

**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**July 1, 2010**  
**APPROVED: August 5, 2010**

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, Jim Breslauer, and Lewis Beilman (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Mike Volmar (Fruitland's Museum), Ted Mac Mahon (Harvard Conservation Trust) and Marylynn Gentry (Harvard Conservation Trust)

**Harvard Conservation Trust Request for use of Conservation Land Trails for September "Run for the Hills" Event**

Ted Mac Mahon was present to discuss the "Run for the Hills" event being hosted by the Harvard Conservation Trust this September. Mr. Mac Mahon is new to the HCT and apologized for moving forward with promoting this event before getting permission from the Commission to use conservation land. Mr. Mac Mahon has mapped the route to highlight the open space here in Town (see Attachment A). He now realizes that the Maxant Land is a sensitive area along Bower's Brook, so he has obtained permission from some of the land owners that abut the McCurdy land in order to use those areas instead.

Wendy Sisson asked if Mr. Mac Mahon runs the Maxant land frequently and is it dry enough to use for this event. Marylynn Gentry, the Director of the HCT, stated she found the trail to be over ground. The plan is for the event to include a maximum of two passes around the route, with 100 to 200 runners. Paul Willard asked if there are any plans if a large rain event occurs prior to the event. Mr. Mac Mahon stated the course would be shorten to use trails that have good drainage. The Commission agreed that the present course for the "Run for the Hill" event looks good and they hope for good weather.

**Election of Officers**

Wendy Sisson asked if the members were comfortable with continuing with the existing regime. There were no comments from any of the members. Jim Breslauer made a motion to continue the officers as is (Paul Willard as Chairman and Wendy Sisson as Vice Chair), with the expectation that there no longer be a treasure since the Town employs one. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

**Community Preservation Funding Request**

After a brief discussion Don Ritchie made a motion to request \$150,000 from the Community Preservation Committee for funding to the Conservation Fund for fiscal year

2012. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion. Liz Allard will complete and submit the required application.

### **Planning Board Request for Comments – Scenic Road Consent**

Liz Allard explained to the members the application submitted to the Planning Board (PB) for Scenic Road Consent by Westward Orchards is along a portion of their existing property on Prospect Hill Road is for the removal of approximately fourteen trees, mostly pine. None of the trees are within the jurisdiction of the Commission. Wendy Sisson stated that trees and hedge rows are valuable for wildlife and should be preserved as much as possible. The Commission agreed to comments being submitted to the PB that state that although the Commission does not support the taking of trees they understand the reasoning and hope the taking is minimal.

### **Fruitland's Museum Harvesting of Phragmites on South Shaker Road; Update to Forest Management Plan and Ecological Inventory**

Mike Volmar, from Fruitland's Museum, was present to discuss the plan to build a historic long house on the property of Fruitland's. This structure will be 15 x 30 and have cedar poles that are available on the property as its frame. Roofing material is not available on the site, so Mr. Volmar thought that Phragmites, which has no other practical use, could be harvested on the Conservation Land within Shaker Village. Mr. Volmar stated that Phragmites is an indicator plant that indicates hydrological change.

Paul Willard asked if Mr. Volmar needed the seed heads. Mr. Volmar believes they could remove the heads but that would be labor intensive. The parcel Mr. Volmar is interested in is known as Barber Land. Mr. Volmar is looking to do this work in August or September. Wendy Sisson would be concerned with trampling in the wetland. Mr. Volmar is planning on investigating the site on July 8<sup>th</sup>. The Commission is amenable to the cutting of the Phragmites, as long as they are transported in a concealing manner. Ms. Sisson does have concerns of allowing a different invasive come in and take over.

Mr. Volmar explained to the Commission that Fruitland's has completed an invasive species map of their property (see Attachment B) which shows low, medium and high infestation of invasive species. Fruitland's is working on ecological plan to include the rate of colonization. A Forest Management Plan has been submitted and Mr. Volmar will supply the Commission with a copy.

### **Conservation Land Regulations**

Liz Allard had previously distributed the Conservation Land Regulations from the Town of Concord and Arlington for the Commission's review. Most members liked the version of regulations that the Town of Arlington has with the exception of regulation 11 in which horses are not allowed. The Commission agreed to discuss further at the next meeting.

### **Bare Hill Pond Watershed Management Committee Storm Water Management Project Update, DEP#177-576**

Liz Allard updated the members on the progress of the storm water management project taking place in Town. The project had a bumpy start as there was miscommunications as to the type of erosion controls that were required under the Order of Conditions, the erosion controls were not approved prior to the commencement of work, no DEP file number sign was erected at the site, nor was there a copy of the Order of Conditions available on site when asked for by Ms. Allard. These issues have since been resolved, along with additional contact information for Highway Director, Rich Nota.

The Commission was very concerned that such a sensitive project was being conducted without a copy of the Order on site. Additional issues regarding communication and progress of other projects under the direction of the Highway Department were discussed. Paul Willard agreed to further discuss the Commission's concerns with the Town Administrator.

### **Review and Discuss Letter to Bare Hill Pond Watershed Committee re: August 19<sup>th</sup> Meeting with the Commission, Park & Recreation and the Highway Department**

Liz Allard had recently distributed a letter she drafted to the Bare Hill Pond Watershed Management Committee (BHPWMC) in regards to a joint meeting with the Commission, Park and Recreation, BHPWMC and the Highway Director. The letter asked that this meeting take place on August 19<sup>th</sup>. After a discussion with the chairman of the BHPWMC, Bruce Leicher, Wendy Sisson agreed that the winter would be a better time to discuss the uses of the pond. The members agreed and determined that the letter should be placed on hold for the time being.

### **Ayer Road Meadow Easement/Agreement**

As discussed at the June 17, 2010 meeting Cindy Russo has drafted an agreement (See Attachment C) between Wheeler Realty Trust and the Commission that guarantees testing will be conducted in connections with the Nitrogen Loading Restriction and Easement. Jim Breslauer agreed to wordsmith the document for the next meeting.

### **Request for Additional Tree Removal – Gail McCarthy, 39 Jacob Gates Road**

Liz Allard informed the members that she reviewed the site at 39 Jacob Gates Road for additional tree removal. The trees being requested have been viewed by a local tree service company who recommends their removal for safety reasons. The trees in question will not significantly reduce the existing tree canopy.

Wendy Sisson made a motion to allow the trees to be removed as recommended. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

### **Review and Discuss Tree Cutting Policy**

Wendy Sisson drafted a tree cutting policy for the members review and comment. Members recommended the document be discussed at the next meeting.

**Discuss How to Deal with Questions Regarding Setbacks, Chapter 147-16 and other Request from Applicants**

Wendy Sisson stated over the past several months it has become increasingly difficult for the Commission to come to some type of unity when it comes not only to the setbacks set out in Chapter 147-16, but other request from applicants as well. The members agreed to further discuss this topic at the next meeting.

**Request of Certificate of Compliance – Kavanagh, 339 Stow Road, DEP#177-522**

Liz Allard stated she has received a Request for a Certificate of Compliance for DEP#177-522, 339 Stow Road. A site inspection was conducted this week and all conditions of the Order have been met. Jim Breslauer made a motion to issue a Certificate of Compliance to Paul and Hillary Kavanagh, 339 Stow Road, DEP#177-522. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

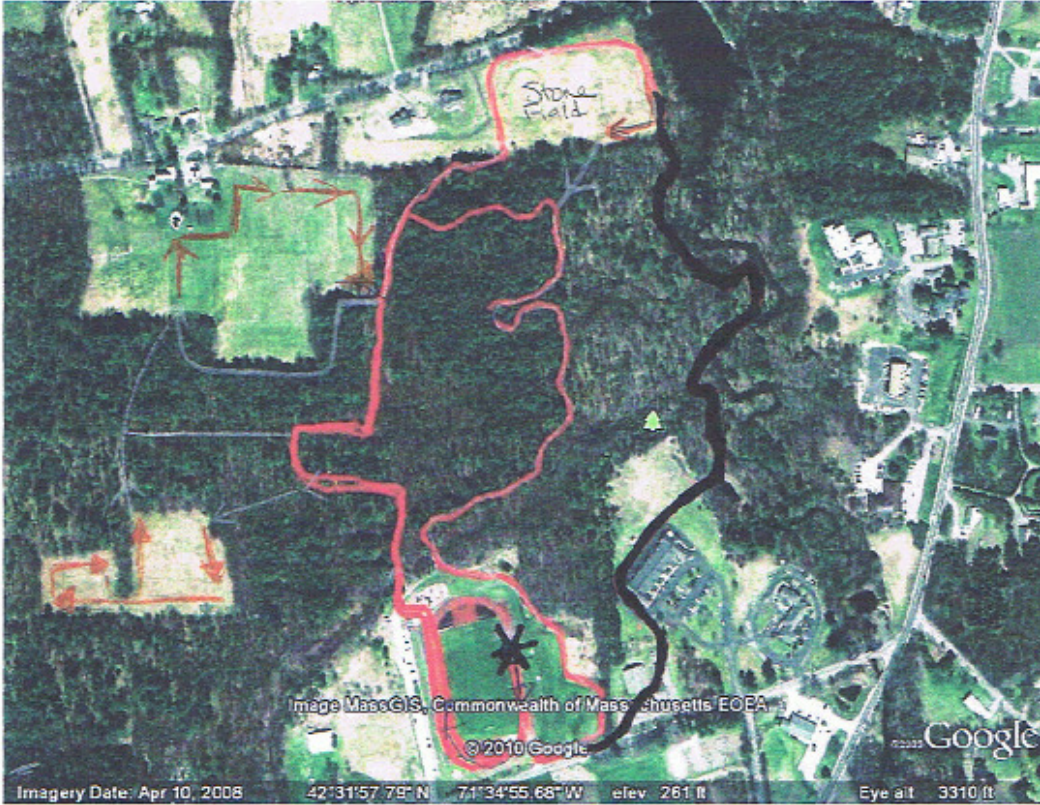
**Adjournment**

Jim Breslauer made a motion to adjourn the meeting at 9:17pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

Attachment A  
7/1/2010



Attachment B  
7/1/2010

**INVASIVE SPECIES MAP**  
PROPERTY OF:  
**FRUITLANDS MUSEUM**  
250 SPACT HILL ROAD  
HARVARD, MA

|                      |     |
|----------------------|-----|
| POTENTIAL CLEANZONE  | (L) |
| MODERATE INFESTATION | (M) |
| HEAVY INFESTATION    | (H) |



Forestland 111.74 ac  
Open & Agricultural 66.1 ac  
Total Acre 207.84 acres

**SPECIES CODES**

|    |                             |
|----|-----------------------------|
| B  | blackberry                  |
| CB | coarse buckthorn            |
| GB | gray buckthorn              |
| OB | eastern blackberry          |
| MR | multiflora rose             |
| JB | japanese barberry           |
| LI | European lily of the valley |
| BI | barberry                    |

Source:  
Aerial photos  
2000 Forest Inventory  
1999 Schufeldt Barberry Survey Plan



Prepared by:  
Roger Pincus, Jr., C.T., MA | 4-0-00  
Sharonne Sargent, M.F. | 4-0-00  
April 2010

**BROAD ARROW FORESTRY**  
Post Office Box 20062  
Worcester, MA 01602  
508.792.3414

Attachment C  
7/1/2010

Harvard Office Park LLC, Ayer Road Realty LLC and Bowers Brook LLC, owners of the facility land at 196, 198 and 200 Ayer Road (collectively the "owners"), in consideration for the granting by the Harvard Conservation Commission ("the Commission") of a Nitrogen Loading Restriction and Easement on the non-facility credit land (the "conservation land"), hereby agree as follows:

1. The Owners will conduct all testing the facility land and the non-facility credit land as may be directed by the Massachusetts Department of Environmental Protection and the Harvard Board of Health.
2. The Owners will provide copies of all test reports to the Commission if the Commission so requests.
3. In the event that any test results demonstrate any non-compliance in the sewage disposal systems located on the facility land, the Owners will: (1) notify the Commission of the test results and (2) take such action as necessary to remedy the non-compliance.
4. This Agreement shall be effective upon the recording of the Nitrogen Loading Restriction and Easement.

Harvard Office Park LLC  
Ayer Road Realty LLC  
Bowers Brook LLC

By: \_\_\_\_\_  
Louis D. Russo  
Duly Authorized

Dated: June , 2010

## DOCUMENTS & OTHER EXHIBITS

### **Conservation Land Regulations**

Town of Concord Conservation Land Regulations

Natural Resources Commission, April 1974

Amended by Natural Resources Commission, July 28, 1982

Selectmen's Minutes, August 9, 1982

M.G.L. Chapter 40, Sec. 8C

Amended by Natural Resources Commission, April 2, 2003

Selectmen's Minutes, April 14, 2003

Refer to: C:\Documents and Settings\Land Use\My Documents\Conservation\Bylaw & Regs\Arlington Concom Land Regs.pdf

Town of Arlington Conservation Land Regulations (approved – 3/21/02) – Refer to:

C:\Documents and Settings\Land Use\My Documents\Conservation\Bylaw & Regs\Conservation Land Regulations

### **Review and Discuss Letter to Bare Hill Pond Watershed Committee re: August 19<sup>th</sup> Meeting with the Commission, Park & Recreation and the Highway Department**

Draft Letter to Bare Hill Watershed Management Committee – Refer to:

C:\Documents and Settings\Land Use\My Documents\Conservation\BHPWMC ltr 2010

### **Review and Discuss Tree Cutting Policy**

An approval process for tree cutting in the buffer zone or resource area – Refer to:

C:\Documents and Settings\Land Use\My Documents\Conservation\Policies\Tree-Harvard Conservation Commission

### **Request of Certificate of Compliance – Kavanagh, 339 Stow Road, DEP#177-522**

WPA Form 8B Certificate of Compliance, DEP#177-522 – Refer to:

C:\Documents and Settings\Land Use\My Documents\Conservation\Permits\COC\2010\177-522

All Documents and other exhibits listed above maybe viewed in the Land Use Office, Harvard Town Hall, 13 Ayer Road, Harvard, MA