

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
OCTOBER 21, 2010  
APPROVED: February 14, 2011**

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall Meeting Room

**Members Present:** Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Tony Shaw (Snowmobile Club), Bruce Ringwall (GPR, Inc.), Lou Russo (L.D. Russo, Inc.), Barbara Henderson, Warren Henderson, Jeff Richards (Transformations, Inc.), Carter Scott (Transformations, Inc.), Mike Turgeon (Turgeon Environmental Services) and Sally Carrona

**Snowmobile Club Update**

Tony Shaw, of the Snowmobile Club, was present to discuss the upcoming season of snowmobiling in Harvard. Mr. Shaw stated that the Club is still willing to do the work needed to repair the culvert on the Tully Land behind the Highway Department property. The Commission had previously determined that a filing would be needed for said work and Liz Allard is processing the required paper work. Mr. Shaw stated the new owner of Westward Orchards property on Prospect Hill Road is not allowing access to snowmobiles this year. Mr. Shaw is looking for any influence the Commission may have in re-gaining access to the site. This exclusion will divide the trail system in half. Wendy Sisson asked if there are any alternative routes. Mr. Shaw stated there are three land owners that need to be approached, which has not been done yet.

Mr. Shaw stated that there is a culvert along Old Shirley Road close to Route 2 that needs to be cleaned out on Conservation Land, and can be done with a backhoe and a couple of hours of work. Paul Willard asked if cleaning out the culvert would accomplish anything. Mr. Shaw stated yes and that the culvert is plugged up and not working as designed and the Club would like to start maintaining it.

Mr. Shaw stated that the trail out through the Small Nature area is inaccessible with the new groomer and the Club would be looking to establish a new trail. The Commission agreed that this is a very wet area and the Club should find new way around it. The members asked Mr. Shaw to stake out the proposed trail and the Commission will take a look at it before it is completed. Mr. Shaw added that when the Club builds a trail they make their way around trees and try to avoid the removal of trees unless other wise dead. The new jeep-like vehicle is 5 ½' wide, and pulls a 5' trail groomer. There are only two spots where it is un-useable, that being the Small Nature Trail and an area behind Doe Orchards, other wise it gets around all other trails. The groomer was obtained through a grant from the State and the Club is making it available to fire, police, ambulance crews when it is not otherwise in use. It can be outfitted with off-road tires or tracks that can take it most anywhere, but slowly.

Ms. Sisson asked about snowmobile signage staying up year round. It seems as though the Commission allows snowmobiles in locations that are not designated trails for foot traffic. With trail signs in place year round it causes confusion and traffic in sensitive areas during the entire year. Pin Hill is one area of concern in this regard. Could the signs be removed at the end of the season? Mr. Shaw stated they are meant to be permanent markers, but they could be removed in sensitive areas at the end of the season. Mr. Shaw is the primary contact for the Club, with Mark Adams on Barton Road as a secondary. There are currently 60 members in the Club. The Snowmobile Association of Massachusetts (SAM) requires each individual obtain a pass from them prior to using the trails. Mr. Shaw added that both cross-country skiers and walkers can buy a membership and use the trails. Membership must be obtained from both the Harvard Snowmobile Club and SAM.

### **Reduction in Bylaw Fees Request**

Bruce Ringwall, along with Lou Russo, was present to discuss with the Commission a filing fee for a Notice of Intent to be filed next week with the Commission. The project is for a water service line for the proposed affordable elderly housing facility on Ayer Road. Circumstances has required that the public water supply be located on entirely different site some distance away, creating a significant cost as it relates to the Bylaw fees. Jim Breslauer noted that the Bylaw allows for a waiver of non-governmental agencies working in the interest of the Town, under 119-4(I). Mr. Ringwall has determined that the fee if applied normally would be around \$6000. The Commission agreed that the application should be submitted with a request for a waiver and a reasonable fee with an associated explanation as to how that fee was determined.

**Continuation of a Notice of Intent Hearing – Richard & Maribeth Marcello, 24 Cove Drive, DEP#177-585, Harvard#0910-03.** Opened at 7:32pm. Reopened at 7:59pm. Reopened at 8:51pm.

**Notice of Intent Hearing – Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1).** Opened at 8:00pm

### **Conservation Land Leases**

Paul Willard stated that Frank Carlson, of the Agricultural Committee, is in the process of obtaining language from the Department of Agricultural that will allow for leases longer than a year. Mr. Willard has also spoken with individuals who are currently farming pieces of Conservation Land and asked that they resume paying their annual fees. Liz Allard stated a number of fees have been collected in the last few weeks.

### **ZBA Request for Comments – Wyrwal, 38 Lovers Lane**

Liz Allard informed the members that a request from the ZBA has been received in regards to the work to be completed by Mamie Wyrwal at 38 Lovers Lane. The Commission issued an Order of Conditions at their last meeting for this location and will forward a copy on the ZBA.

### **Request for Certificates of Compliance**

Liz Allard explained that three Requests for a Certificate of Compliance had been received. After a review of all three locations Ms. Allard determined that two of the three locations could be issued, the third still required some additional plantings. There were two Requests for 13 Peninsula Road, DEP#177-503 and 558; along with a Request for 82 Whitney Road, DEP#177-577. Wendy Sisson made a motion to issue a Certificate of Compliance for DEP#177-503, 558 and 577. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

### **Request for an Extension for an Order of Resource Area Delineation, Van Wormer, 62 Old Littleton Road, DEP#177-506**

Liz Allard explained that a Request to Extend an Order of Resource Area Delineation had been received from Ken Van Wormer for 62 Old Littleton Road, DEP#177-506. This would be the third and final extension for the Order. Wendy Sisson made a motion to extend the Order of Resource Area Delineation for one year for DEP#177-506. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

### **Announcements**

Wendy Sisson informed the members that the Land Stewardship Sub-committee would be hosting a public work day on the Holy Hill Conservation Area on Saturday November 13<sup>th</sup>.

Charlie Gorss stated the Community Preservation Committee has received the Commissions application for funding of the Conservation Fund and has asked that a member of the Commission attend the November 17<sup>th</sup> meeting at 7:30pm to discuss the request. Paul Willard will attend on behalf of the Commission.

### **Adjournment**

Jim Breslauer made a motion to adjourn the meeting at 9:51pm. 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 Notice of Intent Hearing Meeting Minutes**  
**Robert & Maribeth Marcello, 24 Cove Road, Harvard#0910-03**  
**October 21, 2010**

The public hearing was opened several times (see below) 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, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

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

This hearing was continued from October 7, 2010 for a Notice of Intent filed on behalf of Robert & Maribeth Marcello for the razing of an existing house to be replaced with a new house, shed, associated site grading and driveway with 200 of Bare Hill Pond

At 7:32pm Bruce Ringwall requested the hearing be opened and continued to 7:45pm so that he could continue a discussion he was already having with the Commission. Jim Breslauer made a motion to continue the hearing until 7:45pm. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

At 7:59pm Paul Willard opened the hearing. At that time Liz Allard suggested the hearing be continued to 8:45pm to allow for those present for the already scheduled 8:00pm hearing to be heard. Jim Breslauer made a motion to continue the hearing until 8:45pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

At 8:51pm the hearing was officially opened by Chairman Paul Willard as described above.

As previously stated, Bruce Ringwall was present and explained the proposed project to the members. As designed the house is outside the 100' buffer zone but within the 200' of Bare Hill Pond. The only jurisdiction under the State Act is the removal of the existing structure and replacement with a screen house. Clearing will take place beyond the 100' buffer zone and will be for the construction of the house, septic system and the use of solar panels for electricity. Liz Allard asked if this is a proposed house or an actual location. Mr. Ringwall stated the plan shows a proposed house and the location may shift in one direction or another, which would require an amendment to the plan.

Jim Breslauer asked what the new screen house be constructed on. Mr. Ringwall stated pillars. Mr. Ringwall further explained that the area is already disturbed by the existing

structure and to relocate the new screen house to another location would require the removal of existing trees. Silt fence should be installed prior to the clearing of any trees. Any debris is to be hauled away and not stock piled on site. Mr. Breslauer asked if there would be any intent on going beyond the 106 contour line with the actual designed house. Mr. Ringwall did not believe so and agreed that it could be stated in the Order of Conditions. Mr. Ringwall stated rain water from roof run off will be recharged in drip edge or dry well. Wendy Sisson noted that the site is very steep to the pond and that the high point is on the back side of the structure so drainage from the driveway is going away from the pond. Ms. Sisson would like to see how the slope is going to be stabilized and maintained and would suggest low growing shrubs.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the following Special Conditions: debris from the existing structure is to be removed off site and not stock piled, the limit of work indicated by hay bale/erosion control line at the 100' and is the limit of clearing, the slope is to be stabilized with jute matting and planted with low woody vegetation and ground cover, and the location of the house is not to be any further (closer to the pond?) than the existing 105 contour. Patrick Doherty 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  
Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1) Harvard#1010-01  
October 21, 2010**

The public hearing was opened at 8:00pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 in the Town Hall Meeting Room

**Members Present:** Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Janet Waldron, Patrick Doherty and Lewis Beilman (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Barbara Henderson, Warren Henderson, Jeff Richards (Transformations, Inc.), Carter Scott (Transformations, Inc.), Mike Turgeon (Turgeon Environmental Services) and Sally Carrona

This hearing is for a Notice of Intent filed on behalf of Transformations, Inc. for the construction of a roadway, 17 residential buildings, septic system and public water supply source within the 100' wetland buffer zone on Stow Road (Map 36 Parcel 85 & 86.1), Harvard.

Members of the Commission requested the narrative for the project, which Jeff Richards will get for them. Mike Turgeon explained the plan that has components in and outside of the Commission's jurisdiction. The culvert has been proposed as an open bottom box culvert for the intermittent stream crossing. Mr. Turgeon explained that up to station 6+00, the roadway is within the buffer zone, along with constructed wetland. All of the combined septic systems are outside buffer zone. There are five structures and an associated driveway, that are within the buffer zone on what is known as Lot 1. Mr. Turgeon explained that under the Comprehensive Permit all drainage structures are to maintain a 10' buffer from the roadway; however in two locations they were unable to maintain the 10'. Wendy Sisson asked about the 35' hay bale line depicted on the plan. Mr. Turgeon stated the plan follows a 35' buffer to the wetlands in most areas but not entirely. In the location of the proposed constructed wetlands there is only a 10' buffer to the wetlands, as well as between stations 3+00 and 5+00 of the roadway. Mr. Turgeon explained the upper portion of the site is outside the buffer zone.

Ms. Sisson asked what the status of the septic approval is. Mr. Richard stated that the plans for Lot 1 have been submitted to the Nashoba Associated Board of Health, and he believes there should be a response within 30 days. Mr. Richard added that they would be submitting septic plans for lots 3 and 4 the middle of next week and lots 2 and 5 the following week. Ms. Sisson asked what type of systems they will be. Mr. Richard stated he is not a specialist on septic and could not speak to that, but that Lombardo Associates is working on that part of the plan. Mr. Richard stated that they acknowledge that there are a number of boards and committees that need to review the project and need to come into play and will request the hearing be continued until a unified plan is achieved.

Paul Willard requested that a scheduled site walk take place that will have staked out areas as to where structures will be located. Jim Breslauer asked about plan for snow removal and the use of salt on the sloped roadway. Carter Scott stated it is being worked on and completed as part of the subdivision plan with the Zoning Board of Appeals. Mr. Richard added that the stormwater calculation report has an operation and maintenance plan that identifies areas that cannot be used as storage areas for snow.

Ms. Sisson asked about the significant of the five lots and how does it hold for the future. Mr. Scott explained that the lots were created to divide wastewater management for the development into separate septic systems, however there will only be one homeowners association for the entire site.

Sally Carrona wanted to know what she could do when/if her well runs dry. Mr. Scott explained the Department of Environmental Protection requirements for Public Water Supply well testing, which does not include analysis of the impact of new wells on existing wells. Mr. Richard added that the new stormwater management regulations require the recharge of stormwater, including maintaining water on the site longer. He maintained that the stormwater management systems proposed will reduce the hazard of flooding down gradient of the site.

Ms. Sisson expressed her concerns of the large proposed constructed wetland in an area, that although not deemed actual wetland, functions as one and is subject to flooding; could that be broken up into smaller systems, possibly a portion of it along the north side of the roadway. Mr. Turgeon stated the location was chosen as it is directly adjacent to an existing wetland, and the available area across the roadway is limited. Liz Allard asked if the fire pond was going to be altered in any way. Mr. Scott stated it was not.

A site walk was scheduled for October 23<sup>rd</sup>. Jim Breslauer made a motion to continue the hearing until November 4, 2010 at 7:30pm. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## **DOCUMENTATION & OTHER EXHIBITS**

### **Continuation of a Notice of Intent Hearing – Richard & Maribeth Marcello, 24 Cove Drive, DEP#177-585, Harvard#0910-03**

- WPA Form 3 Notice of Intent, dated August 23, 2010
- Notice of Intent Plan, 38 Lovers Lane Harvard, Massachusetts, dated 8/23/2010

### **Notice of Intent Hearing – Transformations, Inc., Stow Road (Map 36 Parcel 85 & 86.1)**

- WPA Form 3 Notice of Intent and associated documents, dated October 2010
- Notice of Intent Plan, Pine Hill Village, Harvard, Mass., Date October 8, 2010

### **Request for Certificates of Compliance**

- WPA Form 8B Certificate of Compliance, DEP#177-503, 558 and 577

### **Request for an Extension for an Order of Resource Area Delineation, Van Wormer, 62 Old Littleton Road, DEP#177-506**

- WPA Form 7 Extension of Order of Conditions, dated 10/21/2010