

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY FEBRUARY 17, 2022 @7:00PM**

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81516615763?pwd=UDIBSkFXUDcvKy92SmhWb05ITERaUT09>

Meeting ID: 815 1661 5763

Passcode: 890400

One tap mobile

+19294362866,,81516615763# US (New York)

+13017158592,,81516615763# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 815 1661 5763

Find your local number: <https://us02web.zoom.us/j/81516615763>

New Business:

1. Trail Ridge Request to Remove Tree within Conservation Restriction Area
2. Annual Appointments – Don Ritchie, Wendy Sisson & Eve Wittenberg
3. Conflict of Interest & Ethics Training Requirements
4. Approval of Funding for Attendance at the MACC Annual Conference
5. Approve Minutes

Public Hearings:

7:30pm **Continuation of a Notice of Intent – Doug Schad, 74 Poor Farm Road, Harvard#0122-01**, for the construction of an accessory structure within the 100' wetland buffer zone

7:35pm **Request to Amend the Order of Conditions – Luciano Mangarella, 175 Littleton County Road, DEP#177-694**, to revise the utility connections to a single-family dwelling with temporary impacts to the wetland resource area and the 100' wetland buffer zone

Old Business:

1. Guidelines for the Use of the Reuben Reed Land
2. Pine Hill Village Update

NEXT MEETING:

MARCH 3, 2022

FW: Request for Tree Removal

wcornell2@verizon.net <wcornell2@verizon.net>

Thu 02/10/22 1:15 PM

To: Liz Allard <lallard@harvard-ma.gov>

Cc: Michael Carroll <185photos@gmail.com>; Tim Carey <tim.carey.now@gmail.com>; N_vanlingen@msn.com <N_vanlingen@msn.com>; Bill Medeiros <billmedeiros@comcast.net>; wcornell2@verizon.net <wcornell2@verizon.net>

Liz:

Please see below for the response we received from the resident concerned about the marked tree behind 10C here at Trail Ridge. You have mentioned getting another opinion and we look forward to it.

Thanks,
Wayne

From: Andreia Dedeus <andiededeus@yahoo.com>**Sent:** Wednesday, February 9, 2022 10:13 AM**To:** wcornell2@verizon.net**Subject:** Re: Request for Tree Removal

Hi Wayne,

Sorry for the delay, but I missed this email among many others. My inbox was full of unread emails and I was cleaning it little by little when I had the chance.

I really still thinking and wanting them to remove the tree and take the request a little bit more serious. I'm not sure how many neighbors would have a tree as leaning towards their house as I do. If that tree falls on my house are they paying for the damage? If it kills or seriously injure someone, will they be responsible for it?

The concern of having someone also asking to remove another tree is not a good reason not to remove a tree that could be potentially dangerous. I do not agree with this line of thinking at all. Also, the claim that pines need stability is a bit theoretical, because if this tree falls on my house, where the stability theory goes? So after a damage to my house they would cut the trees around due to the stability?

Please Wayne, I really would like to have an expert checking the position of the tree on the ground, the ground it is in, the health of the tree, the probability of this tree falling on my house due to a storm, and make an official statement that the tree is safe and not a hazard to my home or the neighbors'. And if they don't come to that conclusion, I'd like them to please cut down that tree, at least to a size that wouldn't reach my house. Please.

This area is full of trees and that one in particular is visibly leaning towards my house. It is very tall and sways a lot when we have storms. This is my concern.

Again, I hope they can take my request a little bit more serious.

Thank you,

Andreia.

On Friday, January 28, 2022, 12:35:42 PM EST, <wcornell2@verizon.net> wrote:

Andrea:

Please see what we received from Harvard Conservation Commission about the tree removal.

A second commission person will also be reviewing our request.

Let me know if you have any questions.

Thanks,

Wayne

From: Liz Allard <lallard@harvard-ma.gov>

Sent: Thursday, January 27, 2022 1:23 PM

To: wcornell2@verizon.net

Subject: Re: Request for Tree Removal

Hi Wayne,

Sorry for the delay on this - I had asked a member of the commission to review, but they had forgot about it.

I was able to take a look myself and would be more comfortable having at least one member of the commission take a look.

I did not examine the tree itself, so if I missed the fact that it has some serious issues, my conclusion may be different.

My hesitation to say ok is that allowing this tree to be removed makes me wonder where it will stop with the homeowners asking to remove trees along that slope.

Many of them, including the one right next to it, have the potential of falling and damaging the structures in that area.

In addition pines like other pines around them for stabilization, therefore removing the requested pine may only make matters worse.

I'll be back in touch once I can get someone else out there to take a look.

Thank you

Liz Allard

Land Use Administrator/

Conservation Agent

Town of Harvard

13 Ayer Road

Harvard, MA 01451

978-456-4100 ext. 321

From: wcornell2@verizon.net <wcornell2@verizon.net>

Sent: Wednesday, January 5, 2022 10:40 AM

To: Liz Allard <lallard@harvard-ma.gov>

Cc: [Wcornell2@verizon.net](mailto:wcornell2@verizon.net) <[Wcornell2@verizon.net](mailto:wcornell2@verizon.net)>

Subject: Request for Tree Removal

Liz:

An owner here at Trail Ridge has asked for a tall pine tree above their unit to be cut down. The tree is located up on the hill behind 10C and

has been flagged with orange tape for identification. The owner is aware that the tree is in the conservation reserve area and requires your team's permission before it can be cleared to be cut.

Please let me know if you have any questions or I can assist in any way. Feel free to contact me at 978-621-6869 or for direction for a site visit.

Thanks,

Wayne Cornell

Trustee, Trail Ridge





Liz,

I looked at the pine tree, it seems to have a health crown, and I didn't see any rot or problems at the base (see pictures)

I am going to estimate that removal will be expensive, due to where the tree is situated.

I think if it falls on it's own it would fall parallel to the buildings.

I would support the owner removing the tree, if they feel it is a hazard. Don





Conservation Commission - annual appointments

Julie Doucet <jdoucet@harvard-ma.gov>

Mon 02/14/22 9:51 AM

To: dsritchie@aol.com <dsritchie@aol.com>; Liz Allard <lallard@harvard-ma.gov>

Cc: Erin McBee <emcbee01451@gmail.com>

Hello Don/Liz,

The annual appointment process begins in March. My master list indicates Wendy Sisson, you Don!, and Eve Wittenberg have terms expiring on June 30th. Please include this as a topic of discussion at an upcoming meeting.

All vacancies and positions up for re-appointment will be advertised on the town website. Incumbents need to submit their statement of intent by March 15th, any new volunteer forms will be due no later than May 1st with committees/boards/commission recommendations by May 1st as well.

Select Board liaisons are available to advise committee/boards/commissions in the annual appointment process. You will notice your liaison has been copied on this email.

As always, I will reach out to each member directly informing them their term will expire this coming June and request their intent to continue or not.

If you have any questions or concerns please let me know.

Many thanks as always for your help with the annual appointment process.

Julie Doucet
Executive Assistant
Town of Harvard
13 Ayer Road, Harvard, Ma 01451
978-456-4100x312
www.harvard-ma.gov

DRAFT
HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 3, 2022

Chair Don Ritchie called the meeting to order at 7:03pm, virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Dan Wolfe (Ross Associates), Maya Minkin, Greg Maxwell, Jim and Mary Maxwell, Bruce Ringwall (GPR, Inc.) and Lillian Burkart

Hub Foundation – 90 Warren Ave, DEP#177-647

• **Review Order of Conditions (OOC) with New Owner**

The new owners, Jim and Mary Maxwell, were present, along with their son, Greg and daughter-in-law, Maya Minkin. Although the Maxwell's do not have a copy of the Order of Conditions (OOC), they are aware of the sensitivity of the site as it pertains to wetlands. Greg Maxwell read a letter from his father, Jim, into the record, which detailed his knowledge of development in and around wetlands as well as living with wetlands. A copy of the OOC will be provided to them by the Conservation Agent.

• **Request Soil Borings for Bridge Installation**

In order to determine the appropriate depths for the footings the Maxwell's requested a small excavator be allowed to be used to conduct soil borings within the area of the bridge crossing location. Erosion controls will be in place during this activity. The Commission was agreeable to the activity occurring, with notification to the Conservation Agent prior to the start of this work. In addition, the existing cess pool is to be filled.

• **Amended Site Plan – New Notice of Intent or Amend the OOC**

The Commission agreed to make this determination once final house plans are complete

Mowing at Oxbow Wildlife Sanctuary

Wendy Sisson informed the Commission there is a number of residents within the Still River area that are concerned with the field maintenance by the U.S. Fish and Wildlife as part of the Oxbow Sanctuary. An onsite meeting is scheduled for Tuesday February 8th at 9:00am to explain the plan for the Watt field. Ms. Sisson has a conflict and is unable to attend, but has encouraged any other Commission member interested should attend this discussion.

Extension Request: Kevin O'Malley – 8 Wilroy Ave, DEP#177-674

Jim Burns made a motion to extend the Order of Conditions for 8 Wilroy Avenue, DEP#177-674 for one year. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Request for a Certificate of Compliance: Ernst – 2 & 4 Wilroy Avenue, DEP#177-689

Wendy Sisson made a motion to issue a Certificate of Compliance for 2 & 4 Wilroy Avenue, DEP#177-689. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

53 **Approve Minutes**

54 Joanne Ward made a motion to approve the minutes of January 20, 2022 as amended. Jaye Waldron
55 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye;
56 Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

57
58 **Approve Invoices**

59 Jaye Waldron made a motion to approve the invoice from Nitsch Engineering in the amount of \$744.00.
60 Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy
61 Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

62
63 **Notice of Intent – Doug Schad, 74 Poor Farm Road, Harvard#0122-01.** Opened at 7:30pm

64
65 **Guidelines for the Use of the Reuben Reed Land**

66 Don Ritchie has drafted a set of guidelines that was shared with the members this afternoon. Wendy
67 Sisson will include additional details describing the land and its use for non-commercial uses. Any other
68 members with suggested additions to the guideline should send them to the Conservation Agent for
69 inclusion.

70
71 **Pine Hill Village Update**

72 Liz Allard detailed the recent violations on the site pertaining to snow storage. Ms. Allard had observed
73 snow being stored on the edges of the constructed wetland last week. She notified Peter Cricones by
74 email that the storage was in violation of the Order of Conditions and with the pending storm on Saturday
75 all contractors should be made aware of the proper storage locations. Ms. Allard had request Mr.
76 Cricones confirm receipt of this email; to date she has had no response.

77
78 On Monday Ms. Allard inspected the site to find snow has been stored with two additional non-approved
79 locations; one adjacent to the bioretention cell and the other within close proximity of the wetlands
80 behind building 1. Ms. Allard is recommending the Commission issue fines in the amount of \$900.00 for
81 single violations or a daily fine for each violation, which would be a total of \$3600.00 to date. Ms. Allard
82 further explained the developer has been unresponsive to other requests, such as the additional funding
83 for the site monitoring by Nitsch Engineering, and the list of items detailed at the December 16th meeting.

84
85 Wendy Sisson was concerned with the potential for an inch or more of rain tomorrow and it being the
86 weekend that they site should be reviewed on Saturday. As warmer temperatures approaching the
87 conditions are ripe to create potential issues on the site.

88
89 After discussing the options before them, the Commissioned agreed a certified letter shall be sent to the
90 developer, Peter Cricones, detailing the current compliance issues with failure to resolve immediately
91 resulting in fines.

92
93 Don Ritchie reported he and Ms. Allard attempted to take a look at the grass pavers in front of building 1
94 last week, but current conditions, snow and ice, made it difficult to actually locate the pavers. It is
95 uncertain they were properly installed, and will have to be inspected in the spring when conditions are
96 better.

97
98 **Adjournment**

99 Wendy Sisson made a motion to adjourn the meeting at 8:20pm. Jim Burns seconded the motion. The
100 vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne
101 Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

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106 Respectfully submitted,
107
108
109 Liz Allard,
110 Land Use Administrator/
111 Conservation Agent
112

113 **EXHIBITS & OTHER DOCUMENTS**
114

- 115 • Conservation Commission Agenda, dated February 3, 2022
- 116 • Letter from Jim Maxwell, "I would like to introduce myself and my wife to the Conservation
117 Commission...", undated
- 118 • Notice of Intent Residential Development Site Plan 74 Poor Farm Road Harvard, MA 01451, Job
119 01.151, prepared by GPR, Inc., 1/24/22
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158 **Harvard Conservation Commission**
159 **Notice of Intent Hearing**
160 **Notice of Intent – Doug Schad, 74 Poor Farm Road, Harvard#0122-01**
161 **February 3, 2022**

162
163 The public hearing was opened at 7:30pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland
164 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,
165 pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures
166 Adopted During the State of Emergency and signed into law on June 16, 2021.

167
168 **Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

169
170 **Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Brice Ringwall (GPR, Inc.) and
171 Lillian Burkart

172
173 This hearing is for a Notice of Intent filed on behalf of Doug Schad for the construction of an accessory
174 structure within the 100' wetland buffer zone at 74 Poor Farm Road, Harvard.

175
176 Bruce Ringwall, GPR, Inc., detailed the property which includes an existing house, detached garage and
177 windmill. The delineated wetlands are 75' from the proposed new structure, which has been labeled on
178 the plan as a carriage house, as its intent is to be used for storage. The property owner is aware the
179 structure cannot be used to house livestock, as required by the Wetland Protection Bylaw. Mr. Ringwall
180 noted, as requested, a drip line has been added to the plan for the side of the structure that is closest to
181 the wetland resource area. Mr. Ringwall was amenable to a condition that no live-stock is to be housed
182 within the structure.

183
184 Lillian Burkart came to the meeting to understand what is being done and how it will impact her property.
185 Mr. Ringwall explained the structure is down gradient from her property, no trees are to be removed for
186 the construction and a drip edge has been added to capture roof runoff. Ms. Burkart asked if the recent
187 tree work done on the property for this project. Mr. Ringwall stated no. Ms. Burkart was stratified with
188 the information provided to her.

189
190 With no Department of Environmental Protection file number or comments as of yet, Jim Burns made a
191 motion to continue the hearing to February 17, 2022 at 7:30pm. Jaye Waldron seconded the motion. The
192 vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne
193 Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

194
195 Respectfully submitted,

196
197
198 Liz Allard,
199 Land Use Administrator/Conservation Agent

OFFICE OF THE CONSERVATION COMMISSION

13 AYER ROAD HARVARD, MA 01451 978-456-4100 EXT.321 www.harvard-ma.gov



Reuben Reed land Use

The following guidelines are for use of the Reuben Reed land at the corner of Massachusetts Avenue and Park Street:

The Conservation Agent shall have the authorization to approve the applicant's use of the property.

The Applicant shall have use of the site for a timeframe approved by the Agent.

The Applicant will be required to remove any refuse generated on the site daily.

The Applicant will be responsible that the site shall be returned to its original condition at the end of their use; care should be taken to minimize any disturbance to the land.

The site should be used for a community, civic, or nonprofit group endeavor.

There shall be no temporary structures, including portable toilets, except in an emergency.

DRAFT

4879

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*See Plan
Book 320
Plan 72*

WE, HOMER F. HARMAN, JOSEPH T. BALLARD and WILBERT A. WATT, all of Harvard, Worcester County, Massachusetts, as Trustees of the Conservation Land Fund under a Declaration of Trust dated July 18, 1968, and recorded herewith, grant to the Town of Harvard, without covenants, a certain parcel of land, commonly known as the Reed Lot, situated on the easterly side of Bromfield Street in said Town of Harvard and more particularly bounded and described as follows:

Beginning at the Northwest corner of the premises conveyed at or near the intersection of Bromfield Street and the Harvard Common, and thence North 75°09' 15" East along said Common for a distance of Eighty (80) feet to land now or formerly of the Pollard Estate; thence South 4° 20' 05" East for a distance of One Hundred and Thirty-Two (132) feet along land of said Pollard Estate and land of Homer F. and June A. Harman; thence North 87° 43' 30" West along said land of Homer F. and June A. Harman for a distance of Seven and Fifty-six Hundredths (7.56) feet; thence South 4° 20' 05" East for a distance of Eighty-nine and Twenty-six Hundredths (89.26) feet to a point where said Harman land meets land now or formerly of William C. Knight; thence South 79° 55' 45" West for a distance of Eleven and Twenty Hundredths (11.20) feet; thence North 10° 35' 15" East for a distance of Two and Forty-six Hundredths (2.46) feet; thence South 83° 24' 45" West for a distance of Sixty-four and Ten Hundredths (64.10) feet to a point on Bromfield Street, the last three courses being by said Knight land; thence North 4° 20' 05" West for a distance of Two Hundred and Six (206) feet to the point of beginning, being all of said distances more or less, said parcel containing approximately 16,450 square feet.

Being the same land shown on a plan entitled "Plan of Land owned by Reuben Reed et al, Bromfield Street, Harvard, Mass. by Charles A. Perkins Company, Inc., Surveyors" dated April 1968 and recorded herewith.

BUT NEVERTHELESS IN TRUST upon the following terms and conditions:

1. Said Town shall be Trustee under this Trust.

2. The Conservation Commission of the Town of Harvard shall manage and control the property conveyed to this charitable Trust in such manner and for such purposes as set forth in ARTICLE II of the Declaration of Trust above-referred to, the provisions of which are hereby incorporated into this Deed by reference and made a part hereof; the use of the Trust property shall further be subject to the

following specific restrictions and limitations, the expression of which is not intended to exclude by implication other restrictions and limitations consistent with the general purpose of said Trust:

(a) The property is not to be used as a parking lot or parking area for any type of public or private vehicle.

(b) No additional roadways are to be constructed on the property.

(c) No permanent structure of any kind is to be erected on the property and no temporary structure shall be placed thereon except in an emergency; notwithstanding this provision, the grantee may place a small plaque on the property with the approval of the Conservation Commission.

(d) All shade trees are to remain in place, except where in an emergency public safety necessitates their partial or total removal and then only to the extent actually required by said emergency. Maintenance

will be provided in order to insure the permanence of these trees insofar as possible.

(e) The land or subterranean soil is not to be used for a leaching field for sewer or water disposal.

(f) The property is to be used and to remain intact and undivided and no part of it shall be leased or conveyed.

3. Said Conservation Commission shall constitute a Board of Visitors to enforce and preserve this Trust. As such, it may take appropriate legal action, in lieu of action by the Attorney General and, if it should cease to exist, such powers shall devolve upon the Board of Selectmen.

4. If the Trust property, or any interest or part thereof should be taken by eminent domain by any body corporate or politic, the net proceeds of the award shall be added to the Conservation Fund of said Town.

5. This Trust shall become effective upon the acceptance of this Deed by said Town, acting through its Board of Selectmen as authorized by Chapter 40, Section 8C of the Massachusetts General Laws.

This Conveyance is made without consideration.

WITNESS Our Hands and Seals this 29th day of August, 1968.

Joseph T. Ballard
Wilbert A. Watt
Homer F. Harman
Trustees of Conservation Land Fund

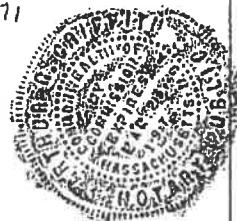
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss:

August 29, 1968

And then personally appeared the above-named Homer F. Harman, Joseph T. Ballard and Wilbert A. Watt, being all of the Trustees of the Conservation Land Fund, and acknowledged the foregoing instrument to be their free act and deed, before me

Arthur R. Griffith
Notary Public
Arthur R. Griffith
My Commission Expires
March 23, 1971



APPROVAL

being a majority of the We, the undersigned/BOARD OF SELECTMEN of the TOWN OF HARVARD, hereby approve the receipt of the within Deed in accordance with the provisions of Chapter 40, Section 8C of the Massachusetts General Laws as requested by vote of the Conservation Commission of said Town.

Dated: August 28, 1968

Mario J. Barba
Frederick A. ...



Reuben Reed Land

Harvard, MA



February 14, 2022

1 inch = 69 Feet

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

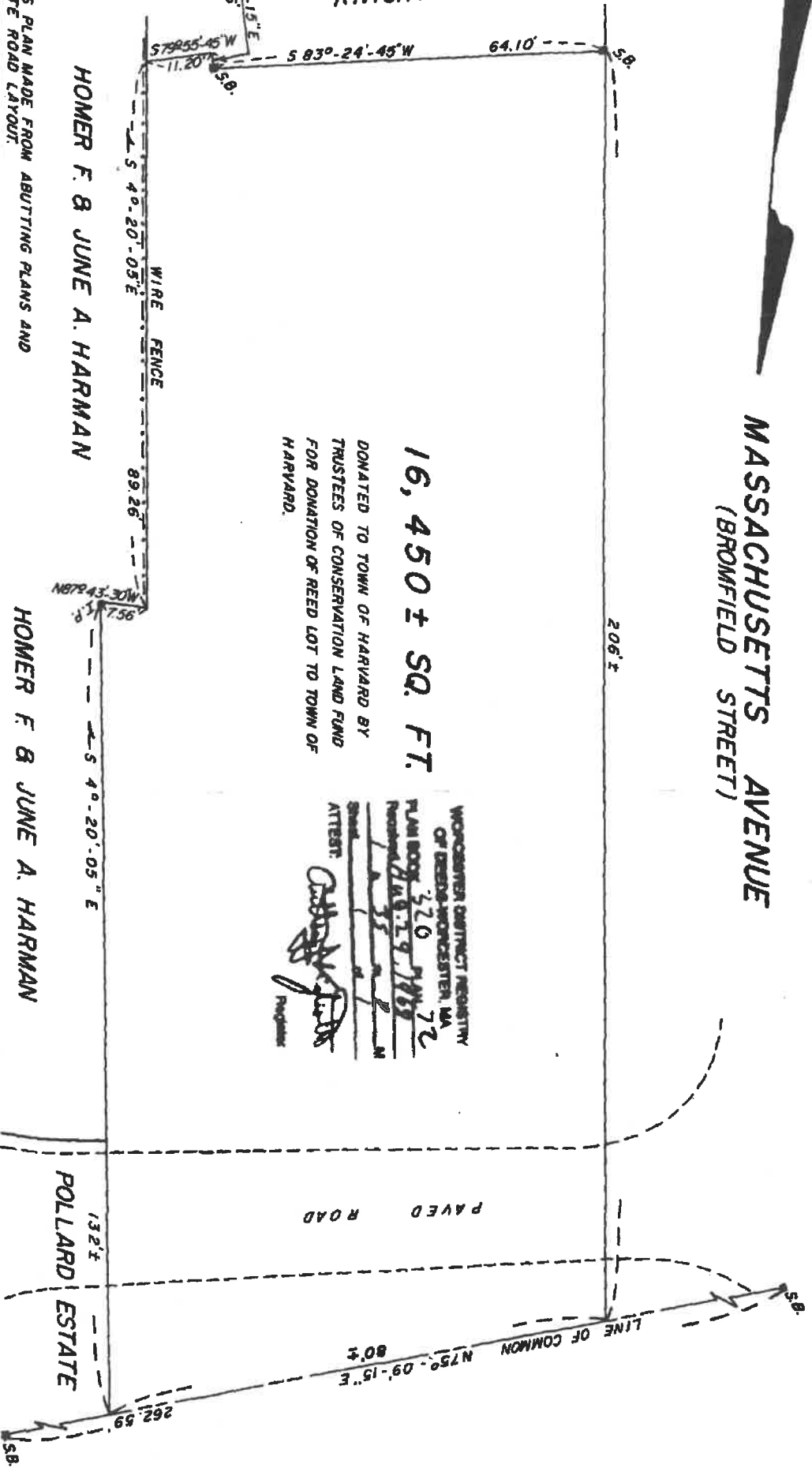
LC PLAN 17884^A

FORMERLY WILLIAM C. KNIGHT

MASSACHUSETTS AVENUE
(BROMFIELD STREET)

16,450 ± SQ. FT.
DONATED TO TOWN OF HARVARD BY
TRUSTEES OF CONSERVATION LAND FUND
FOR DONATION OF REED LOT TO TOWN OF
HARVARD.

WORCESTER DISTRICT REGISTRY
OF DEEDS-WORCESTER, MA
PLAN BOOK 326 PAGE 72
REGISTERED AUG 19 1966
ATTEST: *Anthony J. [Signature]*
Register



HOMER F. & JUNE A. HARMAN

HOMER F. & JUNE A. HARMAN

NOTE: THIS PLAN MADE FROM ABUTTING PLANS AND STATE ROAD LAYOUT

HARVARD PLANNING BOARD

APPROVAL UNDER SUBDIVISION CONTROL LAW

NOT REQUIRED C 41 S 81 - P

DATE:

SEE SURVEYORS CERTIFICATION

REF: 2557

I HEREBY CERTIFY THAT: THE PROPERTY

LINES SHOWN ARE THE LINES DIVIDING EXISTING OWNERSHIP AND THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

Charles A. Perkins
REGISTERED LAND SURVEYOR
DATE 6-25-68



PLAN OF LAND OWNED BY

REUBEN REED ET AL.

TO BE CONVEYED TO

TOWN OF HARVARD

SCALE: 1" = 20'

APRIL, 1961

CHARLES A. PERKINS CO. INC.
CIVIL ENGINEERS & SURVEYORS
CLINTON, MASS.

PLAN NO. S-220

