

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
June 18, 2009  
APPROVED: August 6, 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, Jim Breslauer, Jaye Waldron and Josh Gould

**Others Present:** Liz Allard (LUB Admin), Jeff Bobzin, Matthew Bombaci (GPR, Inc), Bruce Ringwall (GPR, Inc.), Bob Douglas (Harvard Press) and Lou Russo (L.D. Russo Inc.)

**Request for tree removal on Old Mill Road Conservation Land**

Jeff Bobzin was present to discuss a tree on the Old Mill Road Conservation Land that is leaning in the direction of his driveway (see attachment A). After a discussion Paul Willard stated he would see what the Highway Department has to say and if they are unable to handle the task a professional service will be called in.

**Minutes**

Jaye Waldron made a motion to approve the minutes of February 5, 2009 as amended. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Josh Gould made a motion to approve the minutes of March 19, 2009 and June 4, 2009 as amended. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion

**Old Meadow Land Conservation Restriction**

Wendy Sisson stated she has recently spoken with the daughter of Maria Day who lives at 77 Pinnacle Road and has concerns that the Conservation Restriction (CR) established for the Old Meadow Land area is not being upheld. Clearing that had previously taken place is not being allowed to continue by the current home owners association, Ms. Day believes this clearing is allowed under the CR. Ms. Sisson has obtained a copy of the CR and asked that Jim Breslauer review it for its content. Additional information will be researched by Liz Allard.

**Extension Request - Sawyer, 44 Peninsula Road, DEP#177-519**

The Commission has received a request from Michael Sawyer to extend the Order of Conditions for 44 Peninsula Road for one year. Josh Gould made a motion to extend the Order for one year. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

### **Certificate of Compliance – 8 Houghton Lane, DEP#177-518**

The Commission has received a Request for a Certificate of Compliance filed by Robert Hult for a project at 8 Houghton Lane. Liz Allard had reviewed the site last August and found the work to be in compliance with the Order. Josh Gould made a motion to issue a Certificate of Compliance to Robert Hult, DEP#177-518 at 8 Houghton Lane. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

### **Enforcement Order Extension Request – Willard Shores, Inc**

The Commission received a request from Greg Louis asking for a six month extension to the July 27 deadline for the filing of a Notice of Intent. After a brief discussion with an engineer present Jim Breslauer made a motion to extend the deadline to August 10, 2009 in time for placement on the August 20<sup>th</sup> agenda. Jaye Waldron seconded the motion.

### **Continuation of a Notice of Intent Hearing – Richard & Keyo Russell, Lot 3 Old Littleton Road, DEP#177-561, Harvard#0409-01. Opened at 7:35pm**

#### **Nitrogen Credit Land Ayer Road Meadow**

Bruce Ringwall was present to discuss the requirements of the Department of Environmental Protection (DEP) in regards to the nitrogen credit land on the Ayer Road Meadow. Mr. Ringwall stated that DEP regulations are laws rather than a policy and they do not want to bend on the use of nitrogen fertilizer on the meadow. Lou Russo has spoken with Jim Pickard who currently hays the meadow and has come up with a methodology to keep it maintained as a meadow. By changing the field from Timothy hay to alfalfa hay Mr. Pickard will not need to use nitrogen fertilizer. A notarized Memorandum of Understanding (MOU) will need to be recorded at the registry of deeds. The previous document signed by the Commission in March could only be considered as an attachment. Mr. Russo stated the MOU is all most verbatim as the one in the Commission signed in March, with the change of nitrogen fertilizers, the plan also has added in a small pie shaped area to be included in the credit area. Charlie Gorss stated the last sentence is incorrect because there are no additional restrictions on the land currently. Jim Breslauer stated it would clear it up if you removed the last “the” from that sentence. The members were in agreement with that change. Mr. Gorss asked in 20 years who is going to monitor the meadow. Mr. Ringwall stated the project location will have monitoring wells that could detect the use of nitrogen fertilizers. Paul Willard suggested that Town Counsel review the MOU before he signs it. Mr. Willard would also like confirmation from Mr. Pickard that he is in agreement with the change to the crop.

Jim Breslauer made a motion to approve the document as amended this evening subject to Town Counsels approval and Jim Pickard confirming he is all right with the change of the crop type. Josh Gould seconded the motion. The vote was unanimously in favor of the motion.

#### **Historical Commission Applications**

The Commission received copies of two applications submitted to the Harvard Historical Commission. The first is for the restoration of an existing porch at 25 Oak Hill Road and

the second is for the installation of a fence at 4 Littleton Road. The Commission had no comments on either of the application. Letters will be forwarded to the Historical Commission in that regard.

### **Parking at Thurston's Cove**

Mark Hastings has again contact the Commission in regards to parking and use of the driveway at the Thurston's Cove Conservation area. The Commission has made several different attempts to resolve the issues, with the exception of requiring Mr. Hastings to install his own driveway rather than the use of the existing drive on Conservation Land, which would require the crossing of a wetland. Jim Breslauer suggested asking Mr. Hastings for a solution to the problems. Members agreed and Liz Allard will contact Mr. Hastings to get his opinion of a solution.

### **Pine Hill Village, Stow Road Public Water Supply Filing**

The members were informed that the Department of Environmental Protection (DEP) has been in contact with the office to determine the extent of the wetland on the Pine Hill Village (Transformations) property on Stow Road. The DEP currently has an application for a Public Water Supply before them and wanted to know if the Commission had any comments. Liz Allard explained to DEP that the wetland consists of two extensive areas that are connected by an existing culvert. The Commission was informed that Notice of Intent should be filed shortly for the installation of a gravel roadway and testing wells.

### **Potential Wetland Violation 193 Old Littleton Road**

Josh Gould informed the members that he has noticed the cutting of trees at 193 Old Littleton Road within the wetland and its buffer zone. Members agreed to view the site to determine what action should be taken.

### **Adjournment**

Josh Gould made a motion to adjourn the meeting at 9:30pm. 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**  
**Richard & Keyo Russell, Lot 3 Old Littleton Road, DEP#177-561, Harvard#0409-01**  
**June 18, 2009**

The public hearing was opened at 7:35pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Wetland Protection Bylaw Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room

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

**Others Present:** Liz Allard (LUB Admin), Matthew Bombaci (GPR, Inc), Bruce Ringwall (GPR, Inc.) and Bob Douglas (Harvard Press)

This hearing was continued from May 21, 2009 on 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.

An additional site walk was conducted on May 28<sup>th</sup> at which time wetland flags were revised; revised plans were submitted to reflect those changes. The revised plan also shows the driveway being shifted down closer to the wetland as suggested by the Planning Board. This shift will reduce the amount of grading required for the driveway installation and the ash tree, previous referred to a maple on the plan, will not need to be removed. Although the revised plan calls for the driveway to be closer to the delineated wetland, Bruce Ringwall believes the upper portion of that wetland has been created due to the road run off created by the Town. Paul Willard stated he has a problem with a waiver to the setbacks for a new lot that was created by drawing lines on paper. Jim Breslauer read from the regulations that stated a waiver would be granted if there is minimal adverse impact on the interest of the Bylaw; it seems to him the project could be accomplished by other designs. Mr. Ringwall explained the reasons as to why the lots were designed they way they were. The build circle (a requirement under the Protective Bylaw) on the existing lot created the side line boundaries for all three lots. Mr. Ringwall reminded the members that the new driveway would drain towards the back of the lot toward the wetlands; Mr. Ringwall feels there will be no detrimental impact to the wetlands.

A member asked why a catch basin is proposed rather than a culvert under the driveway. Mr. Ringwall explained to put a culvert under the driveway is a bigger issue rather than a catch basin. Also a basin will clean the water prior to entering the wetland where as a culvert would follow directly into the wetland with no pre-treatment. Mr. Willard stated that maybe this site does not support this many lots. Wendy Sisson asked if a common

driveway off of Lot 2 was considered. Mr. Ringwall stated they had looked into it and it was not feasible. Ms. Sisson stated that it helps to know the alternatives were researched. Ms. Sisson stated if you take into account the location of the actual wetland vegetation, the area of disturbance would be further away then currently shown on the plan. Mr. Breslauer asked if the driveway could be designed at the new location but curved back up toward of the original proposed location. Mr. Breslauer asked for an explanation of the location of the disturbance. Mr. Ringwall stated the discharge from the basin will be 21 feet from the edge of the wetland and the driveway will be 38 feet from the edge of the wetland.

Ms. Sisson stated the sight lines, as you get up further up the road are worse; one way to look at the proposed new location of the driveway is if we are moving it down for safety this would be a good case. Ms. Sisson stated to her the fact that the upper part of the wetland has been created by run off from road drainage effects her feeling of the wetland line; from her point of view the resource will be protected. Mr. Breslauer asked Mr. Ringwall if he has a problem with no deicers allowed to be used on the driveway. Mr. Ringwall stated the current stormwater standards require a 25 foot of vegetated buffer and this would be achieved here with 38 feet of buffer. Josh Gould stated his concerns have been addressed and he would feel comfortable approving this plan. Mr. Gould asked if moving the driveway 2 – 4 feet would make a difference. Mr. Ringwall stated it would require additional fill.

In regards to the request for consultant review at the previous meeting of the documentation declaring the stream to be intermittent, Mr. Ringwall asked for one of the reasonable priced consultants that have been contacted by Liz Allard be used, regardless of the fact that they have done business, either directly or indirectly with GPR, Inc. The members agreed to allow one of the consultants contacted by Ms. Allard could be used.

Wendy Sisson made a motion to continue the meeting to July 9, 2009 at 7:30pm in the main meeting room of the old library. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent