

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
May 20, 2010
APPROVED: June 17, 2010**

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

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin), Al Futterman (NRWA), Emily Silver (Suburban Ecology Project), Pam Durrant (HCT), Phil Knoettner, Mark Roux, Dan Wolfe (Ross Assoc.), Sarah Tracey and Bruce Ringwall (GPR, Inc.)

Land Stewardship Presentation

Al Futterman, of Nashua River Watershed Association (NRWA), was present along with Emily Silver, from the Suburban Ecology Project at Brandeis University, to discuss with the Commission, and other interested parties, the stewardship of Town-owned land and to offer the Town of Weston as a model of a Town that is doing a significant management. Mr. Futterman explained that NRWA has received grant money under the Forest Service Redesign Project, which offers the availability of open forums such as this one and assistance in land management. Ms. Silver presented the Town-level Forest Management plan for Weston that is created as part of her graduate work (See Appendix A). After the presentation the Commission thanked both Mr. Futterman and Ms. Silver for their time and presentation.

Continuation of a Request for Determination of Applicability – Lighttower Fiber Network, Sherry Road, Harvard#0410-02. Opened at 7:39pm

Approval of Minutes

Wendy Sisson made a motion to accept the minutes of April 15, 2010 and May 6, 2010 as amended. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing – Mark Roux, 82 Whitney Road, Harvard#0510-02.
Opened at 7:45pm

Planning Board Request for Comments – Bluefin Development, 31 Mill Road

Don Ritchie reviewed the plans submitted to the Commission from the Planning Board (PB) for comments for the development of 31 Mill Road into five lots. Although the plans show a wetland line the Commission would like to have an Abbreviated Notice of Resource Area Delineation submitted for the Commission's approval prior to the issuance of a Special Permit by the PB to verify there shall be no activity within the 100' wetland buffer zones and/or the wetlands. A letter to this effect will be sent to the PB.

Wetland Encroachment – 30 Oak Hill Road

Liz Allard explained to the members that is had been brought to her attention that there has been an increase in mowing of the property at 30 Oak Hill Road which is within the no disturb area and in close proximity to the existing wetland. The members suggested that a letter be sent to the current owners, who may be unaware of the boundaries, asking that they contact the office to discuss the issues at hand.

Nitrogen Credit Land Easement – Ayer Road Meadow

Liz Allard had discussed the questions the Commission members had with the Town Sanitarian, Ira Grossman and cleared up some of the confusion. Mr. Grossman had stated that the landowner (Lou Russo) should be contracting an individual to develop a monitoring plan and this plan should have the recommended number of monitoring wells, as well as their locations based on plume calculations. This information once available should be forwarded to the Commission for their review and approval.

Community Garden Request – Stone Land, Old Mill Road

Sarah Tracey was present to accept the Commissions offer to use the Stone Land for a community garden. The Commission asked that Ms. Tracey draft a plan of the proposed garden and present it to the Commission for final approval.

Jim Breslauer left the meeting at 8:44pm

Potential Enforcement Issue – Vitale, 189 Stow Road

The Public Works Director, Rich Nota, sent a request to the Commission this week asking them to investigate a potential violation of the Wetland Protection Act at 189 Stow Road. Mr. Nota believes that activity in and along the stream that flows through 189 Stow Road is creating flooding issues to upstream residents. The Commission requested that a letter be sent to the home owner requesting access to the site for further review.

Land Stewardship Subcommittee

Wendy Sisson has established a group of individuals who are willing to take part in the Land Stewardship Subcommittee. Ms. Sisson has amended the mission statement which was acceptable to the Commission. The individuals interested in taking part on the subcommittee are current appointees Ron Kusner and Pam Durrant, along with Phil Knoettner, Marc Sevigny, Jim Adelson, and Dave Kay. Wendy Sisson will be the Conservation Commission representative. Don Ritchie made a motion to appoint the above mentioned individuals to the Land Stewardship Subcommittee to fill the vacant terms. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:22 pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Meeting Minutes
Lighttower Fiber Network, Sherry Road, Harvard#0410-02
May 20, 2010

The public hearing was opened at 7:39pm 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, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin)

This hearing is was continued from May 6, 2010 for a Request of Determination of Applicability filed on behalf of Lighttower Fiber Network for the installation of approximately 650± linear feet of underground communication conduit within the 100' wetland buffer zone and 200' riverfront area on Sherry Road, Harvard.

The hearing was previously continued to allow for comments from Natural Heritage Endangered Species Program to be received. Those comments have been received and indicate that the project will not have an adverse impact on the species within the area. The applicant also clarified that NHESP views their project as the work of a public utility, which are exempt from provisions of the NHESP.

Wendy Sisson made a motion to close the hearing and issue Negative #3 Determination of Applicability. 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
Mark Roux, 82 Whitney Road, Harvard#0510-02
May 20, 2010**

The public hearing was opened at 7:45pm 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, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin)

This hearing is for a Notice of Intent filed on behalf of Mark Roux for the replacement of a sewage disposal system within the 100' wetland buffer zone at 82 Whitney Road, Harvard.

A site walk was conducted on Monday May 17th with members of the Commission, the applicant and the applicant representative, Dan Wolfe. Mr. Wolfe explained the existing system is in failure. The site has a few issues to contend with, those being the well location, the buffer zone and a perimeter drain within the driveway area. Mr. Wolfe stated the drain will be removed up to edge of the driveway. The 75' no disturb area will be maintained. This system is for an upgrade, not for increased flows.

Don Ritchie asked if the system could be turned counter clockwise. Mr. Wolfe stated by doing so the amount of fill would be increased. Wendy Sisson asked if the drained could be capped at the far side of the driveway to help move the system and grading further out of the buffer zone. Mr. Wolfe stated this would only make a difference of five feet. Jim Breslauer asked how close the fill would be to the wetland. Mr. Wolfe stated thirty feet. Mr. Breslauer asked how close the fill would be if a Presby system was installed. Mr. Wolfe stated that a Presby system would take additional time for the Department of Environmental Protection (DEP) to review, which was a problem for the owner who had a buyer for the house and wanted the sale to proceed as quickly as possible. There would also be additional costs for the system, the required fill and the yearly inspection requirement. Mr. Breslauer stated he understood they reasons why not, but what would the difference in the distance be? Mr. Wolfe stated the fill would be an additional twenty feet from the edge of the wetland. Mr. Wolfe further explained that at that twenty foot mark back from the edge of fill as proposed you would have a depth of only one foot of fill tapering down until it meets grade following the slope down to the wetland.

Wendy Sisson is concerned with maintaining as much of the woody vegetation on the slope that will be removed for the installation of this system. Rather than the slope being seeded with grass for stabilization, Ms. Sisson would like to see the planting of native

woody species. Mr. Wolfe was agreeable to that as a condition of the Order. This planting shall continue along the existing tree line and extend to the outer edge of fill. Liz Allard recommended a condition that the existing lawn is to be maintained with no increase in size over time and the dumping of lawn waste in the buffer zone shall be discontinued.

Mrs. Allard suggested the hearing be continued until a DEP file number is received. Jim Breslauer made motion to continue the hearing to June 3, 2010 at 8:00pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent