

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 5, 2009
APPROVED: December 3, 2009**

Chairman Paul Willard called the meeting to order at 7:01pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Charlie Gorss, Josh Gould, Jaye Waldron and Jim Breslauer

Others Present: Liz Allard (LUB Admin), Patrick Doherty, Matthew Little, Michael Turgeon (Turgeon Environmental), Mary Lynn Gentry (HCT), Judy Gustafson, Victor Normand (HCT), Cindy Femino, Sally Carrona, Barbara Henderson, Bob Douglas, Christian Bilodeau, R. Carter Scott (Transformation, Inc.), Marcia and James Croyle

Camping on Conservation Land

The Commission received a request from Peter Basile for a campout of the local Boy Scouts on November 13th and 14th on the Williams Land and Great Elms. Commission would request that camp fires are not set up in any of the fields and that the proper latrine procedures are used, as well as staying on the perimeters of the field.

Emergency Certificate – 10 Peninsula Road

Liz Allard explained to the members that she was contacted a few months ago about reviewing 10 Peninsula Road for the removal of dead and damaged trees. At that time Ms. Allard suggested that the homeowner file a Request for Determination of Applicability (RDA) for the work they were looking to complete. Ms. Allard had not heard from the homeowner until three weeks ago, at which time they contacted her again and stated that one of the limbs from one of the trees had broken off and was hanging on to another limb. At that time Ms. Allard explained that an Emergency Certificate (EC) could be issued if in fact safety was an issue, but that she would need supporting information stating that the trees were in fact a safety concern. Ms. Allard did not hear from the homeowner again until this week when they were looking for an EC to be issued for the work. Ms. Allard explained that if the homeowner had filed the RDA three weeks ago it could have been heard and permitted this evening with work to start after the appeal period ended in ten days. Wendy Sisson felt an EC should be issued to encourage others to approach the Commission with this type of activity. Other members felt the homeowner has ample time to submit the proper paper work and that RDA should be filed. Josh Gould made a motion to require the filing of an RDA. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Update of Community Preservation Committee (CPC) Meeting

Paul Willard attended the CPC meeting on October 22nd to discuss the Commissions request for \$200,000 for the Conservation Fund. The Committee is concerned about previous land purchases with CPC funds that have not met the requirements of having a Conservation Restriction (CR) on those properties. Paul Willard again recommended that

the Commission hire someone to complete the CR's. The Committee would also like to see a plan for the use of the funding previously received and to be received in the future.

Introduction of New Harvard Conservation Trust Director

Victor Normand, the Chairman of the Harvard Conservation Trust (HCT), was present to introduce Mary Lynn Gentry to the Commission as the new director of the Harvard Conservation Trust. Mr. Normand explained that communication between the HCT and the Conservation Commission has deteriorated over the last few years and hopes that by having a dedicated individual working for HCT that will change. Ms. Gentry will have office hours from 9am -1pm, Monday – Thursday.

Mr. Normand mentioned that the HCT is fully engaged in developing the land around Barba's Point into a 12 – 16 unit housing facility for senior citizens. Wendy Sisson noted that the site contains a vernal pool in the center of the site and that would be a resource to protect when developing this project.

Stow Road Pond

Liz Allard explained that she has contacted the Department of Environmental Protection, Division of Fish and Wildlife and the Department of Conservation and Recreation in regards to the photos being taken by a State agency at the Stow Road Pond. None of these agencies are aware of anyone from their departments coming out and taking photos of the pond.

Ms. Allard has also spoken with the Highway Director, Rich Nota, about keeping the culvert across the road clean. Mr. Nota has stated that he will add this culvert to the list for routine cleaning.

Update on Lyme Disease Forum

Wendy Sisson stated that she attended the recent Lyme disease forum and the key item that she came away with is community education. The Commission should consider establishing education outreach programs on this topic.

Approval of Minutes

Josh Gould made a motion to accept the minutes of October 15, 2009 as amended. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

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

Continuation of a Notice of Intent Hearing – Matt & Lisa Little, 10 Madigan Lane, DEP#177-569, Harvard#0909-04. Opened at 8:30pm

Notice of Intent Hearing – James & Marcia Croyle, 16 Warren Avenue, Harvard#1009-01. Opened at 8:15pm

Extension Permit – Murphy, Lot 10-B17 West Bare Hill Road, DEP#177-532

Liz Allard explained to the members that the property on West Bare Hill Road, known as Lot 10-B17, has been sold to Denis Murphy who is in the process of constructing a single family dwelling on the property. The plan has been changed to move all construction of the dwelling and the septic system outside the 100' buffer zone. However, the Murphy's engineer suggested extending the Order on the off chance that they hit ledge and cannot construct the house in the desired location.

Don Ritchie made a motion to issue an extension to Denis Murphy, Lot 10-B17 West Bare Hill Road, DEP#177-532 for one year. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Certificate of Compliance – Zhong, 210 Littleton County Road, DEP#177-524

Liz Allard explained to the members that she has received a new as-built plan showing the granite post and the guardrails, as well as the proper drainage structures. Ms. Allard has also conducted a site visit to ensure items have been installed properly. Don Ritchie made a motion to issue a Certificate of Compliance to Alan Zhong for his project at 210 Littleton County Road, DEP#177-524. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:00pm. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1),
DEP#177-568, Harvard#0909-02
November 5, 2009**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin), Patrick Doherty, Michael Turgeon (Turgeon Environmental), Judy Gustafson, Victor Normand (HCT), Cindy Femino, Sally Carrona, Barbara Henderson, Bob Douglas, R. Carter Scott (Transformation, Inc.), Marcia and James Croyle

This hearing was continued from October 1, 2009 on a Notice of Intent filed on behalf of Transformations, Inc. for the improvements and extension of an existing cart path and stone culvert for the 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.

Mike Turgeon explained to the members that he went back out to the site, re-hung missing wetland flags, and assessed the soils and vegetation; made minor changes to the wetland delineation and worked on site with Brian Butler of Oxbow Associates. Mr. Turgeon reviewed the changes on the plan with the members. The Commission also received a letter from Brian Butler of Oxbow Associates who was hired to review the wetland line for the Commission. Mr. Butler who collaborated on the field with Mr. Turgeon agrees with the revised line submitted to the Commission incorporating one relocation of flags at his suggestion and would suggest that a single number sequence be used to delineate the entire length of the wetland line. The Commission agreed they would like a plan that shows one number sequence that depicts the delineation.

In regards to the roadway that would need to be established to get the well rig to the well location, it will be a minimum 12' in width. Paul Willard asked if at this point in the project can you say this road be close to the final roadway. In other words is it at all possible to to use the majority of this proposed road as the final roadway so as to minimize disturbance to the area? Turgeon stated that as it has been explained to him the well rig will go in and drive over any areas that they are capable of and will scrap the surface in the wet areas to make them as level as possible and then lay steel sheets to cross over.

Wendy Sisson stated the wetlands and the buffer zones need to be preserved as much as possible. Willard asked if they could put steel down in all of the flat areas. Carter Scott stated that the drill rig operator felt he could get into the site without plates in areas that are not wet. Mr. Scott further explained there would be gravel up to, under and beyond the steel plates, which will be compacted. Mr. Scott believes this access road should be located within the same location as the final roadway. Mr. Scott stated the public water supply is driving the project at this point, so first he needs to obtain a water supply before moving any further on the project. The final roadway location will be dependent on where the houses can be located which revolves around the well locations.

Mr. Willard explained that the Commission prefers the use of hay bale tubes and silt fence on steep slopes and silt fence only in level areas. Jaye Waldron questioned the fifth well in the close proximity of the wetland. Liz Allard explained that the Department of Environmental Protection allows for wells to be drilled directly in the wetlands, which was permitted by the Commission a few years ago on a similar project on Ayer Road. Ms. Sisson asked why the project will consist of five separate lots. Mr. Scott stated there will be five septic systems. Mr. Scott stated that water and sewer drive the project. Josh Gould wanted to know when it would be decided if the fifth well would be required. Mr. Scott stated they would know immediately after drilling the other four wells. Members asked in what season the work would be done. Mr. Scott states he would like to do the work as soon as possible. Mr. Willard asked if there is a protocol for the pumped out water. Mr. Scott stated yes. Don Ritchie would like the silt fence on the south side of the crossing to be brought out to the existing stone wall. On the north side of the crossing the silt fence is to be brought up to wetland flag MT09B1.

Barbara Henderson wanted to know how this process can proceed when there is a long list of conditions that have to be met under ZBA. Mr. Scott stated this is one of the conditions. Judy Gustafson wanted to know if there would be any trees taken down for this project. Mr. Scott stated there would. Ms. Gustafson would like to see the trees replaced if the project does not go forward. It was explained to Ms. Gustafson that areas outside the wetlands and its buffer zone are beyond the Commission's jurisdiction. Mr. Scott stated only trees that have to be removed for the installation of the wells will be taken out.

Don Ritchie made a motion to close the hearing and issue an Order of Conditions that shows the extended erosion control line as stated above, a plan showing the revised wetland delineation and that the roadway is not exceed 16' in width. Josh Gould

seconded the motion. Wendy Sisson, Jaye Waldron and Jim Breslauer abstained from voting. The final vote was 4 – 0 with three abstentions.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Matt & Lisa Little, 10 Madigan Lane, DEP#177-569, Harvard#0909-04
November 5, 2009

The public hearing was opened at 8:15pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin), Patrick Doherty and Matthew Little,

This hearing was continued from October 1, 2009 on a Notice of Intent filed on behalf of Matt & Lisa Little for the replacement of a sewage disposal system within the 100' wetland buffer zone at 10 Madigan Lane, Harvard.

Since the last hearing of this application the property has changed ownership and the new owner Matt Little was present to discuss the project with the Commission. Mr. Little explained to the members that he has come to an agreement with the previous owners that he will handle this project from here on out. Mr. Little is meeting next week with a local engineer to see where he can go from here. With that in mind Mr. Little asked for a continuance to the December 17th meeting.

Josh Gould made a motion to continue the hearing to December 17, 2009 at 7:30pm. 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
James & Marcia Croyle, 16 Warren Avenue, Harvard#1009-01
November 5, 2009

The public hearing was opened at 8:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin), Patrick Doherty, Christian Bilodeau, Marcia and James Croyle

This hearing is for a Notice of Intent filed on behalf of James & Marcia Croyle for the restoration planting of evergreens and deciduous trees, the restoration of existing pathways and the repair of existing access area within the 100' wetland buffer zone at 16 Warren Avenue, Harvard.

Christian Bilodeau was present to explain the project to the members. Jaye Waldron asked about the wetland line and the wet area where the trees will be planted. It was explained that this project has been a work in progress for some time now and that a wetland line is on file with the Commission. Mr. Bilodeau stated that all foot paths will be crushed stone.

With no further questions, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the standard conditions. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/Conservation Agent