

HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
April 16, 2009
APPROVED: May 7, 2009

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

Members Present: Paul Willard, Wendy Sisson, Jim Breslauer, Jaye Waldron, George Watkins and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), James and Marcia Croyle, Dan Wolfe (Ross Assoc.), Greg Louis, Shane Gaw, Eddy Gaw, Diane D'Olimpio, Marlene Ernst, John Oskirko, Barbara Hadad and Louis Hadad

Potential Wetland Violation – Croyle, 16 Warren Avenue

Both James and Marcia Croyle were present to discuss the removal of trees from their property at 16 Warren Avenue within the buffer zone. Mr. Croyle stated after the December ice storm he had dead ash trees removed from the far end of his property. It was explained to Mr. Croyle that cutting in the buffer zone needs notification of the Commission so a site visit can be conducted and a determination can be made as to what should be done. Mr. Croyle stated it his intention to create a reforestation plan of the area immediately with shade trees and not shrubs. The Croyle's are also planning to extend the perimeter of the existing garden area within the buffer zone. Jim Breslauer wanted to know what the plan is for the existing stumps. Mr. Croyle would like to grind them. Mr. Breslauer asked what the topography is like. Mr. Croyle stated the area slopes down from the road. Wendy Sisson would want the stumps left as it would minimize disturbances within the buffer zone. Paul Willard does not have an issue with the stumps being ground, as long as it is to be flush with the ground – not below ground. Mr. Breslauer would be concerned with where the wood chips would end up. Mr. Croyle stated the chips would be removed off site because his son will need them at his farm. Ms. Sisson stated if the garden is going to be extended a new plan and filing will be required. George Watkins stated he would think for the reforestation of the area a Request for Determination of Applicability (RDA) would be okay, but for the expansion of the garden a Notice of Intent would be required. The members of the Commission agreed with Mr. Watkins statement. The Croyle's will fill a RDA immediately for the reforestation.

Policy on Tree Removal within the Buffer Zone

With the large number of requests for tree removal lately, the Commission agreed that a policy should be developed. Jim Breslauer suggested that trees with tops just broken off should be left in place; trees that threatens safety could be removed with approval or a filing with the Commission. Wendy Sisson agreed with Mr. Breslauer and also suggested that letters be sent to the individuals advertising in the local paper for tree and brush removal. Mr. Breslauer added that unsightly trees are not a reason for removal. Liz Allard will draft a letter for Mr. Breslauer and Ms. Sisson to review.

Minutes

Wendy Sisson made a motion to accept the minutes of August 21, 2008 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Continuation of Notice of Intent Hearing – William Laursen, 13 Peninsula Road, DEP#177-558, Harvard#1208-02. Opened 7:33pm

Certificate of Compliance – Lentini, 71 Lancaster County Road, DEP#177-549

Liz Allard informed the members that she had conducted a final site walk of Mary Ann Lentini's project at 71 Lancaster County Road. The area is now stabilized and ready for a Certificate of Compliance. Jim Breslauer made a motion to issue a Certificate of Compliance for DEP#177-549. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Extension Permits – Lots 1 & 2 Woodchuck Hill road, DEP#177-512 & 177-513

The Commission has received a request from Roseanne Saafeld to extend the Order of Conditions for Lot 1 & 2 Woodchuck Hill Road, DEP#177-512 and 177-513 for one year. Wendy Sisson made a motion to extend the previously mentioned Orders for one year. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Potential Wetland Violation - 5 Wilroy Avenue

Liz Allard informed the members that she observed a pipe that comes out from underneath 5 Wilroy Avenue and discharges directly into the pond. Paul Willard will take a look at the site to try and determine what the pipe is for.

Harvard Conservation Trust Trail Clean Up Day May 3rd

Wendy Sisson wants to put a note in the paper reminding people that although the trail clean up day is May 3rd there are still a lot of hanging branches and individuals should be aware that if it is a windy day they should use caution on the trails.

Request for Determination of Applicability Hearing – Willard Shores, Inc., Harvard#0309-02. Opened at 8:00pm

Continuation of a Request for Determination of Applicability Hearing – Barbara Hadad, 9 Haskell Lane, #0309-01. Opened at 8:30pm

Award presentation Liz Allard presented George Watkins with a Certificate of Appreciation issued by the Board of Selectmen, thanking him for his 13 years of dedicated service to the work of the Commission. All Commissioners present seconded that notion and indicated that Mr. Watkins will be missed.

Adjournment

George Watkins made a motion to adjourn the meeting at 9:05pm. Jim Breslauer 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
William Laursen, 13 Peninsula Road, DEP#177-558, Harvard#1208-02
April 16, 2009

The public hearing was opened at 7:33pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw Chapter 119 of the Code of the Town of Harvard in the Meeting Room of Town Hall

Members Present: Paul Willard, Wendy Sisson, Jim Breslauer, Jaye Waldron, George Watkins and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin) and Dan Wolfe (Ross Assoc.)

This hearing was continued from February 5, 2009 and is for a Notice of Intent filed on behalf of William Laursen for the paving of an existing driveway, reconstruction of an existing walkway, installing retaining walls, stone light post and cobblestone aprons within the 100' wetland buffer zone at 13 Peninsula Road, Harvard.

A site walk was conducted on April 9, 2009. A revised plan was submitted. On the site walk members observed two areas that have been used for burning of yard waste. Both of these areas should be relocated due to the proximity to the wetlands and only one area should be used. The Order of Conditions will contain a condition that requires low nitrogen, low phosphorus fertilizers to be used. The revised plan includes the plantings of mountain laurels; Wendy Sisson stated the applicant should be cautious of the maple tree root system when planting in that area. Ms. Sisson is concerned about the lawn area at the edge of the pond and would like to see a woody barrier at the edge of the pond to aid in reducing pollutants from entering the pond. Liz Allard stated she did recall the area being a well maintained lawn when the site was reviewed last summer.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the use of low nitrogen, low phosphorus fertilizers only. George Watkins 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 Meeting Minutes
Willard Shores, Inc. 2 & 4 Wilroy Avenue, Harvard#0309-02
April 16, 2009

The public hearing was opened at 8:00pm by Vice Chair Wendy Sisson under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw Chapter 119 of the Code of the Town of Harvard in the Meeting Room of Town Hall

Members Present: Wendy Sisson, Jim Breslauer, Jaye Waldron, George Watkins and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Paul Willard, Greg Louis, Shane Gaw, Eddy Gaw, Diane D'Olimpio and Marlene Ernst

This hearing is for a Request for Determination of Applicability filed on behalf of Willard Shores, Inc. for the repair of an embankment with a small retaining wall and repairs to the break water at the shore line within the 200' buffer zone of Bare Hill Pond at 2 & 4 Wilroy Avenue, Harvard

Paul Willard recused himself from this hearing as he is an abutter to Willard Shores, Inc.

Greg Louis was present to represent Willard Shores, Inc. Mr. Louis explained the plan is to clean up the slope with a retaining wall and fix the breakwater wall that has fallen into disrepair. The area between that water and the new retaining wall will be built up with crushed stone and then loamed and seeded for a grass area. George Watkins asked why the plan shows a two retaining wall diagram. Mr. Louis stated the manufacture only allows for a two foot height on the walls, so if need be the additional wall was included on the plan. Members were not sure they would want to see the area in front of the retaining wall made into an established lawn area.

Eddy Gaw, the owner of 4 Wilroy Avenue, stated he was very concerned with this project as his wellhead is within the project area. Mr Gaw voiced several other concerns that are not with the scope of this project, nor the jurisdiction of the Commission.

It was noted that under the Enforcement Order issued last June, Willard Shores was required to file a Notice of Intent for this work and other work that has taken place without the proper permits, such as the construction of staircases and the pump house.

Jim Breslauer recalled from the discussions last year that the Commission wanted a plan that returned the slope to a natural state as much as possible and this plan looks like a landscape plan.

George Watkins made a motion to close hearing and issue a #1Positive Determination requiring the filing of a Notice of Intent. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion. The enforcement order will remain in effect. Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability
Hearing Meeting Minutes
Barbara Hadad, 9 Haskell Lane, Harvard#0309-01
April 16, 2009

The public hearing was opened at 8:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetlands Bylaw Chapter 119 of the Code of the Town of Harvard in the Meeting Room of Town Hall

Members Present: Paul Willard, Wendy Sisson, Jim Breslauer, Jaye Waldron, George Watkins and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Barbara Hadad, Louis Hadad and John Oskirko

This hearing was continued from April 2, 2009 on a Request for Determination of Applicability filed on behalf of Barbara Hadad for the flat cutoff downed tree stumps, cut, stack and remove downed trees and branches, plant one tree for each downed tree and remove cut trees/branches for use as fire wood within the 100' wetland buffer zone of an existing pond at 9 Haskell Lane, Harvard

An additional site walk was conducted on April 8, 2009 to determine what and where things should be planted and what areas should be left to re-vegetate in a natural state. Mrs. Hadad stated she would like to plant a Fraser fir that would be at least six feet in height when planted. The Commission agreed that planting such a tree in the area indicated was appropriate. The Commission agreed on a location on the plan that shall be left undisturbed until the fall and at that time it will be determine if additional plantings are necessary. Jim Breslauer would like to continue the hearing to September 3rd to see what is growing in the area at that time. John Oskirko asked if mowing of the area will be allowed. After a brief discussion the Hadad's were informed that they could continue to mow the edge of the area along Haskell Lane up to six feet in from the edge of the pavement. No other disturbance is to take place until it is reviewed in September.

Jim Breslauer made a motion to continue the hearing to September 3, 2009 at 7:30pm. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard Land Use Administrator/
Conservation Agent