

**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**July 9, 2009**  
**APPROVED: August 20, 2009**

Chairman Paul Willard called the meeting to order at 7:01pm in the Main Meeting Room of the old library

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

**Others Present:** Liz Allard (LUB Admin), Hillary Kavanagh, Mark Hastings, Matthew Bombaci (GPR, Inc.), Kathy Waugh, Francis Begue, Sydney Blackwell (Harvard Press) and Steve Rowse (CPC)

**Request to Discuss Order of Conditions – 339 Stow Road, DEP#177-522**

Hillary Kavanagh was present to discuss with the Commission the possibility of changing the permanent condition within her Order of Conditions that only allows for mowing adjacent to the pond after August and only twice. Mrs. Kavanagh stated that if they were allowed to mow in the spring it would help in keeping tick populations low. Mrs. Kavanagh stated she contracted lyme disease in the last several years and believes the ability to mow earlier in the season will help prevent others in her family from contracting the disease. Jaye Waldron stated that maybe the Kavanagh's could be allowed to mow to within 25' of the pond. Paul Willard stated that the Commission feels that allowing additional mowing may create the danger of this area becoming lawn. Wendy Sisson stated that mowing early in the season would disrupt wildlife. The members agreed that a site walk should be conducted. A site walk was scheduled for July 21, 2009 at 6:30pm.

**Parking at Thurston's Cove**

Mark Hastings was present to discuss the continued parking at Thurston's Cove. Mr. Hasting pleaded with the Commission for the safety of the public and his family that they make a final resolution to this issue. The gate can not be locked per the Fire and Police Chiefs. Mr. Hastings stated the Police Department has stated that they are unable to do anything about individuals who continue to park down there. Paul Willard can not understand the problem with Town property being patrolled by the police. Mr. Willard suggested Mr. Hasting move the driveway so that it would no longer cross over the Conservation Land. Mr. Hastings stated that the easement gives the right to pass and the cost of installing a driveway would be extremely high. Mr. Willard will go back and speak with the chief of police to see what he wants on the sign that would allow them to impose fines to individuals who violate the requirements. Mr. Willard suggested a barricade at the start of Mr. Hastings driveway. Mr. Hastings stated that would only keep individuals from entering his property, but not resolve the issue of other individuals using the drive at a high rate of speed or blocking it. Mr. Hasting asked if it was the feeling of this Commission to allow vehicle access. The Commission was undecided. Mr. Willard

stated he would talk to the police chief and the members would discuss it further at the next meeting.

**Continuation of a Notice of Intent Hearing – Richard & Keyo Russell, Lot 3 Old Littleton Road, DEP#177-563, Harvard#0409-01. Opened at 7:43pm**

**Notice of Intent Hearing – Kathryn Waugh, 49 Littleton Road, DEP#177-562, Harvard#0609-01. Opened at 8:13pm**

**Enforcement Order – 10 Ann Lees Road**

Liz Allard reviewed 10 Ann Lees Road this week at the request of the Building Commissioner for the installation of a new perimeter drain. Mrs. Allard was previously informed that the garage addition that was taking place was outside the 100' wetland buffer, as the wetland is located across the street. When Mrs. Allard arrived at the site she discovered wetland flags on the opposite side of the house along with a foundation for a kitchen addition. Mrs. Allard required the installation of hay bales and silt fence immediately and informed the contractor to cease and desist any work until the proper permits were issued for all of the activity that was within the 100' buffer zone. Mrs. Allard did allow the back fill of foundation for safety.

The homeowner, Valerie Into, was present and explained to the Commission that where the kitchen bump out is previously had a bulkhead and deck that has been removed. Mrs. Into requested that work above ground be able to continue. Wendy Sisson asked if there is anyway to permit the work that has already begun as a Request for Determination of Applicability and then file a Notice of Intent that would include the drainage. Paul Willard does not see why it is necessary to stop work. This would be an unusual way of doing things. Charlie Gorss does not see how the Commission can allow construction without permits. Jim Breslauer stated by allowing work to continue we do not know what type of machinery is being used, where stock piles are and how they are being maintained. Mrs. Into was informed that no more earth moving was to be conducted. Both Don Ritchie and Josh Gould will review site tomorrow.

The Commission agreed not to issue an Enforcement Order as long as the homeowner continues to move forward with the filing of a Notice of Intent.

**Getty Land, Massachusetts Avenue (Map 22 Parcel 21)**

Paul Willard informed the members he attended a working meeting of the Board of Selectmen (BOS) in regards to the possible acquisition of the Getty Land on Massachusetts Avenue for future municipal use. Steve Rowse, from the Community Preservation Committee (CPC), was present to discuss the topic with the Commission. Wendy Sisson asked if the BOS is looking for money from the Commission. Mr. Willard stated no, but they are looking for support. Charlie Gorss stated that a vote of Town Meeting could take monies back from the Conservation Fund.

Mr. Rowse stated they have floated the idea so that some of the land could be conservation land. Mr. Willard stated the location is not an ideal spot as conservation

land as it does not connect to any other conservation land. Mr. Willard thinks it would be appropriate to support it as municipal land. Ms. Sisson stated the Commission has rejected this site previously as conservation land, but it would be a good use as municipal land. Mr. Gorss explained that the conservation fund is needed for maintenance of existing lands and the Commission needs to keep those funds. Mr. Rowse asked if it is the sense of the Commission that they will be back to CPC for additional funds. Don Ritchie explained that when the Conservation Fund was removed as a line item in the Town budget the Commission was told they would get funding from CPC, so yes the Commission intends to ask for funding from CPC. Although the Commission supports the idea of additional municipal land, they would not support the use of CPC monies that would take away from the Conservation Fund.

### **Planning Board Request for Comments**

The Commission has received to Special Permit applications for comment from the Planning Board. Both applications are for the renewal of an existing Special Permit for AT&T Mobility as co-locators on existing cell towers at 47 Poor Farm Road and 60 Old Shirley Road. The Commission had no comments for either of these applications.

### **Request for Certificate of Compliance – 210 Littleton County Road, DEP#177-524**

The Commission has received a Request for a Certificate of Compliance for Alan Zhong at 210 Littleton County Road. There are a number of items that have not been completed or not done in the manner in which it was permitted. The Commission would like to conduct a site visit with the engineer who submitted the Request. A site walk was scheduled for July 21, 2009 at 6:00pm.

### **Adjournment**

Don Ritchie made a motion to adjourn the meeting at 9:17pm. Wendy Sisson 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#177-563, Harvard#0409-01**  
**July 9, 2009**

The public hearing was opened at 7:43pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Code of the Town of Harvard, Chapter 119 the Wetland Protection Bylaw in the Main Meeting Room of the old library

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

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

This hearing was continued from June 18, 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.

This hearing had been continued in order to allow for additional time for review by an outside consultant in regards to the streams status. That review has since been received and is in agreement with the information submitted by the applicant's representative. Charlie Gorss thinks the review was adequate. Wendy Sisson stated the other major issue is the distance of disturbance to the edge of wetland. Matthew Bombaci explained that the closest point from the wetlands is 21' from the edge of discharge pipe, the grading for the driveway will be 29' and the driveway itself will be 38' from the edge of the wetland. Ms. Sisson feels that there should be an allowance to the setback because the upper portion of the wetland is caused by road runoff and if you looked at the true wetland line the closest disturbance would be 50' from the wetland. Ms. Sisson would like to see more protection further back on the property, as that entire area slopes down to the stream, by extending the no disturb zone. Mr. Gorss feels a wetland is a wetland regardless of here it got there. Ms. Sisson feels there is a difference in resource types and protecting the stream regardless of its status is important. Paul Willard has no problem with the waiver to the 50' setback and if the Commission wants additional protection on the slope that is fine. The Commission discussed the appropriate distance for protection and agreed upon a 100' no disturb zone. Mr. Bombaci argued that the distance is pretty arbitrary since it has gone from 25' to 50' and now you want 100'. Mr. Willard explained that the Commission is looking for more protection on a sensitive site and there should be some give and take since Commission has allowed the waiver to the 50' setback. Mr. Bombaci agreed to the required setback of 100' north of the dwelling.

Wendy Sisson made a motion to close the hearing write an Order of Conditions referencing the plan dated 6/16/09 showing revised driveway, the waiver of the 50' setback is granted, and a condition that requires no disturbance beyond the north corner of the house by maintaining the 100' buffer zone from the stone wall as marked by an X

on the plan. The reason for waiver is that the applicant showed there would be no adverse impact on the wetland and the house could not be in any other location. Josh Gould seconded the motion. The vote was five in favor and two opposed, motion passed.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Meeting Minutes  
Kathryn Waugh, 49 Littleton Road, Harvard#0609-01  
July 9, 2009**

The public hearing was opened at 8:13pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Code of the Town of Harvard, Chapter 119 the Wetland Protection Bylaw in the Main Meeting Room of the old library

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

**Others Present:** Liz Allard (LUB Admin), Matthew Bombaci (GPR, Inc.), Kathy Waugh and Francis Begue

This hearing is for a Notice of Intent filed on behalf of Kathryn Waugh for an addition of a front foyer and back deck within the 100' wetland buffer zone at 49 Littleton Road, Harvard.

A site walk was conducted on July 7, 2009. Matthew Bombaci explained the deck will be in the lawn area on sona tubes and foyer will be installed in an already disturbed area. The deck will be within the 50' buffer zone. Jim Breslauer asked if storm water calculations were done for the impervious surface under the deck. Mr. Bombaci stated that the deck surface would allow water to go through it as there would be gaps between the wood flooring. Josh Gould asked how high the deck would be. Mr. Bombaci stated 2 – 3 feet. Jim Breslauer stated he was thinking the deck would be made of concrete, but is to be wood with no roofing. The Commission had no further questions or comments.

Jim Breslauer made a motion to close the hearing and issue a standard Order of Conditions with the use of just silt fence for erosion control, no mechanical installation of deck and waiver to the 50' setback be allowed as there would be no adverse impact on the wetland. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent