

**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**AUGUST 18, 2011**  
**APPROVED: October 20, 2011**

Chairman Paul Willard called the meeting to order at 7:10pm in the Town Hall Meeting Room

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Jim Breslauer, Don Ritchie, Charlie Gorss and Patrick Doherty

**Others Present:** Liz Allard (LUB Admin), Judy Gustafson, Shannon & Stephen Molloy, Tim & Rachael Schmoyer, David Webb, Dan Wolfe (Ross Assoc.), Lynn Alder, Barbara Henderson, Warren Henderson, Sherlie LaPierre, Kevin LaPierre, Bob LaPierre, Sally Carrona, Carol Hoffman and Allen Hoffman

**Review and Discuss Request for Five-Year Strategies and Objectives Plan**

Liz Allard had distributed a draft of the five year strategies and objective plan to the members. Changes and suggestions were made to the plan. A revised draft will be completed and resented to the members for their approval at the next meeting.

**Request to Extend the Order of Conditions – Dzekevich, Slough Road (Map 22 Parcel 23.2), DEP#177-543**

Liz Allard stated that Joseph Dzekevich has requested a one year extension to the Order of Conditions for a property he owns on Slough Road. This is the second request for a one year extension. Wendy Sisson made a motion to extend the Order of Conditions for DEP#177-543 for one year. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Don Ritchie, Charlie Gorss and Jim Breslauer arrived at 7:51pm

**Continuation Notice of Intent Hearing – Tim Schmoyer, 278 Stow Road, DEP#596, Harvard#0711-01. Opened at 7:52pm**

**Request for Determination of Applicability Hearing – Allen & Carol Hoffman, 21 Peninsula Road. Opened at 8:18pm**

**Adjournment**

Don Ritchie made a motion to adjourn the meeting at 8:30pm. 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 of a Notice of Intent Hearing Meeting Minutes**  
**Timothy Schmoyer, 278 Stow Road, DEP#177-596, Harvard#0711-01**  
**August 18, 2011**

The public hearing was open at 7:52pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of Harvard in the Town Hall Meeting Room

**Members Present:** Paul Willard, Jaye Waldron, Jim Breslauer, Don Ritchie, Charlie Gorss and Patrick Doherty

**Others Present:** Liz Allard (LUB Admin), Wendy Sisson, Judy Gustafson, Shannon & Stephen Molloy, Tim & Rachael Schmoyer, David Webb, Dan Wolfe (Ross Assoc.), Lynn Alder, Barbara Henderson, Warren Henderson, Sherlie LaPierre, Kevin LaPierre, Bob LaPierre and Sally Carrona

This hearing was continued from August 4, 2011 on a Notice of Intent filed on behalf of Timothy Schmoyer for the construction of a fence, clearing and re-grading with a proposed paddock area within the 100' wetland buffer zone at 278 Stow Road, Harvard.

Wendy Sisson recused herself as an abutter and left the table.

Dan Wolfe, of Ross Associates, stated that the wetland flagging has been extended as requested at the previous meeting, which has modified the 100' and 50' buffer zone. Mr. Wolfe reviewed the previous line and the discussion of the Conservation Commission from the last meeting, at which it was his understanding that the Commission would like to see the disturbance at a minimum no more than 40' from the wetland. The revised plan shows the fencing along the 40' line. One of the concerns expressed by the Chairman at the last meeting was the potential change of canopy and the increase of sunlight in the area by the removal of the trees. As previously stated, oaks, as well as pine are not good for horses. With that in mind, the applicant is asking that those trees be allowed to be removed, but the maples will remain and ideally expand the canopy once the pines and oaks are removed. The revised plan also indicated a separate pasture and paddock area, with the paddock consisting of a gravel base. Fencing defines both areas.

The over land flow has been determined to be in a north direction; the revised plan indicates a drainage swale at the edge of the fencing at the 40' mark, that will slow and clean water before reaching the wetland area. The discharge point of the swale is 85' from the delineated wetland. Plantings to further define the limit of activity have also been added to the plan. The planting will provide shelter and food source for wildlife. As suggested by Wendy Sisson at a recent site visit, the slope outside the proposed barn will be graded to a gradual slope. Patrick Doherty asked if the added plantings will aid in the flow of water. Mr. Wolfe stated that was not the intent, but they will absorb nutrients. Jaye Waldron asked if the paddock is outside the 100' buffer zone. Mr. Wolfe stated that was correct. Ms. Waldron expressed concern of the Commission not requiring the defined setbacks within its regulations. Paul Willard stated that each project is looked at independently; this site had a pre-existing use as a horse property prior to the Schmoyer's purchasing it. Ms. Waldron stated that she had reviewed both the Wetland Protection Act Regulations and the Harvard Wetland Bylaw and neither stated that an individual owning a horse constitutes a property in agricultural use; nor is there any grandfathering of a horse property as an agricultural use.

Warren Henderson questioned the buffer zone and how this type of activity could be allowed within the 100' buffer zone. Mr. Wolfe explained that the property was used as a horse property previously and it is not a new horse property. Mr. Henderson wondered how far back the Commission can go back on a use on a property.

Judy Gustafson asked what the long term impact of the removal of the trees at this site, along with the removal of trees at the Transformations further up Stow Road. Jim Breslauer stated that the trees to be removed from this site are 200' from Stow Road. Don Ritchie stated that this site will not be clear cut. Wendy Sisson stated that the Commission should place a condition within the Order of Conditions that will require future owns to use the paddock and pasture in the same manner and that the pasture should only be used when there is suitable ground cover.

With no further comments or questions from the Commission or the general public, Don Ritchie made a motion to close the hearing and issue an Order of Conditions to include the additional Special Conditions as follows horses are to be turned out when there is sufficient ground cover (75 - 85%), no more than two horses and the area to be maintained as shown on the plan in perpetuity. Jim Breslauer seconded the motion. Mr. Breslauer added that he was apposed at first with the plan but with modifications it will have minimal impact to the wetland, and that changes have convinced him to allow the requested waiver to the setbacks. The vote was 4-1, with Jaye Waldron denying the application.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing Meeting Minutes  
Allen & Carol Hoffman, 21 Peninsula Road, Harvard#0811-01  
August 18, 2011**

The public hearing was open at 8:18pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, MGL Chapter 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of Harvard in the Town Hall Meeting Room

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Jim Breslauer, Don Ritchie, Charlie Gorss and Patrick Doherty

**Others Present:** Liz Allard (LUB Admin), Allen and Carol Hoffman

This hearing is for Request for Determination of Applicability filed on behalf of Allen and Carol Hoffman for the removal of four trees that are either dead, dying or pose a danger to human safety within the 200' buffer zone of Bare Hill Pond at 21 Peninsula Road, Harvard.

Allen Hoffman explained the location of the trees and their current condition. One of the trees that have grown along side of the house dropped a limb this winter and broke an existing sky light. An additional tree is just touching the power line; threatening to take down the line should it break. A site walk was conducted on August 8, 2011. Paul Willard stated the trees to be removed will not affect the existing canopy. Members asked how the equipment would access the trees that need to be removed. Mr. Hoffman stated that all of the trees could be accessed from the driveway.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination with the condition that the equipment shall access the work area from the driveway. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## DOCUMENTS & OTHER EXHIBITS

### **Review and Discuss Request for Five-Year Strategies and Objectives Plan**

- Draft Conservation Commission 5-Year Strategies and Objective Plan

### **Request to Extend the Order of Conditions – Dzekevich, Slough Road (Map 22 Parcel 23.2), DEP#177-543**

- Letter from Joseph Dzekevich, dated July 22, 2011
- WPA Form 7 Extension Permit for Order of Conditions, dated August 18, 2011

### **Continuation Notice of Intent Hearing – Tim Schmoyer, 278 Stow Road, DEP#596, Harvard#0711-01**

- WPA Form 3 Notice of Intent – Timothy Schmoyer, 278 Stow Road, Harvard, MA, dated July 2011
- Site Plan of Land in Harvard, Massachusetts prepared by Ross Associates, Inc., Job No. 27293, Plan No. L-11689, dated 8/18/2011

### **Request for Determination of Applicability Hearing – Allen & Carol Hoffman, 21 Peninsula Road**

- WPA Form 1 Request for Determination of Applicability, received August 4, 2011