

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
June 3, 2010
APPROVED: June 17, 2010**

Chairman Paul Willard called the meeting to order at 7:02pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jaye Waldron, Jim Breslauer, Patrick Doherty and Lewis Beilman (Associate Member)

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

Request to Remove Trees – Gail McCarthy, 39 Jacob Gates Road

Gail McCarthy was present to discuss the removal of dead trees from her yard that have had been consistently losing limbs. Wendy Sisson asked if the trees within the wetland would require the use of heavy equipment to be removed. Ms. McCarthy stated no that all work will be done by hand since most locations would require the traversing of the septic system. Mrs. McCarthy would like permission to remove a total of five trees. The tree covered in poison ivy would be dropped and left in place. Ms. Sisson explained the Commission's concern about oil from the chain saw dripping into the wetland area and asked that Mrs. McCarthy please explain this to the contractor. The Commission asked if Ms. McCarthy is not going to use the wood for firewood then please place them in areas that they can rot. All stumps are to be left in place. Ms. Sisson asked for additional vegetation to be allowed to grow in to allow it to aid in the filtering the water before it reaches the wetland. Wendy Sisson made a motion to allow the trees to be removed by hand work only. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Land Stewardship Subcommittee

Wendy Sisson informed the members that the Land Stewardship Subcommittee met last week and have established a summer goal of determining who is maintaining the open fields of Conservation Land, when the work is being done and how the fields are mowed. Ms. Sisson is hoping farmers and others with tractors that abut Conservation Land can be engaged to mow or brush hog those fields.

Knotweed Control along Roadside

Wendy Sisson would like to see the Highway Department cut the knotweed down along the sides of the road three times a year to help control it. Ms. Sisson feels that this invasive species is also causing sight line issues along roadways. Paul Willard stated he would speak with the Highway Director, Rich Nota, about this issue.

Request for Determination of Applicability Hearing – David & Diane Margaretos, 54 Woodside Road, Harvard#0510-01. Opened at 7:30pm

Request for Determination of Applicability – Jill Realty Trust, 231 Ayer Road, Harvard#0510-03. Opened at 7:46pm

Continuation of a Notice of Intent Hearing – Mark Roux, 82 Whitney Road, DEP#177-577, Harvard#0510-02. Opened at 8:00pm

Approval of Letter to Mark Vitale, 189 Stow Road

Liz Allard had forwarded a letter drafted letter to Mark Vitale, in regards to gaining access to his property to review the existing stream for any impediments, to the members earlier in the week. With a few minor adjustments the Commission approved the letter.

Bare Hill Pond Watershed Management Pond Committee Update

Jaye Waldron stated at the last Pond Committee meeting the committee discussed the passing of Warrant Article 17 at the Annual Town Meeting for repairs to the dam on the pond. The Committee reported that the new boat ramp is covered with sediment due to the re-grading of the beach. The Commission does not remember the pond committee mentioning any re-grading of the beach during its presentation. The bids for the storm water management project were due May 27th. The Committee also discussed the pending expiration of the Order of Conditions for the draw down. Liz Allard has followed up and determined that the Order does not expire until September 2011. The Committee is also discussing excavation of the swimming area and how that shall be conducted during this year's draw down. Ms. Waldron stated frog, fish and mussel counts data is available, which the Committee would like to present to the Commission.

Since the work required to do the excavation last year far exceeded the Commission's expectations and the existing Order of Conditions, the Committee will be required to file a new Notice of Intent for any further excavation. The Commission has grave concerns about the effects of the draw down on the pond. The Commission strongly suggests a group meeting with not only the Committee, but Park and Recreation and the Highway Director as well to determine what expectations they have in the coming year and for long-range planning for the use of the pond

Ms. Waldron reminded members that the weed pulls will take place on June 19th, July 17th and August 7th.

Ayer Road Meadow Easement

Jim Breslauer circulated a re-drafted document and received comments from Jaye Waldron, which he has incorporated. Mr. Breslauer will follow up with Cindy Russo next week on the finalization of the document.

Willard Shore Update

Liz Allard informed the members she had been contacted by Greg Louis of 5 Highland Avenue who is completing the restoration work on the slope at Willard Shores adjacent to

Bare Hill Pond (DEP#117-566). Mr. Louis informed Mrs. Allard that the owner of the pump house has removed the soil on the left side of the pump house in order to have access to the pipes that come in and out of the house. It is Mr. Louis opinion that the pipes in questions do not need to be exposed, should any maintenance be needed to them access should not be an issue.

After a discussion on the subject, Jim Breslauer made a motion to issue an Enforcement Order which requires that all activity above and beyond the Order of Conditions cease and desist. The applicant shall attend the next meeting of the Commission to explain how work completed without the permission of the Commission is not in violation of the Order. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Bluefin Development Letter – Julie Sniffen & Nathaniel Beale

Liz Allard informed the Commission of the letter received from Julie Sniffen and Nathaniel Beale in regards to the proposed development of 31 Mill Road. Ms. Sniffen and Mr. Beale have great concerns over the existing wetlands and the potential vernal pools on both their property and on the Bluefin property. Paul Willard stated that the Commission had discussed this at the last meeting and a letter was sent to the Planning Board and Bluefin Development stating that an Abbreviated Notice of Resource Area Delineation will need to be filed with the Commission.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:47 pm. Jaye Waldron 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 Meeting Minutes
David & Diane Margaretos, 54 Woodside Road, Harvard#0510-01
June 3, 2010**

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, Charlie Gorss, Jaye Waldron, Jim Breslauer, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin) and Diane Margaretos

This hearing is for a Request of Determination of Applicability filed on behalf of David & Diane Margaretos for the removal of existing cement piers to be replaced with new piers within the same location to support a renovated deck within the 100' wetland buffer zone at 54 Woodside Road, Harvard.

A site walk was conducted on June 1st with the applicant and members of the Commission. Diane Margaretos was present and explained the project she is interested in doing. Patrick Doherty stated he was at the site walk and what is proposed is not going to be any more invasive. Liz Allard explained that the lawn area is well defined by a row of shrub and that a line of erosion controls should be installed along that row during construction.

Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination of Applicability to include the condition of erosion controls along the existing shrub line during construction. Jaye Waldron 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 Meeting Minutes
Jill Realty Trust, 231 Ayer Road, Harvard#0510-03
June 3, 2010**

The public hearing was opened at 7:46pm 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, Charlie Gorss, Jaye Waldron, Jim Breslauer, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin) and Bruce Ringwall

This hearing is for a Request of Determination of Applicability filed on behalf of Jill Realty Trust for the removal of existing egress stairs and replaces them with an enclosed rear stair hallway within 200' riverfront area of Bowers Brook at 2312 Ayer Road, Harvard.

A site walk was conducted on June 1, 2010 with members of the Commission and a representative of the applicant. Bruce Ringwall, of GPR, Inc. explained the project to the members. Mr. Ringwall stated erosion controls will be installed and work for the footings will be conducted by a small excavator. Mr. Ringwall was informed that the Commission prefers silt fence only.

With no further questions or comments, Patrick Doherty made a motion to close the hearing and issue a Negative #3 Determination of Applicability with no additional conditions. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation Notice of Intent Hearing Meeting Minutes
Mark Roux, 82 Whitney Road, DEP#177-577, Harvard#0510-02
June 3, 2010**

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, Charlie Gorss, Jaye Waldron, Jim Breslauer, Patrick Doherty and Lewis Beilman (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from May 20, 2010 for a Notice of Intent filed on behalf of Mark Roux for the replacement of a sewage disposal system within the 100' wetland buffer zone at 82 Whitney Road, Harvard.

This hearing had been continued in order to obtain the Department of Environmental Protection (DEP) file number and comments. That number has been obtained and there were no comments from DEP.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the additional condition that disturbed areas along the existing tree line shall be planted with native (woody) species rather than loamed and seeded with grass and the dumping of yard waste beyond the erosion control barrier shall discontinue. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent