

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
May 7, 2009
APPROVED: May 21, 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 and Josh Gould

Others Present: Liz Allard (LUB Admin), Rick Mace, Bruce Leicher and Jeff Harris

Appoint New Community Preservation Committee Representative

With the departure of George Watkins from the Commission another member will need to be appointed as the Commission's representative to the Community Preservation Committee (CPC). Charlie Gorss stated he would be willing to be the Conservation representative for CPC if another member was willing to represent the Commission on the Land Stewardship Sub-Committee (LSS). Wendy Sisson stated she was willing to be on the LSS. Jim Breslauer made a motion to appoint Charlie Gorss as the Conservation Commission's representative to the Community Preservation Committee and to appoint Wendy Sisson to Charlie Gorss's remaining term on the Land Stewardship Sub-Committee. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Chainsaw Waiver

The Commission has recently received a waiver drafted by Town Counsel for chainsaw use on Conservation Land; Wendy Sisson explained that the waiver is very lengthy and technical and getting individuals to sign it may be difficult. Ms. Sisson wondered if there was a way to make it simpler. Jim Breslauer stated he would take a look at the waiver before the next meeting.

Palmieri, Stow Road WPA SOC Appeal to DALA Update

Town Counsel, Mark Lanza, has informed the Commission that the judge presiding over the appeal case of Robert Douglas and the Conservation Commission against Vincent Palmieri is not happy with the lack of action by Mr. Palmieri and has ordered him to obtain an attorney by June or she will dismiss the case. Attorney Lanza asked the Commission if they want him to file a motion to vacate the Superseding Order of Conditions and reinstate the Conservation Commission's denial of the Order of Conditions. Jim Breslauer made a motion to request that Attorney Lanza file a motion in court to vacate the Superseding Order of Conditions and reinstate the Conservation Commission's denial of the Order of Conditions. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson asked if the Commission would be interested in purchasing this property. The members agreed to re-visit the topic once the court proceedings are complete.

Thurston's Cove Request to Place Memorial Bench

Richard and Phyllis Clawson have requested the placement of a memorial bench at Thurston's Cove in honor of their daughter who recently passed away. None of the members objected to the request. Paul Willard made a motion to allow Richard and Phyllis Clawson to place a memorial bench at Thurston's Cove on Warren Avenue. Josh Gould seconded the motion. The vote was unanimously in favor of the motion.

Dumping at Reservoir on Bolton Road

Josh Gould reported that the Highway Department has been dumping the tailings from the street sweepings within the buffer zone of the reservoir. The area has since been cleaned up, but others in Town are still using the area for the dumping of yard waste. Mr. Gould stated that Park & Recreation must have moved the chain that went across the drive up to the water tower for access for ice skating and that it should probably be put back closer to Bolton Road. A "No Dumping" sign should be installed as well. Paul Willard will speak with Rich Nota, Highway Director, about this issue.

East Bare Hill Road Culvert Work

The Commission discussed the work that took place several weeks ago on East Bare Hill Road that involved the replacement of a culvert. Mr. Gould asked if the Commission was notified of the activity and if not, should the Commission have been notified. It was explained that the Highway Department did not notify the Commission, but in the event of an emergency an Emergency Certificate could be issued for such an activity. Paul Willard will talk to Rick Nota, Highway Director, about the work and what was done and what should have been done in regards to notifying the Commission.

Murray Lane Trail Easement Obstructions

Liz Allard informed the members that she was contacted by trail keeper Phil Knoettner in regards to trees that are obstructing the trail easement on to the Murray Lane Conservation land by the grantor of the easement. Wendy Sisson stated she has spoken to Mr. Knoettner about the situation and will contact the owner to see what can be done to resolve the issue.

Planning Board request for Comments – Russell Lot 3 Old Littleton Road

The Commission has received a request for comments from the Planning Board (PB) in regards to a Scenic Road Consent filed on behalf of Richard & Keyo Russell at Lot 3 Old Littleton Road. The Commission currently has a Notice of Intent application to be opened on May 21st for the construction of a single family dwelling at this location. The proper comments will be sent to the PB explaining the Commission's concern.

Request to Amend the Order of Conditions – Rick and Roxanne Mace, 38 Peninsula Road, DEP#177-548, Harvard#1207-01. Opened at 7:33pm

Municipal Recycling Program

Liz Allard had recently request the Commission's help in getting the municipal buildings to be more recycle friendly. After a discuss the Commission agreed that a letter should be sent to the Board of Selectmen (BOS) stating that the Town is not pursuing recycling in municipal buildings and the Commission would like to encourage the BOS to develop a policy that would require recycling in municipal buildings.

Minutes

Wendy Sisson made a motion to accept the April 16, 2009 minutes as amended. 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 8:23pm. 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
Request to Amend the Order of Conditions Rick & Roxanne Mace
Hearing Meeting Minutes
38 Peninsula Road, DEP#177-548, Harvard#1207-01
May 7, 2009

The public hearing was opened at 7:33pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 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, Don Ritchie, Jaye Waldron, Jim Breslauer and Joshua Gould

Others Present: Liz Allard (LUB Admin), Rick Mace, Bruce Leicher and Jeff Harris

This hearing is for a request to Amend the Order of Conditions filed on behalf of Rick and Roxanne Mace for additional plantings within 200' of Bare Hill Pond at 38 Peninsula Road, Harvard

Rick Mace explained how it was that they have come back to the Commission requesting an amendment to the Order of Conditions issued last spring. In order to resolve a violation of the ZBA decision the Mace's have agreed to additional plantings on their property. Mr. Mace explained the revised plan will have seventeen major trees. Acorn Landscape has stated the additional plantings will grow and restore the area. Mr. Mace stated he is willing to make the recommended changes as suggested by Carl Cartcath, consultant to the Commission. Wendy Sisson asked if there would be any additional plantings on the front side of the house. Mr. Mace stated no. Jeff Harris, an abutter, stated he would like to see the plan include foundation plantings to help with erosion. Mr. Harris feels that runoff mitigation and erosion control problems are still prevalent all over Town and a bylaw to that effect will save the Commission in the future. Jim Breslauer asked how the all ready installed plants were doing. Mr. Mace stated they were all doing fine with the exception of a white pine that will be replaced. Mr. Breslauer would prefer to have an official opinion from Acorn that states this will work. Mr. Breslauer is leery about this number of large trees surviving there.

With no further discussion, Don Ritchie made a motion to amend the Order of Conditions with the amendment to the time frame for monitoring to six years from the original issuance date in order to have five full years of monitoring on the additional plantings. Charlie Gorss seconded the motion. The vote was 6-1, with Jim Breslauer opposing the amendment.

Respectfully submitted,

Liz Allard
Land Use Administrator/Conservation Agent