

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
April 2, 2009
APPROVED: June 4, 2009**

Chairman Paul Willard called the meeting to order at 7:01pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Jaye Waldron and George Watkins

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Barbara Hadad and Louis Hadad

Maple Tapping on Maple Lane

George Watkins informed the members he believes Jim Burns has received permission from Bob Moran to tap maple trees on Mr. Moran's property on Shaker Road; Mr. Watkins believes Mr. Burns may be tapping trees that are on an abutting piece of Conservation Land. Members recommended a letter be sent to Mr. Burns expressing the Commissions concerns.

Dunlap Land Taxes

Liz Allard explained to the members the State has denied the Towns request to abate the taxes of James Dunlap, which were paid in error by Mr. Dunlap prior to the conveyance of his land on Old Littleton Road to the Conservation Commission. Ms. Allard has received copies of the yearly taxes and has determined that Mr. Dunlap over paid one quarter of his taxes for a total of \$1233.55. Wendy Sission made a motion to refund James Dunlap \$1233.55 from the Conservation Fund for paying of taxes in 2008 on property that was gifted to the Town of Harvard at the 2008 Annual Town Meeting. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Village Nursery School Request for Tree Removal

Jim Breslauer reviewed the trail behind the Village Nursery School (VNS) as requested by VNS, who requested the removal of an existing pine tree that is starting to decay. After a discussion Wendy Sisson made a motion to send a letter to VNS stating that the tree should be left to decay naturally and that to avoid using the trail with small children during periods of high winds. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Congregational Church Use of Eastview

Charlie Gorss asked the Commission for permission to use the Eastview Conservation Land for sunrise service on Easter. The Commission agreed that this use of Conservation Land was acceptable. A letter will be sent in that regard.

Continuation of an Abbreviated Notice of a Resource Area Delineation Hearing – LTI Harvard Orchard, 320 Ayer Road, DEP#177-557, Harvard#1208-01. Opened 7:30pm

Request for Determination of Applicability Hearing – Barbara Hadad, 9 Haskell Lane, #0309-01. Opened at 7:45pm

Community Garden on Old Littleton Road

Anne Taylor was present to discuss with the Commission the removal of a tree that has fallen across the cart path on the Conservation Land on Old Littleton Road that is used for the community gardens. The members agreed the tree could be removed from the path.

Appointment of Land Stewardship Subcommittee Member – Ron Kusner

Liz Allard explained to the members that Ron Kusner's appointment to the Land Stewardship Committee last month was only good until the end of March and he would need to be re-appointed to a three year term. George Watkins made a motion to appoint Ron Kusner to the Land Stewardship Subcommittee for a three year term. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Recommendation of Appointment of Josh Gould to the Board of Selectmen

Jim Breslauer made a motion to recommend Josh Gould to the Board of Selectmen for a three year term to fill the vacancy that will be available when George Watkins term is up at the end of April. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Certificates of Compliances

Liz Allard informed the members that she has reviewed both 335 Stow Road, DEP#177-523 and 110 Tahanto Trail, DEP#177-496 for Certificates of Compliance. Stow Road has installed the markers as required late last year. Wendy Sisson made a motion to issue a Certificate of Compliance for 335 Stow Road, DEP#177-523. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Ms. Allard stated the plantings at 110 Tahanto Trail have been installed per the plan and recommends a Certificate of Compliance be issued. Wendy Sisson made a motion to issue a Certificate of Compliance for 110 Tahanto, DEP#177-496. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:26pm. 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
Abbreviated Notice of Resource Area Delineation Hearing Meeting Minutes
LTI Harvard Orchard LP, 320 Ayer Road, DEP#177-557, Harvard#1208-01
April 2, 2009

The public hearing was opened at 7:40pm 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 Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer, Jaye Waldron and George Watkins

Others Present: Liz Allard (LUB Admin) and Bruce Ringwall (GPR, Inc.)

This hearing was continued from February 19, 2009 on an Abbreviated Notice of a Resource Area Delineation filed on behalf of LTI Harvard Orchard LP for the review and approval of a delineated wetland at 320 Ayer Road, Harvard.

Bruce Ringwall submitted revised plans that included changes that had been made during the two site walks for this application. The Commission had no further questions in regards to the delineated wetland. Mr. Ringwall reminded the Commission that the application included a request for waiver for a portion of the bylaw fees, which were twice as much as the State fee. George Watkins stated the fees have been established based on the size of a project and the monitoring that will be needed once the project gets under way. It was explained to Mr. Ringwall that when a Notice of Intent is filed the fee to confirm the wetland line will not apply. Jim Breslauer stated that §119-4I of the bylaw states that the Commission can waive a fee for a government agency, the Town or a non-governmental organization working in the interest of the Town; this application does not fall into any of those categories.

Wendy Sission made a motion to not waive or reduce the fee for this application. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Charlie Gorss made a motion to close the hearing and issue an Order of Resource Area Delineation. 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
Barbara Hadad, 9 Haskell Lane, Harvard#0309-01
April 2, 2009

The public hearing was opened at 7:45pm 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, Charlie Gorss, Jim Breslauer, Jaye Waldron and George Watkins

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

This hearing is for a Request for Determination of Applicability filed on behalf of Barbara Hadad for the flat cutoff of 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

Paul Willard stated he has spoken to the Highway Department in regards to the embankment, but has not heard back from them. Mr. Willard assumes that the Highway Department did not find the situation to be a threat to Stow Road. Barbara Hadad stated the plan is to replace trees in the general areas where trees were removed. There are seven trees cut on the edge of Stow Road including a clump of three trees on the corner of Stow Road and Haskell Lane that should only be replaced in a manner that does not destabilize the embankment supporting Stow Road. There are eleven others that need to be replaced within the disturbed area. Ms. Hadad would like to plant a pine tree along with a mix of maples. Three of the trees removed were growing under the power lines and Ms. Hadad has requested that they be replaced away from the power lines. Wendy Sisson believes the one to one replacement of the removed trees would cause more disturbance than planting a few trees and allowing the site to re-vegetate naturally. Paul Willard asked what method should be used to replant the trees. The Commission agreed the work should be done by hand, trees should consist of at least a two foot root ball and be 1 – 2" in caliper. Ms. Sisson is concerned with the slope by Stow Road; she recommended the stumps be left in place and the planting of junipers which have a deep root system. Mr. Willard suggesting waiting to see what comes up this spring in that area; then if need be ask for more to be planted. Ms. Sisson would like to visit the site again because from the plan it is hard to tell where things are. Mrs. Hadad asked if the tree trunks that are on the ground could be removed. The Commission agreed that they could be removed by hand from the area and that stumps are to be left in place. A site walk was scheduled for Wednesday April 8, 2009 at 6:00pm.

Mrs. Hadad agreed to continue the hearing beyond the twenty-one day requirement. Jim Breslauer made a motion to continue the hearing to April 16, 2009 at 8:30pm. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Mrs. Hadad asked about her request for a waiver of the fees. After a brief discussion Jim Breslauer made a motion to deny the request for a waiver of the fees. George Watkins seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent