

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
January 8, 2009
Approved: February 19, 2009**

Vice Chair Wendy Sisson called the meeting to order at 7:05pm in the Hapgood Room of the old library

Members Present: Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Lou Russo, Bruce Ringwall (GPR, Inc.), Pam Browning, Ted Van Dusen, David & Karen Cruise and Mark Saganich

Informal Discussion – Wheeler Realty Trust 196 – 200 Ayer Road

Lou Russo of Wheeler Realty Trust and Bruce Ringwall of GPR, Inc were present to discuss potential restrictions placed on a piece of Conservation Land that abuts Mr. Russo's property at 196-200 Ayer Road. Mr. Ringwall explained a proposed project at the site will consist of the construction of a commercial building and an affordable elderly housing. Two Public Water Supply (PWS) wells on the property will require the establishment of Zone 1 wellhead protection radii that would overlap on to the Conservation area known as the Ayer Road Meadows. Mr. Russo's project will also include an on-site sewage disposal system which will include nitrogen loading limitations. These limitations will require aggregate determination of flow and nitrogen loadings. In order to achieve the required loadings a portion of the abutting Conservation Land will need to be deed restricted as nitrogen credit-land. The area required would be approximately 9.5± acres. Ringwall drafted two letters to the Department of Environmental Protection (MassDEP) for the Commission's review and approval. Letters previously written and approved for Foxglove Apartments on Ayer Road were used to draft the letters for Mr. Russo's site. The required restrictions would be similar to the ones already on the Ayer Road Meadow.

Jim Breslauer asked that the letter reference the citation of the restrictions and the approval date. Charlie Gorss thought that one of the restrictions was that you can not run any trails through the credit area. Mr. Ringwall does not believe that is correct, but instead believes that restriction refers to roadways. Wendy Sission believes there may be nitrogen fertilizers being used on the fields by the individual haying the fields. Liz Allard will contact the individual to determine what is being used to fertilize the area. The nitrogen credit land is half wooded area and half meadow area. The nitrogen credit area would have to account for the nitrogen already being applied in that area. Mr. Ringwall will need to try to calculate how much nitrogen the farmer is using to fertilize the area. The Commission asked that Mr. Ringwall look into reallocating the areas so that less of the agricultural land is within the credit area. Ms. Sisson asked that the plan show more detail. The current deed needs to be reviewed as to the restrictions already on the property.

Mr. Ringwall and Mr. Russo were willing to come back in two weeks to further discuss this request and provide the requested information.

Abbreviated Notice of a Resource Area Delineation Hearing – LTI Harvard Orchard LP, 320 Ayer Road, DEP#177-557, Harvard#1208-1. Opened at 7:40pm

Certificate of Compliance Requirements – Planchet, 335 Stow Road, DEP#177-523

Bruce Ringwall was present to discuss the requirements of the installation of non-biodegradable markers per the Order of Conditions at 335 Stow Road. Mr. Ringwall stated the owner, David Planchet, installed plastic fence post as the non-biodegradable markers as required by the Order of Conditions. The posts were not cemented into the ground, rather a hole was dug and the posts were put in place. A few of the posts were installed using metal bases as their location did not allow for Mr. Planchet to dig a hole. Wendy Sisson is worried the plastic could break easily. Josh Gould stated he believes these types of post are thicker than a septic system exhaust pipe. Ms. Sisson would like the ones installed with the metal bases to be dug into the ground. Mr. Gould thinks the applicant has done what was asked, but the ones with metal bases used for installation should be moved a few feet from any obstruction to accommodate an installation of two feet into the ground. The members agreed with this solution.

Jim Breslauer made a motion to issue a Certificate of Compliance for DEP#177-523, 335 Stow Road once the posts have been reinstalled as described above. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Open Space and recreation Plan Public Comments Hearing. Opened at 8:07pm

Continuation of a Notice of Intent Hearing – David and Karen Cruise, 12 Cove Road, DEP#177-556, Harvard#1108-01. Opened at 8:20pm

Continuation of a Request to Amend an Order of Conditions – Mark Saganich, 21 Depot Road, DEP#177-452. Opened at 9:06pm

Re-issuance of Certificates of Compliance

The Commission has been requested to re-issue two Certificates of Compliance. The first was originally issued in 2000 for John Stadler for a project at Codman Hill Road and Sholan Circle, DEP#177-136. The second was originally issued in November 2008 to Nancy Smith for DEP#177-541 for 47 Pine Ridge Road. Fees associated with the re-issuance have been received.

Don Ritchie made a motion to re-issue the requested Certificates of Compliance to John Stadler and Nancy Smith. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Dunlap Land Acceptance

Liz Allard informed the members that she was contacted by Beverly Rodriguez in regards to her father, James Dunlap's, gift of land last spring. It seems as if the original documents transferring the land from Mr. Dunlap to the Commission never took place and now those documents can not be located. Ms. Allard is working on locating the documents and/or a solution to the problem. Once all is resolved the documents will be recorded promptly.

Request for Cooperation of an Upcoming Lecture

Liz Allard informed the members she had been contacted by John Jorgensen who has requested the Harvard and Bolton Conservation Commission's cooperation in supporting a lecture on the environmental and conservation visions of J.R.R. Tolkien and C.S. Lewis on February 1, 2009 with a location to be announced. Ms. Allard will forward information received to the members for their review. A decision will be made at the January 15th meeting.

Ice Storm Brush Location

Liz Allard informed the members that the Town Administrator (TA) had requested the recommendation of a suitable location for brush and debris created by the December ice storm. Ms. Allard had suggested the Williams Lands due to its location and access. Upon further discussion the members agreed that that use would not be suitable for the area since an individual pays for use of that land currently. Ms. Allard will convey the Commission's decision to the TA.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:32pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Abbreviated Notice of Resource Area Delineation Hearing Meeting Minutes
LTI Harvard Orchard LP, 320 Ayer Road, DEP#177-557, Harvard#1208-01
January 8, 2009

The public hearing was opened at 7:40pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw Chapter 119 of the Code of the Town of Harvard in the Hapgood Room of the old library

Members Present: Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin) and Bruce Ringwall (GPR, Inc.)

This hearing is for an Abbreviated Notice of a Resource Area Delineation filed on behalf of LTI Harvard Orchard LP for the review and approval of a delineated wetland at 320 Ayer Road, Harvard.

Bruce Ringwall was present to represent the applicant. A site walk was conducted on December 12th, at which time a portion of the wetland line was confirmed. Mr. Ringwall explained that the site contains approximately 23 acres of orchard and wetlands. The portion of the wetland line that has been reviewed was discussed and adjustments made in the field were agreed upon.

Mr. Ringwall stated the application included a request for a waiver of the Bylaw fees. Mr. Ringwall explained the Bylaw fee was an additional \$1474 above the State fee. Ms. Sisson stated the fees are proportional to the scope of the project. Mr. Ringwall believes the review of the delineated wetland will not be that extensive and that once the review process is complete the Commission can review the request again. The Commission agreed to discuss the requested waiver once the review of the delineation was complete.

With a portion of the delineated wetland still left to review, Don Ritchie made a motion to continue the hearing to February 19, 2009 at 7:30pm., assuming that a thaw would render the land surface viewable. Jim Breslauer seconded the motion. Mr. Ringwall agreed that if the land remained snow-covered until February 19th, a further continuance would be requested. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Open Space & Recreation Plan Public Comments Hearing Meeting Minutes
January 8, 2009

The public hearing was opened at 8:07pm by Vice Chair Wendy Sisson under requirements for approval of an Open Space and Recreation Plan regulated by the Executive Office of Energy & Environmental Affairs in the Hapgood Room of the old library

Members Present: Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Pam Browning and Ted Van Dusen

Liz Allard reviewed comments received from the Executive Office of Energy & Environmental Affairs (EOEEA), Montachusett Regional Planning Commission (MRPC), the Towns of Stow and Bolton, Devens Enterprise Commission, the Harvard Planning Board and the Harvard Board of Health. The EOEEA gave conditional approval through December 2013 as long as the items outlined in their December 23, 2008 letter are completed. MRPC noted, as did EOEEA, that a Regional Context map is now required. A new project cost for that map was received from MRPC in the amount of \$208.95. Ms. Allard will work on the outstanding items to complete the Plan. Ms. Allard requested the Commission approve the funds to cover the cost of the Regional Context map. Jim Breslauer made a motion to allocate the funds for regional context map. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Pam Browning and Ted Van Dusen were present for the hearing. Ms. Browning has reviewed a portion of the Plan online and was curious as to its purpose. Wendy Sisson explained the reasoning for the Plan and the Commission's objectives. With no other public present or any further questions, Jaye Waldron made a motion to close the hearing. 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
Continuation Notice of Intent Hearing Meeting Minutes
David and Karen Cruise, 12 Cove Road, DEP#177-556, Harvard# 1108-01
January 8, 2009

The public hearing was opened at 8:20pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw, Chapter 119 of the Code of the Town of Harvard in the Hapgood Room of the old library

Members Present: Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Lou Russo, Bruce Ringwall (GPR, Inc.), David & Karen Cruise

This hearing was continued from December 4, 2008 on a Notice of Intent filed on behalf of David and Karen Cruise for the construction of a four-bedroom dwelling, gazebo, dock and driveway with the removal of the existing dwelling within 200' of Bare Hill Pond at 12 Cove Road, Harvard.

Bruce Ringwall was present to represent the applicants, David and Karen Cruise who were also present. Mr. Ringwall stated that at the previous hearing the Commission had expressed concern over the large amount of fill that would be required for the construction of the driveway. The revised plan shows new grading for the driveway that has reduced the amount of fill required. Mr. Ringwall stated that the area is an extremely disturbed area. Mr. Ringwall stated the applicant is planning on installing vegetated strips and capturing rain water in rain barrels for reuse on this site. A planting list was generated from the State list of native species. Wendy Sisson reiterated that Bare Hill Ponds shore line is an important element to the Commission and maintaining a vegetated shore layer is essential. Ms. Sisson asked whether, and the applicant was planning on maintaining the shore line. Mr. Ringwall stated yes. Ms. Sisson reminded the applicant that pathways should meander down to the pond and not be a direct route to the pond.

Don Ritchie asked if there would be tree cutting on the southeast side of the house. Mr. Ringwall stated yes and as well there are smaller pines that will be removed and replaced. Mr. Ritchie is worried that the Commission is getting into an issue of allowing people to clear-cut areas. Mr. Ringwall stated the plan is not clearing, but the removal of unhealthy plants to be replaced with species that will survive better. Mr. Ritchie believes the Commission is on a slippery slope in allowing this. When asked about the installation of the rain barrels, Mr. Ringwall stated that in order for the barrels to be install some small trees will need to be removed. Jaye Waldron asked about the configuration of the barrels. The location will depend on ledge in the area. David Cruise stated he is very open to preserving the banks and the environment. Ms. Sisson stated that if the Commission does

not have a plan as to how the area is going to be cleared and re-vegetated then it could end up being a disaster. Jim Breslauer added that the Commission is also concerned with the tree canopy. Mr. Breslauer stated he thinks it would work if the proponent would tag the trees to be removed, notify the Commission and remove only those trees approved by the Commission. Mr. Ringwall state the Cruises want to keep the trees that are good and work around them. Ms. Sisson thinks the idea of planting native species and the process of tagging and approving the removal of trees is okay. Ms. Sisson thinks we need to work up conditions to convey that within the Order of Conditions. Ms. Waldron also agrees with the approval process of tagging the trees for removal.. Josh Gould asked how the rain barrels would be installed. Mr. Ringwall stated small equipment will be used, but mostly by hand. Mr. Ritchie asked that information about the rain gardens be submitted. Don asked why the gazebo was located where it was. Mr. Cruise explained that it is the most logical location when it comes to a view of the pond and the existing ledge on the site.

With another hearing scheduled and additional information requested Jim Breslauer made a motion to continue the hearing to January 15, 2009 at 8:15pm. Jaye Waldron 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 Request to Amend an Order of Conditions Hearing
Meeting Minutes
Mark Saganich, 21 Depot Road, DEP#177-452
January 8, 2009

The public hearing was opened at 9:06pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw, Chapter 119 of the Code of the Town of Harvard in the Hapgood Room of the old library

Members Present: Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin) and Mark Saganich

This hearing was continued from December 4, 2008 on a Request to Amend the Order of Conditions filed on behalf of Mark Saganich for the revised placement of a proposed garage within 100' wetland buffer zone.

Mark Saganich explained to the members that he has not met with the Building Inspector as of yet to get his written opinion as to whether or not the space in question is an apartment or an office. Mr. Saganich requested the hearing be continued to January 15th. Don Ritchie made a motion to continue the hearing to January 15, 2009 at 8:45pm. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent