

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 19, 2009
APPROVED: December 17, 2009**

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

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Charlie Gorss, Josh Gould, Jaye Waldron, Jim Breslauer and Patrick Doherty (Associate Member)

Others Present: Liz Allard (LUB Admin), Roy Van Cleef, Jon Anderson, Rosa Koutalakis, Mary Ann Lentini, Jeff Ritter (BHPWMC), Jim Lee (Park & Rec), John Lee, Rich Nota (Public Works), Bruce Morgan, Dmitry Bykhovsky, Allen & Carol Hoffman, Rick Smalankas, Mary Wood and Paul Wood.

Review OOC with New Owner – 101 West Bare Hill Road, DEP#177-564, Harvard#0809-01

Roy Van Cleef was present to discuss with the Commission the existing site and Order of Conditions for 101 West Bare Hill Road. Paul Willard stated that any activities that have been established can be maintained but any new activities on the site within the 100 foot buffer zone, or 200 feet of any stream will need to be permitted. The Commission stated that no phosphorus fertilizers should be used at any time on the site. Any piles such as compost or manure should be contained to protect it from getting into the brook or pond. Mr. Van Cleef asked about the removal of dead trees on the property. The Commission stated that the Agent could come out and take a look to determine if they can be removed without a permit. The jurisdiction of the Commission was explained to Mr. Van Cleef.

Request to Amend the Order of Conditions - Bare Hill Pond Watershed Management Committee (BHPWMC), DEP#177-546, Harvard#1107-03

Jeff Ritter of the BHPWMC was present to explain to the Commission the situation currently existing at the pond that would require an amendment to the Order of Conditions issued to the BHPWMC in 2007. An underwater barrier that was installed in the 90's to hold down weeds has created an impoundment area at the beach. This impoundment is being maintained by the stream that runs into the pond. The BHPWMC would like to divert the stream around the impoundment allowing for the removal of the barrier and other material from that area. Paul Willard asked how big the impoundment is. Mr. Ritter stated it is as large as the existing swimming area. Jim Breslauer wanted to know if the pond bottom material will release toxins that should not be discharged further into the water. Mr. Ritter explained that the material that was removed two years ago was tested and was found to be in excellent condition.

Wendy Sisson made a motion that the change to the plan to include the installation of a pipe to divert the flow of water into the pond at the beach area and the relocation of the stock pile of removed material as de minimus changes. A sketch and narrative shall be

provided for the file. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Notice of Intent Hearing – Harvard Park & Recreation Department, Trail along Route 2, Harvard#1109-01. Opened at 7:30pm

Request for Determination of Applicability Hearing - Bykhovsky 10 Peninsula Road, Harvard#1109-02. Opened at 8:00pm

Request for Determination of Applicability Hearing - Willard Shores, Inc., Harvard#1109-03. Opened at 8:15pm

Extension Permit – Cole, 203 Stow Road, Harvard#1006-01

Liz Allard explained to the Commission that she was contacted by the daughter of the home owner at 203 Stow Road who explained that they have not made the necessary arrangements to move the owner into a nursing facility as of yet and would request an extension to the current Order of Conditions. Josh Gould made a motion to extend the Order of Conditions for 203 Stow Road, Harvard#1006-01 for one year. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Beaver Dam Depot Road

Members of the Commission visited the site behind the Department of Public Works to determine if an existing beaver dam should be removed. The members agreed that the dam should be left as is. There is evidence of a culvert that over time is not functioning properly causing a portion of the trail to flood. The snowmobile club has put logs down for passing through this area. In the future the Commission may want a culvert there, but for now it should remain as is. Paul Willard will ask the snowmobile club to install a bridge across the impoundment that is there now and ask that they do not cut any the brush.

Wendy Sission noted that there is an area of runoff running through the dump into the area where the beaver is building the dam. Ms. Sission believes an engineered solution will need to be established and permitted in the proper manner to correct the situation.

Open Space & Recreation Plan (OSRP) - ADA Requirements

Jim Breslauer has requested help in determining the ADA requirements for the Conservation Land. In order to meet the December 31 deadline for the OSRP Mr. Breslauer asked that the list be split up among members to attempt to get it done by the end of the year. All members agreed and the list was divided among them. Liz Allard asked that the sheets be returned to her no later than December 10, 2009.

SUASCO Cooperative Invasive Species Management Area Memorandum of Understanding (MOU)

Wendy Sission distributed the MOU for the SUASCO Cooperative Invasive Species Management Area for the members' review. Ms. Sission would like invasive species

control to be an effort focused on by the Commission. Jim Breslauer will review the MOU for further discussion at the next meeting.

Conservation Restriction for Deans Hill

Wendy Sisson has been working with George Watkins to complete the Conservation Restriction for the Deans Hill property. Ms. Sisson will email the draft to the members for their review and comments at the next meeting.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:04pm. Josh Gould 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
Harvard Park & Recreation Department, Trail along Route 2, Harvard#1109-01
November 19, 2009**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Charlie Gorss, Josh Gould, Jaye Waldron, Jim Breslauer and Patrick Doherty (Associate Member)

Others Present: Liz Allard (LUB Admin), Roy Van Cleef, Jon Anderson, Rosa Koutalakis, Mary Ann Lentini, Jeff Ritter (BHPWMC), Jim Lee (Park & Rec), John Lee, Rich Nota (Public Works), Bruce Morgan, Dmitry Bykhovsky, Allen & Carol Hoffman, Rick Smalankas, Mary Wood and Paul Wood.

This hearing is for a Notice of Intent filed on behalf of Harvard Park & Recreation Department for the installation of a recreation trail along Route 2 with some areas within the 100; wetland buffer zone.

Jim Lee was present to discuss the proposed trail along Route 2 that will connect Depot Road to Lancaster County Road. Mr. Lee stated there will be stream crossings at at some locations along the trail. Details of those crossings were available in the packets given to the members. The proposed trail will follow the existing snowmobile trail. The Commission asked what would be done with the organic material removed from these locations. Mr. Lee stated some will be taken away and the rest will be used as fill. Wendy Sisson stated there should be no fill within the wetlands. The compacted material is a graded base that to and contains 1½” of stone and stone dust. Ms. Sisson stated the problem with stone dust is that it carries silt with it and washes out. Mr. Lee stated packed gravel will be used in a lot of the locations. Funding for this project was obtained through a Department of Conservation and Recreation grant. Jaye Waldron asked about the use of a non-porous surface. Mr. Lee stated all best attempts to do without any pavement will be the goal, but some areas may need to be surfaced. Mr. Lee further explained there are two existing bridges that will be upgraded so that foot traffic and bikes can pass. Horses will be allowed to use this trail as well.

Rosa Koutalakis, of 74 Lancaster County Road, wanted to know where this trail is going to be located. The location of the trail would start at the end of Depot Road, near the Route 2 over pass and end on Lancaster County Road along the entrance of Deer Run. Mr. Lee added the intention is to allow non-vehicular access from one recreation area to another. Ms. Koutalakis stated that since the track was opened on Lancaster County Road it has become a hassle to the neighbors between traffic and litter. Paul Willard does not know what to do about traffic and litter along Lancaster County Road as it would be outside the Commission’s jurisdiction. Mr. Lee stated that the Park & Recreation (P&R) Department will be responsible for maintaining the trail. Mr. Lee further explained the

trail is a low impact trail, meant to be an in-town trail way. There will be no designated parking. Jon Anderson a resident of Lancaster County Road echoed what Ms. Koutalakis stated.

Mary Anne Lentini, of 71 Lancaster County Road, read a prepared letter to the Commission. Ms. Lentini has concerns of people walking along her property, as well as concerns with water issues that may be created by this trail system. Mr. Lee stated the land has been surveyed and the area near her house will have little or no disturbance. The trail proposed will be in the same location as the existing snowmobile trail, which is actually the former roadway between Worcester and New Hampshire.

Mr. Lee is willing to meet with the abutters to address concerns that are within the P&R purview and not the Commission's. Water issues along the trail will be addressed with grading to drain water back into wet areas that already exist. Wendy Sisson further explained to the abutters that the wetlands and water have been addressed by the engineering that has been submitted with the application. Maintenance is an issue that should be addressed by P&R. Trash is an interest as the Commission does not want it to get into the wetlands.

Don Ritchie requested that only silt fence for erosion control barriers be used unless the area is a steep slope.

Wendy Sisson made a motion to close the hearing and issue a standard Order of Conditions. Josh Gould 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
Olga Bykhovsky, 10 Peninsula Road, Harvard#1109-02
November 19, 2009

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

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Charlie Gorss, Josh Gould, Jaye Waldron, Jim Breslauer and Patrick Doherty (Associate Member)

Others Present: Liz Allard (LUB Admin), Roy Van Cleef, Jon Anderson, Rosa Koutalakis, Mary Ann Lentini, Jeff Ritter (BHPWMC), Jim Lee (Park & Rec), John Lee, Rich Nota (Public Works), Bruce Morgan, Dmitry Bykhovsky, Allen & Carol Hoffman, Rick Smalankas, Mary Wood and Paul Wood.

This hearing was for a Request for Determination of Applicability filed on behalf of Olga Bykhovsky for the removal of dead and damaged trees within 200' of Bare Hill Pond at 10 Peninsula Road, Harvard.

A site walk was conducted on November 14th with the homeowner and members of the Commission. Wendy Sisson stated the previous owner had cleared down to the pond and would suggest a woody species be planted. A list of native species will be sent to the applicant. The plan agreed upon at the site walk was for the removal of two trees as indicated on the revised plan.

With no further questions Don Ritchie made a motion to close the hearing and issue a Negative 3 Determination of Applicability allowing for the removal of two of the tree trees previously requested. Josh Gould 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., 4 – 6 Wilroy Avenue, Harvard#1109-03
November 19, 2009

The public hearing was opened at 8:15pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Bylaw, Code of the Town of Harvard, Chapter 119 in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Charlie Gorss, Josh Gould, Jaye Waldron, Jim Breslauer and Patrick Doherty (Associate Member)

Others Present: Liz Allard (LUB Admin), Roy Van Cleef, Jon Anderson, Rosa Koutalakis, Mary Ann Lentini, Jeff Ritter (BHPWMC), Jim Lee (Park & Rec), John Lee, Rich Nota (Public Works), Bruce Morgan, Dmitry Bykhovsky, Allen & Carol Hoffman, Rick Smalankas, Mary Wood and Paul Wood.

This hearing is for a Request for Determination of Applicability filed of behalf of Willard Shores, Inc. for the repaving of an existing roadway within 200' of Bare Hill Pond at 4 -6 Wilroy Avenue, Harvard.

A site walk was conducted on November 14th by members of the Commission. The plan indicates the new surface will pitch away from the pond. The Commission views this activity as an improvement to the area.

With no further questions Josh Gould made a motion to close the hearing and issue a Negative 2 Determination of Applicability. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent