

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 18, 2019  
APPROVED: SEPTEMBER 5, 2019**

Vice Chair Paul Willard called the meeting to order at 7:00pm in the Town Hall, 13 Ayer Road, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Derek Beard (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Pradeep & Marisa Khurana, Luciano Manganella, Jeff Guo, Bruce Ringwall (GPR, Inc.), Pam Brown, Matt Marro (Matt S. Marro Environmental Consulting), Neil Gorman (Ross Associates, Inc.), David Outman (Harvard Conservation Trust), Steve Colwell and Maria Day

**Discuss Maintenance at Thurston's Cove with Pradeep Khurana of 110 Warren Avenue**  
Pradeep & Marisa Khurana, of 110 Warren Avenue, were present to discuss the maintenance of the access road that crosses over the Thurston's Cove land to their property at 110 Warren Avenue. The Khurana's have had several close safety calls on the road with both vehicles and pedestrians. The Khurana's requested additional signage be installed that would indicated there is no access for vehicles to unload or load down at the access area to the water. It was suggested signage that alerts the road is a driveway may be of help as well to slow vehicles as they make the way down to the access area. The Khurana's stated the driveway agreement states there is to be no public vehicular access, as does the sign at the top of the access road. Members of the Commission were under the impression that an agreement was made with the previous owner to allow unloading and loading as long as parking was not allowed at the access area to the water. The Commission installed signage a number of years ago to assist the Police Department in enforcing the no parking issue. The Khurana's are seeking to have the agreement that is in place to be enforced, which does not allow for any public vehicle access to the cove. Under the agreement if the Commission allows public vehicular access then the repairs the Khurana's are seeking for the driveway will need to be a shared cost.

The Commission will review the driveway agreement and confirm with Town Counsel on the matter of loading and unloading as public vehicular access.

**Wetland Violation – 175 Littleton County Road, Harvard#0419-01**

On July 9<sup>th</sup> Don Ritchie, Jaye Waldron and Liz Allard observed activity at 175 Littleton County Road within 100' of a wetland resource area (intermittent stream) that was not authorized by the existing Determination of Applicability (DOA) issued in April of this year. In addition, the group observed cutting of vegetation down to the pond's edge. The DOA stated the work was to be supervised by David Crossman of B&C Associates. Mr. Crossman had informed the group that he had advised Luciano Manganella, the property owner, not to cut any vegetation beyond the blue wetland flags. A blue flag was observed by the group in a brush pile on the property. The following day Liz Allard, the Conservation Agent, met Mr. Manganella on the property to review the infractions. While on-site Ms. Allard noted to Mr. Manganella that the site work to re-grade the property, actively being conducted, was taking place within 200' of the pond, which is under the jurisdiction of the Harvard Wetland Protection Bylaw (WPB). Ms. Allard required all activity to cease and desist until proper permitting could be obtained. In addition, Ms. Allard requested siltation barriers be installed along the east side of the pond and within the area of the intermittent stream. Ms. Allard returned to the site on July 16<sup>th</sup> to find site work within the area in question was completed and no siltation barrier had been installed.

Bruce Ringwall, of GPR, Inc., was present along with Mr. Manganella. Mr. Ringwall explained the work that was being done was an oversight of all involved, including the Commission, as it

pertains to the 200' wetland buffer under the WPB. Existing site photos were provided and detailed by Mr. Ringwall. Mr. Ringwall stated he would be filing a Notice of Intent for all of the proposed work on the site to develop a single family dwelling, which includes improvements of the existing crossing of the intermittent stream. Mr. Ringwall argued the DOA allowed for the removal of the vegetation in the manner in which it was done. Ms. Allard stated the DOA requires the work to be supervised by David Crossman of B&C Associates and as previously stated Mr. Crossman indicated that he instructed Mr. Manganella not to remove any vegetation beyond the wetland flags. Mr. Crossman was also in attendance and confirmed an area cleared around the willow tree on the west side of the pond was cleared beyond the wetland flags.

After a discussion Wendy Sisson made a motion to issue an Enforcement Order to Luciano Manganella for unauthorized activity within the wetland buffer zones of resources areas at 175 Littleton County without the proper permits from the Conservation Commission. This Enforcement Order requires the filing of a Notice of Intent. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Mr. Manganella was ordered to install the siltation barrier by end of day tomorrow, July 19<sup>th</sup>.

**Request for Determination of Applicability Hearing – B&C Associates, 169 Littleton County Road, Harvard#0619-01.** Opened at 7:50pm

**Notice of Intent Hearing – Matthew Ellis, 62 South Shaker Road, DEP#177-679, Harvard#0619-02.** Opened at 7:54pm

**Notice of Intent Hearing – IRA Financial Trust Co., Lot 1 Pinnacle Road, DEP#177-681, Harvard#0719-01.** Opened at 8:00pm

**Notice of Intent Hearing – IRA Financial Trust Co., Lot 5 Littleton Road, DEP#177-680, Harvard#0719-02.** Opened at 8:36pm

#### **Discuss & Review National Grid Trail Project with Harvard Conservation Trust**

Dave Outman, the Director of Harvard Conservation Trust (HCT) and Dan Simpson, of Sudbury Valley Trustees (SVT), were present to introduce a trail project that is an extension of work that has been going on for a few decades. National Grid has a policy for the creation and use of primitive recreational trails over their properties known as an "Occupation Agreement". Obtaining this agreement would create trail connections between blocks of existing conservation land. The request this evening is for the Harvard Conservation Commission to be the signatory on the agreement with National Grid. This part of the project is in the early stages and has a long way to go. HCT and SVT are also looking for additional details to be added to the plan, such as existing trails and labeling of parcels.

After a brief discussion, the Commission agreed to have Town Counsel review the letter of intent drafted by HCT which indicates the Commission's support of the project, with the understanding there is much more to be done to complete this project.

#### **Request for a Certificate of Compliance – 43 Under Pin Hill Road, DEP#177-620**

Jim Burns made a motion to issue the Certificate of Compliance for 43 Under Pin Hill Road, DEP#177-620. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

#### **Discuss Potential Open Space Preservation**

Daman Land, Brown Road (Map 36 Parcel 26.3.1) – Wendy Sisson explained development of this 6.68 acre parcel would need to be conducted on the east side of the wetland, which will decrease the value of the property due to the cost associated with that type of development. An abutter is interested in purchasing a portion of the lot for constructing a barn, which would leave about 5 acres for conservation purposes. Ms. Sisson feels this parcel is worth exploring due to its

proximity to other parcels of existing conservation land. Dave Outman, the Director of Harvard Conservation Trust, stated HCT believes this is a purchase worth pursuing as well, but they are not able to take the lead on this one.

Turner Land, Turner Lane (Map 21 Parcel 57) – This 11.74 acre parcel of land includes Turner Lane and 844 feet of frontage along Bare Hill Pond. The owners are willing to donate 50% of the appraised value of \$618,900 for the property. Wendy Sisson agreed to discuss the development potential of the property with the Director of Community and Economic Development, Chris Ryan, to get a better sense of the real value of the parcel.

Feltus Land, 111 Depot Road –The owners of this property are finding it difficult to sell the property that contains an existing structure due to the properties acreage at 10.81 acres. The parcel contains wetland resource areas, which limits its ability to be further developed. This parcel abuts the Prospect Hill Management area. Liz Allard will further investigate the development potential for this property.

### **Executive Session**

Jim Burns made a motion to go into Executive Session with members of the Harvard Conservation Trust to discuss the possible purchase of real property, the public discussion of this could have detrimental effects on the negotiating position, only to return to the public meeting once completed. Jaye Waldron seconded the motion. A roll call vote was taken: Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Wendy Sisson, aye.

At 9:23pm Jim Burns made a motion to exit Executive Session and return to the public meeting. Jaye Waldron seconded the motion. A roll call vote was taken: Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Wendy Sisson, aye

### **Annual Request for Bonfire at Town Beach**

Jim Burns made a motion to approve the annual bonfire from a wetland protection perspective. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

### **Annual Request for use of Stone Field for Bromfield Cross-Country Events**

Wendy Sisson made a motion to approve the use of the perimeter of the Stone Field on Old Mill Road for the 2019 Bromfield Cross-Country events. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

### **Request from Communities Garden to Upgrade Water System**

Wendy Sisson explained hand pumps are currently used to provide water to the community gardens on the Coke land on Littleton Road. The gardeners are looking for ideas to provide something of less effort for watering the gardens. Jim Burns may know of a 400 gallon storage tank that could be used with the solar pump.

### **Approve Minutes**

There were no minutes available this evening for approval.

### **Update Pine Hill Village – Site Monitoring Proposals**

After a brief discussion, Wendy Sisson made a motion to accept the proposal of Nitsch Engineering, dated July 18, 2019, for the monitoring of the development during construction. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

### **Allocation of Conservation Funds**

After a brief discussion, Joanne Ward made a motion to allocate \$100 from the Conservation Fund for paint remover for the graffiti at Hoskins Point. Jaye Waldron seconded the motion.

**Request to Replant Trees – 55 Warren Avenue**

After a brief discussion, the Commission agreed the trees requested to be replanted at 55 Warren Avenue can be done so without a filing with the Commission.

**Adjournment**

Jim Burns made a motion to adjourn the meeting at 10:20pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing Minutes  
B&C Associates, 169 Littleton County Road, Harvard#0619-01  
July 18, 2019**

The public hearing was opened at 7:50pm by Vice Chair Paul Willard under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Derek Beard (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Dave Crossman (B&C Associates) and Luciano Manganella

This hearing is for a Request for Determination of Applicability filed on behalf of B&C Associates for the removal of invasive plant species within the 100 wetland buffer zone at 169 Littleton County Road, Harvard.

Due to the time consumed to discuss the wetland violation with the property owner of 175 Littleton County Road, who also owns 169 Littleton County Road, Wendy Sisson, with consent of the applicant, made a motion to continue the hearing to August 1, 2019 at 8:00pm in the Town Hall, 13 Ayer Road. 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 Minutes  
Matthew Ellis, 62 South Shaker Road,  
DEP#177-679, Harvard#0619-02  
July 18, 2019**

The public hearing was opened at 7:54pm by Vice Chair Paul Willard under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Derek Beard (Associate Member)

**Others Present:** Liz Allard (LUB Admin) and Matt Marro (Matt S. Marro Environmental Consulting)

This hearing is for a Notice of Intent filed on behalf of Matthew Ellis for the construction of a garage within 100' of a wetland resource area at 62 South Shaker Road, Harvard.

Matt Marro, of Matt S. Marro Environmental Consulting, was present to represent the applicant. Mr. Marro submitted a revised plan which details the garage outside the 50' wetland buffer zone and includes a detail of the sediment and erosion control. Mr. Marro understands the detail is not the "Harvard siltation barrier" and requested a condition be included that requires the installation of the "Harvard siltation barrier". Mr. Marro noted comments from Board of Health (BOH) will delay the closing of this hearing. As discussed at the site walk, there shall be a condition requiring the existing shed to be moved outside of the wetland resource area. The utility pole (benchmark 2) will be relocated outside the wetland resource area as well.

With issues still outstanding with the BOH, Wendy Sisson made a motion to continue the hearing to August 1, 2019 at 8:15pm in the Town Hall, 13 Ayer Road. Jim Burns 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 Minutes  
IRA Financial Trust Co., Lot 1 Pinnacle Road (Map 13 Parcel 28.1)  
DEP#177-681, Harvard#0719-01  
July 18, 2019**

The public hearing was opened at 8:00pm by Vice Chair Paul Willard under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Derek Beard (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Jeff Guo, Neil Gorman (Ross Associates, Inc.), Steve Colwell, Pam Brown and Maria Day

This hearing is for a Notice of Intent filed on behalf of IRA Financial Trust Co. for the construction of a single-family dwelling, driveway, private well and sewage disposal system within the 100' of a wetland resource area on Lot 1 Pinnacle Road (Map 13 Parcel 28.1), Harvard.

Neil Gorman, of Ross Associates, was present to represent the applicant, Jeff Guo, who was also present. Mr. Gorman detailed the project and plan for a single-family dwelling for Lot 1 Pinnacle Road. An application has been submitted to Board of Health, but has not been reviewed yet. The application requests a waiver to the 75' no structure setback under Chapter 147-17. The dwelling as proposed is 30' x 50' with the standard two-car garage. In addition, the applicant is requesting a waiver from the local fees because the fees had been paid under the original Notice of Intent, which was denied by the Commission last year due to lack of information. In regards to the waiver request to the 75' setback, Mr. Gorman stated a condition of the Order can state the final dwelling will be located as far from the 75' wetland buffer zone line as possible, but will not be any closer than the currently proposed 61'.

After a brief discussion about the filing fees, Wendy Sisson made a motion to allow the waiver of the local fees. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

A discussion of the proposal to donate Parcel B, a 4.15 acre parcel that encompasses the existing pond along Littleton Road, was had. Members of the Commission would like to see the N18°54'52"W boundary straightened to Littleton Road, which would reduce the land area on Lot 5. This would allow for better accessibility around the pond and limit the potential for encroachment onto Lot 5 by users of Parcel B.

With details of the donation to be worked out Mr. Gorman asked the hearing be continued. Wendy Sisson made a motion to continue the hearing to August 15, 2019 at 7:30pm in the Town Hall, 13 Ayer Road. Jim Burns 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 Minutes  
IRA Financial Trust Co., Lot 5 Littleton Road (Map 13 Parcel 28.5)  
DEP#177-680, Harvard#0719-02  
July 18, 2019**

The public hearing was opened at 8:36pm by Vice Chair Paul Willard under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Derek Beard (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Jeff Guo, Neil Gorman (Ross Associates, Inc.), Steve Colwell and Maria Day

This hearing is for a Notice of Intent filed on behalf of IRA Financial Trust Co. for the construction of a single-family dwelling, driveway, private well and sewage disposal system within the 100' of a wetland resource area and 200' of a pond on Lot 5 Littleton Road (Map 13 Parcel 28.5), Harvard.

Neil Gorman, of Ross Associates, was present to represent the applicant, Jeff Guo, who was also present. Mr. Gorman stated the property was not suited for the traditional 4-bedroom septic system, therefore the three-bedroom septic system is proposed. Mr. Gorman stated the proposal meets all of the setbacks for new construction under the Harvard Wetland Protection Rules, but does have a majority of the activity on the site within 200' of an existing pond on the abutting property. An existing barn will be removed as part of the development of this property.

Following up on the previous hearing this evening for the same applicant, Wendy Sisson asked the N18°54'52"W boundary line be straightened to Littleton Road, which would reduce the land area on Lot 5. This would limit the potential for encroachment onto Lot 5 by users of Parcel B.

With details of the donation (see previous hearing minutes) to be worked out Mr. Gorman asked the hearing be continued. Wendy Sisson made a motion to continue the hearing to August 15, 2019 at 7:45pm in the Town Hall, 13 Ayer Road. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent



## **EXHIBITS & OTHER DOCUMENTS**

### **Conservation Commission Agenda, dated July 18, 2019**

#### **Discuss Maintenance at Thurston's Cove with Pradeep Khurana of 110 Warren Avenue**

- Harvard Conservation Commission Minutes of Meeting, September 20, 2007, Approved: March 5, 2009, received 7/18/19 @ ConCom Mtg
- Photos of existing signs at the entrance of Thurston's Cove, received 7/18/19 @ ConCom Mtg
- Photos of access to Thurston's Cove from access Road and sign at the Cove, received 7/18/19 @ ConCom Mtg

#### **Wetland Violation – 175 Littleton County Road, Harvard#0419-01**

- 175 Littleton County Road, Photos by Liz Allard, 7/18/19 (eleven 8½" x 11" color photos)
- 175 Littleton County Road, Photos by Bruce Ringwall, GPR, Inc., 7/18/19 (twelve 11" x 17" color photos)
- WPA Form 9 – Enforcement Order, issued to Luciano Manganella, 175 Littleton County Road, dated July 17, 2019

#### **Notice of Intent Hearing – Matthew Ellis, 62 South Shaker Road, DEP#177-679, Harvard#0619-02**

- Proposed Plot Plan of Land in Harvard, Massachusetts prepared for the Acton Woodworks, Inc., prepared by Summit Surveying Inc., dated 7-16-19
- Ellis, 62 South Shaker Rd, Harvard, MA, Addition & Renovation, Project# 190321, prepared by Acton Woodworks, dated 5/10/19
- Letter from Matthew S. Marro Environmental Consulting, 62 South Shaker Road – Supplemental Information for the Notice of Intent File DEP 177-0679, dated July 18, 2019

#### **Notice of Intent Hearing – IRA Financial Trust Co., Lot 1 Pinnacle Road, DEP#177-681, Harvard#0719-01**

- Project Summary prepared by David E. Ross Associates, Inc., Applicant: IRA Financial Trust Co., Site: Lot 1 Pinnacle Road Harvard, dated July 18, 2019
- Ortho Image of Lot 1 Pinnacle Road, Harvard, undated
- Plan of Land in Harvard, Mass. owned by YYT Harvard, LLC, Job No. 31852, Plan No. L-13312, prepared by David E. Ross Associates, Inc., dated February, 2018
- Presentation Plan, Sewage Disposal System, IRA financial Trust Co., Pinnacle Road, Harvard, MA, Job No. 32825, Plan No. L-13328, prepared by David E. Ross Associates, Inc., dated 7/18/19

#### **Notice of Intent Hearing – IRA Financial Trust Co., Lot 5 Littleton Road, DEP#177-680, Harvard#0719-02**

- Project Summary prepared by David E. Ross Associates, Inc., Applicant: IRA Financial Trust Co., Site: Lot 5 Littleton Road Harvard, dated July 18, 2019
- Ortho Image of Lot 5 Littleton Road, Harvard, undated
- Plan of Land in Harvard, Mass. owned by YYT Harvard, LLC, Job No. 31852, Plan No. L-13312, prepared by David E. Ross Associates, Inc., dated February, 2018
- Presentation Plan, Sewage Disposal System, IRA financial Trust Co., Littleton Road, Harvard, MA, Job No. 32825, Plan No. L-13518, prepared by David E. Ross Associates, Inc., dated 7/18/19

#### **Discuss & Review National Grid Trail Project with Harvard Conservation Trust**

- National Grid Standards and Requirements for Recreational Trail Proposals, undated
- Draft letter to Carol Childress, National Grid, Re: Intent to Submit Recreational Trails Proposal for National Grid Property in Harvard, MA, dated July 3, 2019
- Trail Agreement Conceptual Plan, prepared by Harvard Conservation Trust, dated July, 2019

#### **Update Pine Hill Village – Site Monitoring Proposals**

- Nitsch Proposal #12808.P, Civil Services, 40B Pine Hill Village, Construction Admin Services, dated July 18, 2019

#### **Request to Replant Trees – 55 Warren Avenue**

- Letter from Carol Greenough, 55 Warren Avenue, Harvard, dated July 17, 2019
- Plan derailing tree locations, undated