

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
March 5, 2009  
APPROVED: March 19, 2009**

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, Jaye Waldron, George Watkins and Josh Gould (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Barbara Hadad, Louis Hadad, John Oskirko, Chris Oskirko, Sydney Blackwell (Harvard Press), Al Combs (Ag. Comm.), Dan Wolfe (Ross Assoc.), Robert Adam, Candy Frazer (Ag Comm.) and Frank Carlson (Ag Comm.)

**Enforcement Order – Hadad, 9 Haskell Lane**

A site walk was conducted on Thursday February 28<sup>th</sup>. Barbara Hadad explained that during the December ice storm a number of large trees came down around the house and around the pond. There are trees that she wants to plant within the buffer zone of the pond, such as maple trees and birches. The rest of the area she would leave to naturally re-vegetate. Mrs. Hadad would like to grind the remaining stumps. Jim Breslauer stated his memory is that there is a slope to the pond. Members confirmed that was correct. Wendy Sisson thinks the stumps near Stow Road should be left alone as they may be holding up the roadway. Wendy Sisson stated there is a big area that fans out at the toe of the slope, which has sensitive fern and should be left alone. Paul Willard suggested that a drawing indicating what and where the Hadad's want to plant should be submitted. Mr. Breslauer wanted to know who the tree cutter was. That information has been received. Liz Allard stated that other violations of cutting have required a filing and no one has mentioned that a filing for the remediation will be required. Members discussed the filing of a Request for Determination of Applicability.

John Osirko would like the fact that Town trees were also removed noted and that it should be taken care of. Mr. Osirko was informed that Ms. Allard also works for the Planning Board and is following up on that subject.

Wendy Sisson made a motion that the Hadad are required to file a Request for Determination of Applicability. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**Land Stewardship Subcommittee Appointment**

George Watkins made a motion to appoint Ron Kusner to the Land Stewardship Committee until March 31, 2009 to fill the vacancy from Ben Urquhart. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

### **Sprague Land License**

Paul Willard stated he has been in contact with the current farmer who has a license to farm the Sprague Land. The farmer is willing to give up his license to allow another farmer to farm the land. A new license will need to be written. Mr. Willard stated it would take a while to establish a hay field, but once established it would do well.

**Notice of Intent – Robert Adam, 204 West Bare Hill Road, DEP#177-560, Harvard#0109-02.** Opened at 7:30pm

**Amendments to the Code of the Town of Harvard, Chapter 119 Wetland Protection Bylaw Hearing.** Opened at 8:10pm

### **Agricultural Commission – Notification of Trail Use by Horses**

Al Combs, Frank Carlson and Candy Frazer were present to discuss with the Commission a submittal to the local newspapers in regards to the use of the trails during mud season by horseback riders. It was suggested that the approved policy on horseback riding on Harvard trails be condensed and submitted. Wendy Sisson and Candy Frazer agreed to work together on a final version for submittal to the local newspapers. Ms. Frazer will have Pam Browning re-distribute the full document to horse owners. The document will also be posted on the Town's web site. Al Combs stated this notification needs to become an annual item.

### **Minutes**

Wendy Sisson made a motion to accept the minutes of May 17, 2007, September 20, 2007, November 1, 2007, February 7, 2008, October 2, 2008 and February 19, 2009 as amended. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

### **Open Meeting Law Seminar**

Liz Allard distributed the handout from the Open Meeting Law seminar that was conducted last Thursday. There are several areas in which the Commission needs to be careful not to violate the open meeting law. Those being emails, phone conversations and site walks.

### **Open Space and Recreation Plan Update**

Liz Allard distributed spread sheets for the lands managed by Conservation. Unfilled columns on the sheets will need to be filled in by the members. The parcels were divided among the members. A deadline was established first meeting in May.

### **Warrant Article for Conservation Restrictions**

George Watkins has submitted a warrant article for the required Conservation Restrictions for the Stone Land, Locke Parcel and Hosking Point on behalf of the Commission for the Annual Town Meeting in May.

### **Land Stewardship Subcommittee - Dean's Hill Conservation Restriction**

Wendy Sisson informed the members that the Land Stewardship Subcommittee is working on the Conservation Restriction for Dean's Hill and she would like to know what restrictions the Commission would like to see on the property. The members agreed that the standard restrictions should be included with the exception that snowmobiles shall be allowed.

### **Adjournment**

George Watkins made a motion to adjourn the meeting at 9:12pm. 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**  
**Notice of Intent Hearing Meeting Minutes**  
**204 West Bare Hill Road, DEP#177-560, Harvard#0109-02**  
**March 5, 2009**

The public hearing was opened at 7:36pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 in the Town Hall Meeting Room

**Members Present:** Paul Willard, Wendy Sisson, Charlie Gorss, Don Ritchie, Jaye Waldron, Jim Breslauer, George Watkins and Joshua Gould (Associate Member).

**Others Present:** Liz Allard (LUB Admin), Sydney Blackwell (Harvard Press), Al Combs (Ag. Comm.), Dan Wolfe (Ross Assoc.) and Robert Adam

This hearing is for a Notice of Intent filed by Robert Adam for the renovation of an existing single family residence to include drainage, grading and the installation of a new gravel driveway within the 100' wetland buffer zone at 204 West Bare Hill Road, Harvard.

Dan Wolfe, of Ross Associates, explained that the dwelling being discussed is known as the Sprague House and is one of the oldest dwellings in Town. The current owner, Karla Pearlstein, would like to preserve as much of the original house as possible. Robert Adam, the applicant, has been hired by the owner to restore the structure. The filing incorporates everything the owner wants to do with the property and may take some time to complete. The plan calls for the restoration of the historical porch, as shown in a photo submitted. Mr. Wolfe stated the old well will be kept, but will be disconnected from water use. Storm water runs down West Bare Hill Road toward Still River Road and over the years a channel has been created and causes pooling to take place at the front of the house. This storm water will be maintained with minimum grading changes to keep water away from the house.

Evidence has shown that there was a horseshoe driveway at one time that will be reclaimed at the front of the house. A slurry basin will be created when installing the new well, details of that basin are provided on the submitted plan. A maple tree in the front of the house has died and needs to be removed as shown on the plan. Electricity will be restored to the dwelling and the owner is hoping to put in an underground conduit. Mr. Wolfe indicated that they will try to get the electrical connection on the far corner of the house, but will be at the mercy of the electric company. The existing sills are below the grade in some locations and will need to be restored. The project will include excavating out a portion of the cellar floor. The bulkhead will be restored to a functioning bulkhead. Drip line recharge trenches will be reestablished. A daylight drain will be established for the cellar as shown on the plan. Jim Breslauer asked if any calculations have been done for that discharge. Mr. Breslauer is concerned that during a large storm that could be a large amount of water discharging at once toward the wetland. Robert Adam stated he is hoping that the re-grading will not create a large amount of

water within the cellar. Paul Willard suggested that Mr. Wolfe include a device at the end of the outflow to slow the water.

The owner would like to establish plantings along the wetland line on the east side of the house and an orchard on the west side of the house. The planting would be in a random natural look. Mr. Willard asked if the idea is to have a mowed back yard area in the planted tree area. Mr. Adam explained the owner would like a clear area around the house, but not down to the wetland, she would like to maintain privacy not only for her but the neighbors as well. Mr. Adam believes the plan is to mow less rather than what has been mowed previously. Mr. Breslauer would like to have the mowed area marked on the plan and may require markers be placed to delineate the area. Granite posts were recommended. Mr. Adam will look into the historical aspects for delineating the area. Mr. Wolfe asked if the Commission had a problem with random plantings or should they be delineated on the plan. George Watkins suggested that a cross hatching be placed on the plan that shows a planting area. Mr. Breslauer stated that there should still be a 25' no disturb area from the edge of the wetland. It was recommended that high bush blueberries or elderberries be planted along the line to create a thicket for privacy. Josh Gould asked if the trees proposed are going to require mechanical installation. Mr. Adams sated no. Mr. Watkins stated looking at the proposed orchard that he would like to see the other corresponding wetland line and the topography of the area. Mr. Breslauer stated if there will be any storage of fill the Commission will need to know where it will be stored and how it will be maintained. Mr. Gould wants to make sure the slurry pit is far away of the hay bales in case there is a blow out. Mr. Wolfe stated the detail shows two sets of hay bales. A site walk was scheduled for Thursday March 12, 2009 at 4:30pm.

George Watkins made a motion to continue the hearing to March 19, 2009 at 7:30pm. 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  
Wetland Protection Bylaw, Chapter 119 Amendments Public Hearing  
March 5, 2009**

The public hearing was opened at 8:10pm by Chairman Paul Willard under the authority of the Home Rule Amendment Article LXXXIX (89), of the amendments of the Constitution of Massachusetts, 1966 in the Town Hall Meeting Room.

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

**Others Present:** Liz Allard (LUB Admin), Sydney Blackwell (Harvard Press), Al Combs (Ag. Comm.), Candy Frazer (Ag Comm.) and Frank Carlson (Ag Comm.)

This hearing was for amendments to the Wetland Protection Bylaw, Chapter 119-7F of the Code of the Town of Harvard.

Jim Breslauer stated he has added an additional sentence to Section 119-7 F so that it would be consistent with the Wetland Bylaw Regulations, Chapter 147. The following text includes the additional sentence, which is underlined.

119-7F The Commission is authorized to require an applicant to pay a fee for the reasonable costs borne by the Commission for a wildlife habitat study of the project area whenever it deems appropriate, regardless of the type of resource area or the amount or type of alteration proposed. The decision shall be based upon the Commission's estimation of the importance of the habitat area considering, but not limited to, such factors as: proximity to other areas suitable for wildlife, the importance of wildlife corridors in the area, or the possible presence of rare species in the area. The work shall be performed by an individual who at least meets the qualifications set out in the wildlife habitat section of the Wetlands Protection Act Regulations (310 CMR 10.60). The Commission is further authorized to require an applicant or requester to pay the costs of an outside consultant, employed pursuant to M.G.L.c 44, s 53G, when it requires expert advice unavailable from municipal employees.

Wendy Sisson made a motion to accept the amended text as amended this evening and submit it to the Board of Selectmen to be included as a warrant article for the 2009 Annual Town Meeting. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent