

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 16, 2011
APPROVED: December 1, 2011**

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

Members Present: Paul Willard, Charlie Gorss, Don Ritchie and Janet (Jaye) Waldron

Others Present: Liz Allard (LUB Admin), Bob Douglas, Matt Bombaci (GRP, Inc.), Rich Nota (DPW Director), Carol Greenough, Mark Hardy, Bruce Leicher, Sill Johnson, Robert Blanck, Tom Cotton, Gary Hedman, Greg Louis, Jeff Richards, Eddy Gaw and Tim Schmoyer

Deer Management on Conservation Land

Bob Douglas was present to discuss deer management by allowing hunting on Conservation Land through limited bow hunting on various lands. The Commission suggested that Mr. Douglas present them with the pros and cons of allowing this type of hunting. Mr. Douglas stated that Andover has approved only bow hunting from tree stands, which aids in the direction of the arrow and reduces the chance of stay arrows.

Charlie Gorss stated that previous to the Commission having obtained the Dunlap land it was used for hunting. Mr. Douglas stated that State officials agree that hunting will reduce the number of deer. Don Ritchie asked what the results have been in Andover. Mr. Douglas explained that the Trustees of the Reservations own large tracts of land and that the protocol used in Andover has been modeled after the Trustees protocol. Andover allowed twenty-five hunters last year and had thirteen deer taken in a two month period over approximately one hundred acres. The normal season for bow hunting is three months. Mr. Douglas stated that an area can be evaluated by Tom Rawinski, a Botanist from the USDA Forest Service, to determine if it would be suitable for hunting. The Commission agreed to allow Mr. Douglas to invite Mr. Rawinski to evaluate Conservation Land here in Harvard for the purpose of bow hunting to cull the deer population.

Informal Review of Proposed Dredging Project & Additional Stormwater Management Structure by the Bare Hill Pond Watershed Management Committee

Gary Hedman, from Horsley Witten Group, along with members of the Bare Hill Pond Watershed Management Committee were present to discuss the proposed plan for dredging of the swim area at the pond. Mr. Hedman stated the Committee would be looking at the 2012 draw down season to do the dredging due to the length of time to get the proper permits from the State. The proposed area to be dredged is 86,000 square feet. The area to be dredged is continuously wet due to the water that runs in from an existing channel. A dewatering system has been designed to keep water out of the swim area during dredging. The water will be routed around the swim area and discharged back into the pond beyond the work area. Dredged material will be dewatered in an area

within the parking lot. This area will be contained by a concrete block wall and lined with a filter fabric that will allow filtered water to be released and recharged back to the pond through the existing storm water basin along Pond Road. The Commission had no major issues with the project as proposed. Jaye Waldron stated she would like to see the retaining wall remain in place as long as possible. The timing of the project will not only need to be done during a draw down, but completed by the time the Crew team is ready to start its season. The Commission thanked Mr. Hedman and the Committee members for taking the time to review the project with the Commission.

Notice of Intent Hearing – Department of Public Works, Ayer Road, Dep#177-592, Harvard#0611-01. Opened at 8:12pm

Notice of Intent Hearing – Department of Public Works, Littleton County Road, DEP#177-594, Harvard#0611-03. Opened at 8:25pm

Notice of Intent Hearing – Department of Public Works, Park Lane, Dep#177-593, Harvard#0611-02. Opened at 8:32pm

Continuation of a Notice of Intent Hearing – Transformations, Inc., Stow Road (Map 36 Parcels 85 & 86.1), DEP#177-586, Harvard#1010-01. Opened at 8:40pm

Discuss Damage to Well Water Pipes at Willard Shores under existing Order of Conditions, DEP#177-566

Eddy Gaw was present to discuss with the Commission the problems he is having with the Commission's decision to allow fill to be placed on top of his water lines. Under an Enforcement Order two years ago, Willard Shores, Inc. was required to submit a plan to improve the erosion of an existing slope that had been partially removed within feet of Bare Hill Pond. Greg Louis a resident of Willard Shores had submitted an application and received approval from the Commission to construct a small retaining wall with fill to shore up the existing slope. This wall is adjacent to the pump house for Mr. Gaw's well. The pipes that lead out of the pump house have been covered by the fill and Mr. Gaw is claiming that has disallowed his use of the water. Mr. Gaw made other claims against Mr. Louis in regards to the water quality of his well and pump house. Mr. Gaw stated that the Order of Condition states the protection of private wells. That indication on the Order was explained to Mr. Gaw. Mr. Gaw stated that he needs access to the pipes in order to drain them in the fall as his residence at Willard Shores is only seasonal. Mr. Gaw has since removed the fill covering his pipes and wants it to remain that way; however the retaining wall will not function properly without the fill behind it. Mr. Gaw cannot understand how the Commission can permit someone to cover the water lines that belong to another individual.

Paul Willard stated that the work was required to reduce erosion into Bare Hill Pond that was created by the removal of a portion of the slope, a situation that was brought to the Commission's attention by Mr. Gaw. Any issues with the well or the pump house is a civil matter between Mr. Gaw and Mr. Louis and not the Commission.

Discuss Potential Land Swap with Wirla Land and 278 Stow Road

Tim Schmoyer of 278 Stow Road was present to discuss a potential land swap with the Conservation Commission on a parcel of Town owned land adjacent to his property. Mr. Schmoyer recently purchased the property and learned that the previous owners had installed an electric fence on the abutting Town land. There is a stone wall that runs perpendicular to Stow Road and Mr. Schmoyer believes the former owners assumed that was the property line. Mr. Schmoyer has now learned that this is not the case and would like to swap a portion of his property at the back lot line with the Town to square off his property on the south side for additional paddock area. Additionally, Mr. Schmoyer will need to file with the Commission to create a true paddock area that will be within the 100' wetland buffer zone. Mr. Schmoyer understands the setback established under the Bylaw does not allow for paddocks within 100' of a wetland, but would like the opportunity to discuss and review the site with the Commission since the previous owners had a horse on the site. The members agreed that a site walk would be necessary prior to making any determinations. A site walk was scheduled for June 28th at 6:00pm.

Adjournment

Jaye Waldron made a motion to adjourn the meeting at 9:17pm. 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
Department of Public Works, Ayer Road, DEP#177-592, Harvard#0611-01
June 16, 2011**

The public hearing was opened at 8:12pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room

Members Present: Paul Willard, Don Ritchie, Charlie Gorss and Janet Waldron

Others Present: Liz Allard (LUB Admin), Matt Bombaci (GRP, Inc.) and Rich Nota (DPW Director)

This hearing is on a Notice of Intent filed on behalf of the Department of Public Works for the resurfacing of the existing bituminous concrete road with roadway drainage improvements along Ayer Road from Depot Road to the Route 2 interchange with portions of work within the 100' wetland buffer zone.

Matt Bombaci, of GPR, Inc., along with Rich Nota were present to discuss the roadway improvements along Ayer Road, from Depot Road to the Route 2 interchange. The proposed plan is for improved drainage and the resurfacing of the roadway. At the crest of the hill along Ayer Road in the proximity of 74 Ayer Road there will be drainage improvements made on both sides of the hill. Don Ritchie asked about the States stormwater management requirements and how they apply to this project. Rich Nota stated if this was a new road you would need to address that, however this is not the case here. Matt Bombaci stated that you would not need to address stormwater issues under an emergency repair. Mr. Ritchie is concerned with untreated water flowing into Bower's Brook. Mr. Nota stated that there would be no more or no less water going into Bower's Brook. All water will still flow in the same direction at the same volume post-construction as it did pre-construction.

With no further questions or comments Charlie Gorss made a motion to close the hearing and issue an Order of Conditions with the standard boilerplate of Special Conditions. 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
Notice of Intent Hearing Meeting Minutes
Department of Public Works, Littleton County Road,
DEP#177-594, Harvard#0611-02
June 16, 2011**

The public hearing was opened at 8:25pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room

Members Present: Paul Willard, Don Ritchie, Charlie Gorss and Janet Waldron

Others Present: Liz Allard (LUB Admin), Matt Bombaci (GRP, Inc.) and Rich Nota (DPW Director)

This hearing is on a Notice of Intent filed on behalf of the Department of Public Works for the resurfacing of the existing bituminous concrete road with roadway drainage improvements along Littleton County Road from Cleaves Hill Road to Old Schoolhouse Road with portions of the work within the 100' wetland buffer zone.

Matt Bombaci, of GPR, Inc., along with Rich Nota were present to discuss the roadway improvements along Littleton County Road from Cleaves Hill Road to Old Schoolhouse Road. The proposed project is for improved drainage and resurfacing of the existing roadway. The Commission requested that the straw waddles be shifted down towards Old Schoolhouse and that revised plan showing that change be submitted. This area falls within an area designated as Estimated Habitat of Rare Wildlife, which requires the review of the Natural Heritage and Endangered Species Program (NHESP). A final review document has not been received from NHESP, which is required in order to close the hearing and make a final decision. Mr. Bombaci requested that the hearing be continued to allow for the receipt of said document. Don Ritchie made a motion to continue the hearing to July 7, 2011 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
Notice of Intent Hearing Meeting Minutes
Department of Public Works, Park Lane, DEP#177-593, Harvard#0611-03
June 16, 2011**

The public hearing was opened at 8:32pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room

Members Present: Paul Willard, Don Ritchie, Charlie Gorss and Janet Waldron

Others Present: Liz Allard (LUB Admin), Matt Bombaci (GRP, Inc.) and Rich Nota (DPW Director),

This hearing is on a Notice of Intent filed on behalf of the Department of Public Works for the resurfacing of the existing bituminous concrete road with roadway drainage improvements on Park Lane.

Abutter notification was incomplete for this application and a hearing could not be held this evening. The hearing was opened and immediately continued to July 7, 2011 at 7:35pm by a motion of Don Ritchie. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Transformations Inc., Stow Road (Map 36 Parcels 85 &86.1)
DEP#177-586, Harvard#1010-01
June 16, 2011**

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

Members Present: Paul Willard, Don Ritchie, Charlie Gorss and Janet Waldron

Others Present: Liz Allard (LUB Admin) and Jeff Richards

This hearing was continued from June 2, 2011 on 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, to include the installation of a new culvert along an intermittent stream.

Jeff Richards was present to request a continuance of the hearing to allow for the completion of the review of the stormwater management report by the independent consultant. Charlie Gorss made a motion to continue the hearing to July 7, 2011 at 7:40pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Informal Review of Proposed Dredging Project & Additional Stormwater Management Structure by the Bare Hill Pond Watershed Management Committee

- Proposed Dredging Plan, Bare Hill Pond Harvard, Massachusetts, prepared by Horsley Witten Group, Inc., dated May 2011
- Pre-application Project Summary, Bare Hill Pond Management Committee Harvard, Massachusetts, undated

Notice of Intent Hearing – Department of Public Works, Ayer Road, Dep#177-592, Harvard#0611-01

- WPA Form 3 Notice of Intent, Ayer Road – Depot Road to Route 2, May 2011
- Roadway Improvements Notice of Intent Site Plan No. 1 & 2, Ayer Road – Depot Road to Route 2, Job 111015, dated May 2011

Notice of Intent Hearing – Department of Public Works, Littleton County Road, DEP#177-594, Harvard#0611-03

- WPA Form 3 Notice of Intent, Littleton County Road – Cleaves Hill Road to Old School House, May 2011
- Roadway Improvements Notice of Intent Site Plan No. 1 & 2, Littleton County Road – Cleaves Hill Road to Old School House, Job 111018, dated May 2011

Notice of Intent Hearing – Department of Public Works, Park Lane, Dep#177-593, Harvard#0611-02

- WPA Form 3 Notice of Intent, Park Lane, May 2011
- Roadway Improvements Notice of Intent Site Plan No. 1 & 2, Park Lane, Job 111014, dated May 2011

Discuss Damage to Well Water Pipes at Willard Shores under existing Order of Conditions, DEP#177-566

- Undated photos submitted by Eddy Gaw