

HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
April 3, 2008
Approved: June 5, 2008

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, Don Ritchie, Otto Solbrig and George Watkins

Others Present: Liz Allard (LUB Admin), Josh Gould, Bill Barton, Mark Saganich, Gary Shepard (Ross Assoc.), Roxanne Mace, Bruce Leicher, Leo Blair, Ron Ricci and Hillary Kavanagh

Review Order of Conditions – Nancy Smith, 49 Pine Ridge Road, DEP#177-541

Bill Barton was present to represent his mother-in-law, Nancy Smith, who has purchased the Maggiore property at 49 Pine Ridge Road, DEP#177-541, Harvard#807-2. Mr. Barton was given a copy of the Order of Conditions for his review and at this time had no questions for the Commission.

Re-Appointment of Members

Otto Solbrig informed the Commission that he will not be seeking re-appointment to the Commission. Mr. Solbrig's expertise will be greatly missed and the Commission wishes him the best of luck in his endeavors.

Community Garden Location

Wendy Sisson has been informed that interest in a community garden has increased and the individuals who had come to the Commission a few months ago want to be certain they are not going to out grow the requested area within the first year, nor do they want to make any expenditures at that location if there is a better location that will satisfy the demand. The Commission is confident the location chosen will be sufficient and was not aware of any better location. The boundaries are clear on the site and any clearing should be, at a minimum, permitted under a Request for Determination. They should submit a plan as to what it is they want to do. Paul Willard will take a look and determine if there is a boundary that makes sense on the property.

Policies on Horseback Riding on Harvard Trails

Minor adjustments need to be made to the policy on horseback riding on Harvard trails as previously approved by the Commission. A new legal notice will be published and a hearing will be conducted at the April 17, 2008 meeting.

Review Request for Amendment – Steve Nigus, 26 Madigan Lane, DEP#177-497

Mark Saganich, contractor for Steve Nigus, was present to discuss the requested amendment. It was explained to the Commission that the sewer and water lines have

been installed already. Portions of each of these lines are within the buffer zone. The Commission agreed that this work will require the filing of a new Notice of Intent.

Upon review of the site the Conservation Agent requested the applicant install the hay bale/silt fence as required by the approved Order of Conditions and associated plans. An additional review of the site was conducted and the hay bale/silt fence was installed as requested.

Don Ritchie asked about the addition square footage of the structure within the buffer zone. It was determined that the applicant did not have approval for this activity either. The Commission agreed that an Enforcement Order should be issued requiring the applicant to cease and desist any further work within the buffer zone until a new Notice of Intent is filed. Mr. Saganich asked if he could complete the grading and loam and seed. Mr. Saganich was informed that as long as the grading was previously approved then he could, if it had not been, he was only allowed to loam and seed to stabilize the area.

Continuation of a Notice of Intent Hearing – Richard & Roxanne Mace, 38 Peninsula Road, DEP#177-548, Harvard#1207-1. Opened at 7:33pm

Meet & Greet with New Selectmen

Leo Blair and Ron Ricci were present both present. Leo Blair will be suggesting to the Board of Selectmen (BOS) that an energy advisory committee be established for the Town. This committee could be used as a resource by other boards and commissions in Town. There are many individuals in Town that have experience with this kind of information that could be useful. Mr. Blair wonders if it should be a subcommittee of the Commission. Mr. Blair sees all of the boards and commissions working in more harmony and the Land Use Boards working independent of the BOS.

Board of Selectmen Request for Comments – Chapter 40T

Leo Blair explained the acceptance of Chapter 40T would create “town within a town” that has significant “government type” powers without any oversight or recourse by owners who are within the district or others in Town. For a Town the size of Harvard this could have a real impact on the cohesiveness of the town, property tax structure, etc. State Representative Jamie Eldridge has taken a stand against it.

Wendy Sisson made a motion to send a letter to the Board of Selectmen stating that the Conservation Commission is not in support of Chapter 40T. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion with the exception of Jim Breslauer who opposed as he has not had time to review the documentation previously given to him.

Appointment to the Land Stewardship Subcommittee

Tony Shaw attended the March 10th meeting of Land Stewardship Subcommittee (LSS) and stated he would like to be a member of the LSS. The LSS requested the Commission appoint Mr. Shaw to the LSS.

Don Ritchie made a motion to appoint Tony Shaw to a three (3) year term to replace Steve Rowse on the Land Stewardship Subcommittee. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Discuss Kavanagh Site – Lot 2 Stow Road, DEP#177-522

Hillary Kavanagh was present at the meeting to discuss the current Enforcement Order that issued to her for her project at Lot 2 Stow Road. Mrs. Kavanagh was informed a letter will be sent stating that the Enforcement Order was lifted the day after it was issued. It was explained to Mrs. Kavanagh that there was no approval from this Commission to install the driveway as required by the Order of Conditions. The Commission was also informed that the property was subject to a closing within the next two weeks and there was concern that there were to be new owners who were unaware of the Order of Conditions. It was also explained to Mrs. Kavanagh that the driveway inspections done by Hamwey Engineering as part of the Planning Board (PB) decision and that information is not conveyed to the Commission, nor is a final report of the inspections submitted to the PB until all work on the driveway is complete.

Issuance of Certificates of Compliances

Liz Allard reviewed 206 Ayer Road and 80 Warren Avenue for Certificates of Compliance. Both sites have been stabilized and erosion control barriers have been removed.

George Watkins made a motion to issue a Certificate of Compliance for 206 Ayer Road, DEP#177-482 and 80 Warren Avenue, DEP#177-478. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

George Watkins made a motion to adjourn the meeting at 8:38pm. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Richard & Roxanne Mace, 38 Peninsula Road, DEP#177-548, Harvard#1207-1
April 3, 2008

The public hearing was opened at by 7:33pm Chairman Paul Willard under the Wetland Protection Act, MGL Chapter 131 §40 and the Code of the Town of Harvard, Chapter 119 the Wetland Protection Bylaw in the Town Hall meeting room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Don Ritchie and Otto Solbrig

Others Present: Liz Allard (LUB Admin), Gary Shepard (Ross Assoc.) and Roxanne Mace

This hearing was continued from January 3, 2008 on a Notice of Intent filed on behalf of Richard & Roxanne Mace for the proposed restoration/plantings in response to an Enforcement Order and associated grading and driveway construction within 200' of Bare Hill Pond at 38 Peninsula Road, Harvard.

It has been determined that M. Flagg of Lunenburg was the company who had done the cutting that initiated the Enforcement Order. A site walk was conducted on Monday with a majority of the Commission. A number of large trees were cut down on the edge of the pond. The Commission has asked that the edge of the pond be planted with woody shrubs to aid in run off as well as the planting of some larger trees.

Wendy Sisson would like to hire a consultant to direct the Commission on how to go about restoring the area. Paul Willard recommends replacing as many big trees as big as possible that the site can take. A consultant has been contacted and his references have been received. Charlie Gorss stated the tall trees have removed habitat for birds on the pond that use those trees for shelter and hunting. Ms. Sisson is concerned with the cutting on the other side of the house that is also within the buffer zone.

The Commission requested the consultant, Carl Cathcart, be contacted to have him review the plan submitted and ask for his recommendations, explaining that the Commission had requested the area be restored. Mr. Shepard stated it sounds like we will miss the spring planting season. Mr. Shepard was informed that fall is a much better time to plant deciduous trees.

Wendy Sisson made a motion to engage Carl Cathcart to develop a restoration plan of the site in conjunction with the plan submitted by Ross Associates. An estimate will be obtained from the consultant, as well as a time frame and approved by the applicant. If the consultant is unable to do the work in a reasonable time or the cost is not acceptable with the applicant another consultant will be sought, the chair will have the ability to approve the acceptance of the consultants plan.

Mr. Shepard had an objection to the hiring of another consultant since the Enforcement Order stated the applicant will need to hire a consultant and he has done that. Ms. Sisson explained that the Commission is not satisfied with the result of this consultant. It is in the Commission's right to request their own consultant.

George Watkins seconded the motion. Bruce Leicher suggested the photograph provided should be shared with the consultant for restoration. The vote was unanimously in favor of the motion.

Jim Breslauer made a motion to have the letter previously sent to Flagg Tree Service of Ayer to M. Flagg Tree Service of Lunenburg. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

George Watkins made a motion to continue the hearing to April 17, 2008 at 7:30pm. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent