

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
May 21, 2009  
APPROVED: June 4, 2009**

Vice Chair Wendy Sission called the meeting to order at 7:06pm in the Town Hall Meeting Room

**Members Present:** Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron and Josh Gould

**Others Present:** Liz Allard (LUB Admin), Matt Bombaci (GPR, Inc.), Bruce Ringwall (GPR, Inc.), Nancy Horrall, Tom Horrall, Bob Donaldson and Carrie Fraser

**Barba's Point Pathway**

The member discussed the possibility of creating a pathway from the school to Barba's Point. There are Willow Road residents that are willing to do the work if the Conservation Commission would be willing to fund the work. Members recall a recent approval for an Eagle Scout to do such a project. Liz Allard will review the minutes to determine if this work is all ready being completed.

**Minutes**

Josh Gould made a motion to accept the minutes of May 7, 2009 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

**Discuss Land Stewardship Sub-Committee Future**

Liz Allard stated that Tom Cotton recently resigned from the Land Stewardship Sub-committee (LSS), which has not meet since March. The LSS has accomplished the management plan for the Prospect Hill Area. Currently, there are only four members on the seven member sub-committee. Wendy Sission would like to see an invasive species control program, which will take significant time to prepare and could therefore be a goal to accomplish next spring and summer. She noted that a project such as this could be coordinated by the Commission proper if need be. The current members of the LSS will be contacted to see what their interest is to continue. This will be re-discussed at the next meeting.

**Appointment of Officers**

Josh Gould made a motion nominating Paul Willard as the Chairman. Jaye Waldron seconded the motion. The vote was unanimously of the motion.

Don Ritchie made a motion nominating Wendy Sission as the Vice Chair. Josh Gould seconded the motion. The vote was unanimously in favor of the motion.

Josh Gould made a motion nominating Don Ritchie as the Treasurer. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

### **Railway in Littleton/Ayer Town Line**

Larry Finnegan requested support from the Commission in regards to the construction of an unloading depot above the aquifer in Littleton. Josh Gould stated that the work has all ready begun and he does not see that large of an impact with all of the industry that already exists in that area. Members will collect more information before making a decision to send a letter of concern.

**Notice of Intent Hearing – Richard & Keyo Russell, Lot 3 Old Littleton Road, Harvard#0409-01.** Opened at 7:31pm

**Request for Determination of Applicability Hearing – Thomas Horrall, 26 Bowers Road, Harvard#0509-01.** Opened at 8:27pm

**Request for Determination of Applicability Hearing – Robert Donaldson, 29 Willow Road, Harvard#0509-02.** Opened at 8:45pm

### **Certificate of Compliance**

Liz Allard explained that the Certificate of Compliance issued to Paul Newman at 33 Turner Lane, DEP#177-505 was never received by Mr. Newman. A new Certificate will need to be signed by the members. Don Ritchie made a motion to re-issue the Certificate of Compliance for DEP#177-505. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

### **Dog Park Request for Support**

Tim Clark submitted a request for support of a dog park next to the Ryan Playing fields. Members feel that the area is wet and that maybe other areas should be considered. Members will review the site on their own and will re-visit the subject at the next meeting. Don Ritchie recommended the Stone Land or McCurdy Park as potential sites.

### **Enforcement Order – 307 Still River Road, DEP#177-555**

Members were updated on the site visit made by Paul Willard, Josh Gould and Liz Allard at the beginning of the week. While trying to determine if the concrete pad in question was new, Josh Gould noticed the fill removed for the drainage has been stock piled up against the edge of the wetland and several trees. The members agreed that an Enforcement Order should be issued requiring the removal of the fill immediately and the submittal of a revised engineered plan showing the location of the concrete pad. Wendy Sission was concerned with the trees survival and that the work should be done in manner that does not disturb the existing vegetation. Jaye Waldron made a motion to issue an Enforcement Order to Abed Kanaan at 307 Still River Road. Josh Gould seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Josh Gould made a motion to adjourn the meeting at 10:10pm. 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**  
**Notice of Intent Hearing Meeting Minutes**  
**Richard & Keyo Russell, Lot 3 Old Littleton Road, Harvard#0409-01**  
**May 21, 2009**

The public hearing was opened at 7:31pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

**Members Present:** Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron and Joshua Gould

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

This hearing is for a Notice of Intent filed on behalf of Richard and Keyo Russell for the construction of a driveway for access to a single family dwelling within the 100' wetland buffer zone at Lot 3 Old Littleton Road (Map 18 Parcel 11.2), Harvard.

Matt Bombaci, from GPR, Inc., was present to represent the applicant, along with Bruce Ringwall, also of GPR, Inc. Mr. Bombaci stated the project is for a single family dwelling with the area of impact on the buffer zone being the driveway, as it enters the lot from the roadway, and is within the buffer for approximately 100'. The driveway is approximately 55' from edge of the wetland. Evidence for the stream being intermittent was submitted. Charlie Gorss recalls a determination was previously made that the stream was perennial. Photos submitted show the stream to be dry for four consecutive days. The drought that year was not official until the following month. Mr. Gorss suggests a peer review as recommended by Massachusetts Association of Conservation Commissioners (MACC). Bruce Ringwall asked if it is MACC recommendation to get review when there is empirical evidence. Mr. Ringwall added that all five categories have been proven. Don Ritchie read from the report which states rain fall had been deficient during this time. Mr. Ringwall contested that there are a few ponds up-gradient that leak constantly and feed this stream. Mr. Gorss stated that part of what this is draining is a spring-fed wetland up on the Cobb Land which remains wet all of the time. Mr. Gorss reiterated the MACC stance in regards to peer review.

Wendy Sisson stated that even if the entire project was within our jurisdiction it does not mean the project could not be permitted. Ms. Sisson stated she has no expertise in reviewing the data, it looks to her that it covers all the bases, but it also sounds like a close call and it is the Commission's job to see these things are accurate. Mr. Gorss feels this determination has impacts beyond this because other projects are going to come in down stream.

Ms. Sisson noted that the wedge-shaped portion of the delineated wetland that extends uphill towards the driveway is the outwash from the culvert along the roadway. Ms. Sisson does however want to know why the large area of sensitive fern was not

delineated as wetland. Josh Gould asked if the wetland area had scouring from the culvert or was it vegetated. It was stated the upper portion of the delineated area shows signs of scouring and is vegetated. Mr. Ringwall stated the driveway was shifted up from its initial planned location to move it as far away from the wetland as possible. There will be disturbance within the 50' buffer zone for the drainage under the driveway.

Josh Gould made a motion to have a peer review to confirm the accuracy of the information submitted that has determined the stream to be intermittent. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion. Mr. Ringwall wants to review the Commission's choice of consultant before the contract is issued.

A site walk was scheduled for May 28<sup>th</sup> at 5:30pm to confirm the location of the entire wetland line and determine if the area of sensitive fern should be included.

Don Ritchie made a motion to continue the hearing to June 18, 2009 at 7:30pm. 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**  
**Request for Determination of Applicability Hearing Meeting Minutes**  
**Thomas Horrall, 26 Bowers Road, Harvard#0509-01**  
**May 21, 2009**

The public hearing was opened at 8:27pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

**Members Present:** Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron and Joshua Gould

**Others Present:** Liz Allard (LUB Admin), Nancy Horrall and Tom Horrall

This hearing is for a Request for Determination of Applicability filed on behalf of Thomas Horrall for the removal of four trees within the 200' buffer zone of Bare Hill Pond at 26 Bowers Road, Harvard.

Tom Horrall explained the project to the members. Mr. Horrall explained the maples would be cut and left to rot on the ground and the pine would be chipped. The roots of the maples are all within a very wet area. Wendy Sisson asked how the work would be done. Nancy Horrall stated there is a flat area that remains from the installation of the septic system and the work would be done by Acorn Landscape. The Horralls want the trees to be taken down with minimal collateral damage and said that Acorn may climb the trees and take them down in parts if it is safe to do so.

Don Ritchie made a motion to issue a Negative #3 Determination with the condition that the maples are to be taken down with minimal collateral damage to other trees in the area. 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**  
**Request for Determination of Applicability Hearing Meeting Minutes**  
**Robert Donaldson, 29 Willow Road, Harvard#0509-02**  
**May 21, 2009**

The public hearing was opened at 8:45pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

**Members Present:** Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron and Joshua Gould

**Others Present:** Liz Allard (LUB Admin), Bob Donaldson and Carrie Fraser

This hearing is for a Request for Determination of Applicability filed on behalf of Robert Donaldson for the installation of a gazebo and steps and the removal of trees within the 200' buffer zone of Bare Hill Pond at 29 Willow Road, Harvard.

Robert Donaldson explained the work he is requesting. Areas along the slope down to the pond are starting to wear away and Mr. Donaldson would like to install natural material steps (like logs) to slow down the flow of water and reduce erosion. The other item is an 8' x 11' gazebo to be installed mostly on top of a rock outcropping. Soil will only be disturbed to anchor the four to six ties that will span the rock and support the gazebo. The request for the tree removal is being withdrawn. Wendy Sisson stated the value of the trees is that they are holding down the thin soil in the area. After a discussion Mr. Donaldson stated he would like to remove the three smaller pines next to the gazebo on the north side of the house. The area next to the south side of the house will be reworked to level out the area and retain the soil with existing rocks. Ms. Sisson would like to have an erosion barrier installed to capture any erosion that may occur. Ms. Sisson asked if the gazebo is similar in area as to the outcrop it would be installed over. Mr. Donaldson stated it was. Ms. Sisson believes water would not be dispersed in a much different way than is currently does. Josh Gould is all right with cutting trees for safety reasons, but not just because and not for permitting a structure within the buffer zone. Don Ritchie stated the gazebo would be mostly on an existing outcropping, and if it has to be, this would be the best location for it.

Josh Gould made a motion to issue a Negative #3 Determination that allows for the installation of the gazebo, remove the three pines on the north east side of the house, the installation of natural material steps, and stabilization the south corner with installation of erosion controls. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,  
Liz Allard Land Use Administrator/Conservation Agent