

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
December 3, 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), Julie Murphy, Denis Murphy, Mamie Wytrwal, Patricia Boudreau and Jim Adam

Minutes

Josh Gould made a motion to approve the minutes of October 1, 2009 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Review the Order of Conditions with New Owner – Murphy, Lot10-B17 West Bare Hill Road, DEP#177-532

Julie and Denis Murphy were present to discuss the Order of Conditions, DEP#177-532, and the site location. A revised plan has all components of the house and septic system outside the 100' wetland buffer zone. The Order was recently extended for the off chance the house can not be located outside the 100' buffer zone. It was explained to the Murphy's that any additional activity within the 100' buffer zone will require a filing with the Commission.

Minutes

Josh Gould made a motion to accept the minutes of November 5, 2009 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Request for Determination of Applicability Hearing – James Adam, 196 Littleton County Road, Harvard#1109-05. Opened at 7:30pm

Review Request to Amend the Order of Conditions – Kavanagh, 339 Stow Road, DEP#177-522

Liz Allard explained that she has received a plan from Paul Kavanagh designating the area in which he would like to be able to mow in the spring as well as in the fall as indicated in the Order of Conditions (OOC). Wendy Sisson thinks May is not a good time at all to do cutting of a wet meadow. Paul Willard asked if the Commission is in the business of telling people how they can maintain their lawns. Don Ritchie stated if the lawn is wetland or its buffer zone we are. Ms. Sission stated when the site was permitted the hay bale line was the limit of work and there was reasoning for that to protect the wetland; if the Commission allows this amendment it would essentially be throwing out the whole reasoning behind the conditions. The OOC where reviewed to determine what was previously permitted.

The members agreed a letter should be sent explaining that the OOC clearly states that there was to be no disturbance beyond the granite post other than the allowed mowing twice a year after August 1st each year and that the limit of any other disturbance or activity shall continue along the original erosion control line. Since the original erosion control line has been removed the members agreed that the area 30' north of the driveway could be mowed at any time, but beyond that in be left undisturbed until August 1st, at which time it can be mowed twice. The Commission has a great interest in maintaining the wet meadow.

Land Stewardship Subcommittee

Wendy Sisson proposed starting meetings of the Land Stewardship Subcommittee (LSS) after the first of the year. Ms. Sisson would like to focus on invasive species and trail maintenance once the committee gets going again. The members agreed this would be a good direction for the LSS to focus on.

Review & Discuss Sudbury-Assabet-Concord Cooperative Invasive Species Management Area (SUASCO-CISMA) Memorandum of Understanding (MOU)

Wendy Sisson had previously asked Jim Breslauer to review the MOU for the Commission. Both Liz Allard and Josh Gould worried that Commission may be spread too thin by joining this group. It was determined the Commission has the ability to remove themselves from the group at anytime if they so choose. Jim Breslauer made a motion that the Commission joins the SUASCO-CISMA. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Update of Dean's Hill Conservation Restriction

Wendy Sisson has received the final documents from George Watkins that needs some editing before sending out to the members for review. Once complete, Ms. Sission will send it out for comments and finalized at the next meeting.

Open Space & Recreation Plan – ADA Requirements Update

Liz Allard reminded the members that the self evaluations for the Open Space and recreation Plan are due next Thursday, December 10th.

Request to Remove Trees along Haskell Conservation Land on Willard Lane

Paul Willard asked the Commissions permission to cut back the choke cherry trees along Willard Lane and the Haskell property. He asked members to take a look at the site before the next meeting for their input into this request.

Prospect Hill Road Land

Wendy Sisson stated she has spoken with the Greens in regards to the property on Prospect Hill Road. The Greens are still not interested selling a conservation restriction to the Commission, however other options were discussed. Ms. Sisson will draft a letter to the Green's thanking them for taking the time to discuss the site with her and would like to keep the communications open.

Certificate of Compliances

Liz Allard explained to the Commission that the Order of Conditions (OOC) for the Palli's at 10 Madigan Lane, DEP#177-428 was never recorded. However, the Order of Conditions, DEP#177-253, to install the tight tank had never received a Certificate of Compliance (COC). The new home owner's attorney has requested the COC be issued for DEP#177-253. Josh Gould made a motion to issue a Certificate of Compliance for DEP#177-253. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Mrs. Allard has reviewed 54 Old Mill Road, DEP#177-528, for a COC. All work has been completed as required by the OOC. Don Ritchie made a motion to issue a Certificate of Compliance for DEP#177-528. Josh Gould seconded the motion. The vote was unanimously in favor of the motion.

Public Lands Preservation Act Letter

The Commission has been notified by the Massachusetts Association of Conservation Commissioners (MACC) request the Commission send a letter to Senator Eldridge in support of the Public Lands Preservation Act. The bill would make it the policy of the Commonwealth to approve change in use or disposition of land acquired for natural resource purposes, which is protected by Article 97 of the constitution, only if there is no feasible alternative and if equivalent replacement land is provided, i.e., there is no net loss. Additionally, this bill would provide important safeguards for land under the Commissions jurisdiction, which has been acquired for public use.

Don Ritchie made a motion to send the above mentioned letter to Senator Eldridge. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 8:54pm. 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
James Adam, 196 Littleton County Road, Harvard#1109-05
December 3, 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), Patricia Boudreau and Jim Adam

This hearing is for a Request for Determination of Applicability filed of behalf of James Adam for the installation of a 10 x 14 shed within the 100' wetland buffer zone at 196 Littleton Road, Harvard.

A site visit was conducted on November 21, 2009. The members determined that the installation of the shed would have minimal impact on the wetlands. The members requested that there be no storage of chemicals within the shed and that yard waste not be stored behind the shed as it is near the stream.

With no further questions or comments Jim Breslauer made a motion to close the hearing and issue a Negative#3 to include the above mentioned conditions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent