The Commission received a request from Alan Zhong of 210 Littleton County Road asking for an extension of his Order of Conditions, DEP#177-524. Josh Gould made a motion to issue a one month extension to Alan Zhong, 210 Littleton County Road, DEP#177-524. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

### **Notice of Intent Hearing – Kim Palli, 10 Madigan Lane, Harvard#0909-04. Opened at 8:15pm**

### **Certificate of Compliance – Lee, 50 Woodside Road, DEP#177-520**

Liz Allard informed the members that she has reviewed the site at 50 Woodside Road for a Certificate of Compliance. All work has been completed. Wendy Sisson made a

motion to issue a Certificate of Compliance for Donna Lee at 50 Woodside Road, DEP#177-520. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Don Ritchie made a motion to adjourn the meeting at 9:08pm. Josh Gould made a motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Meeting Minutes  
Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1), DEP#177-568  
October 1, 2009**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40 and the Code of the Town of Harvard, Chapter 119 the Wetland Protection Bylaw

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

**Others Present:** Liz Allard (LUB Admin), Sally Carrona, Michael Turgeon (Turgeon Environmental Services), Andy Warner, Cater Scott (Transformations, Inc.), Judy Gustafson, Cindy Femino, Lynn Alder, Chris Durham, Sherlie LaPierre, Bob LaPierre, Barbara Henderson and Daniel Femino

This hearing is for a Notice of Intent filed on behalf of Transformations, Inc. for the improvements and extension of an existing cart path and stone culvert for access of a drill rig to install test wells for water supply exploration within the 100' wetland buffer zone on Stow Road (Map 36 Parcel 85 & 86.1), Harvard.

After Liz Allard reported that fees for a new wetland line and for area of disturbance in the wetland had been received, Mike Turgeon described the wetland line, last confirmed by the Commission in 2004, in regards to the review of it that was done today with Liz Allard. The Notice of Intent has been filed for the installation of four test wells to be accessed by an existing cart path. The path passes over a stone culvert that will need to be crossed with heavy equipment. Steel plates will be placed across the culvert and in area just beyond the culvert, north of an existing stone wall. The plan calls for an additional well at the edge of the wetlands that may be needed if one of the other upland locations fails. The changes recommended during today's review were pointed out to the members. Flags were missing on the north side of the culvert and will need to be re-hung for confirmation of location.

Wendy Sisson asked about the size of the drill rigs and how are they going to get up the steep slope to the well sites. Mr. Turgeon does not know the weight of the equipment that will be used for this project; the cart path will need to be cleared along its edges in areas in order for the equipment to access the site. Ms. Sisson requested additional details on the required size of the access roadway in the buffer zone. Charlie Gorss would like to hire a consultant to review the delineated wetland line. Ms. Sisson does not think it is going to be simple review of the line, but may also require transects to establish the line. Cater Scott agreed to the hiring of a consultant. Mr. Turgeon was instructed to see that all flags are in place to delineate the purposed wetland line, and then a consultant will independently review the line and report back to the Commission.

Sally Carrona of 267 Stow Road asked about the potential of vernal pools in the area and their habitat. The Commission explained that the site has been reviewed in comparison to the Natural Heritage Endangered Species Program map and there are no vernal pools nor is the site with priority or estimated habitat for rare species as delineated by Natural Heritage Endangered Species Program.

Judy Gustafson objects to the term “cart path” since that has never been a cart path as long as she has lived here.

With the request to hire a consultant and other details needed Don Ritchie made a motion to continue the hearing to November 5, 2009 at 7:30pm. Josh Gould 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**  
**Jonathan & Judith Williams, 13 Whitman Road, Harvard#0909-03**  
**October 1, 2009**

The public hearing was opened at 8:00pm by Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40 and the Code of the Town of Harvard, Chapter 119 the Wetland Protection Bylaw

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

**Others Present:** Liz Allard (LUB Admin) and Judith Williams

This hearing is for a Request for Determination of Applicability filed on behalf of Jonathan & Judith Williams for the removal of trees posing a hazard to the dwelling within the 100' wetland buffer zone at 13 Whitman Road, Harvard

Judith Williams explained to the members the trees she would like to remove are threatening the house and were damaged during the December 2008 ice storm. Mrs. Williams stated the trees have always been looked at in trepidation and the ice storm from last December gave her a new look at them. The members asked what her plan was for the remaining stumps. Mrs. Williams stated they would be cut as low as possible and then determine what to be done with them. The Commission agreed they do not want the stumps pulled out, if anything, they are to be ground.

Don Ritchie made a motion to close the hearing and issue a Negative #3 Determination with the condition that the stumps are not to be pulled out, but ground if any are required to be removed. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Meeting Minutes  
Kim Palli, 10 Madigan Lane, Harvard#0909-4  
October 1, 2009**

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

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

**Others Present:** Liz Allard (LUB Admin) and Kim Palli

This hearing is for a Notice of Intent filed on behalf of Kim Palli for the replacement of a sewage disposal system within the 100' wetland buffer zone at 10 Madigan Lane, Harvard.

Kim Palli explained that a Notice of Intent has been filed for the installation of a septic system to replace an exiting tight tank. The design being proposed will have a smaller mound than a system that was previously permitted by the Department of Environmental Protection (DEP) after it was denied by the Commission. Liz Allard explained the DEP data sheets were not filled out completely. The sheets contain no information as to what type of vegetation was used to determine the wetland line that was reviewed at the site walk on September 28, 2009.

Paul Willard explained that previously the Commission denied the Notice of Intent to replace the existing tight tank, because it was functioning and had no adverse affect on the wetland, while a new leach field would pose significant risk and impact to the wetlands. Mr. Willard stated he has not changed his opinion on this site. It was determined that this is the only feasible location on the property for the system. Mrs. Palli explained that the system now proposed is a fast system designed by Geoflow, which has a cleaner effluent. Mrs. Palli asked what DEP's philosophy of tight tanks is. Members stated that DEP generally does not like them. Mr. Willard stated that the Commission has established that there is no other location on the site for the system and there is an existing working system. The application contained no request for waivers to the required setbacks under 147-16 for the new septic construction.

Jaye Waldron was unable to be present this evening, but comments were received and read into the record.

Mrs. Palli argued the difference between a tight tank and this system and the costs associated with maintaining a tight tank. The members discussed the need for a Variance from the Zoning Board of Appeals under the Protective Bylaw, Chapter 125-32.

Wendy Sisson stated she has issues with the system being within the 50' no disturb zone. Ms. Sisson believes this system qualifies as new construction since the tight tank was not failing. This is not a required upgrade; this is new system Mrs. Palli is choosing to install. Mrs. Palli thinks the hazard would be lessened because if a tight tank leaks it is effluent direct into the wetland. It was stated that roughly ten years ago when the system was in failure, the previous owners chose to install a tight tank which Mrs. Palli was aware of when she purchased the property. Don Ritchie explained that an engineer has to prove that this system, if installed, is not detrimental to the environment. The possibilities that the footings of the retaining wall could be in ground water was discussed, as this is not permitted by the Department of Environmental Protection.

The Commission would like further detail on how the wall would be constructed without having any equipment in the wetland. Josh Gould stated he does not like the project whether it be in regards to the wall, the fill or septic system it self, the project is within the 50' no disturb zone.

Mr. Willard explained to Mrs. Palli that the previous Notice of Intent was denied only under the States Wetland Protection Act and not the Town Bylaw. If the Commission denies it under both she would have to appeal the denial under the Bylaw in Land Court.

Liz Allard suggested that a letter be sent to the Planning Board to clarify whether a variance will be required under the Protective Bylaw, §125-32B.

With additional information required Josh Gould made a motion to continue the hearing to November 5, 2009 at 8:00pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent