

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 22, 2011
APPROVED: October 20, 2011**

Chairman Paul Willard called the meeting to order at 7:14pm in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press), Eric Broadbent, Bob Donaldson, Willie & Darrell Wickman

Land Stewardship Update

Wendy Sisson stated the mowing Conservation Land fields have begun. We are attempting, so far unsuccessfully, to get the schedule for the mowing from Rich Nota. Ms. Sisson has found a company that can create aluminum signs with baked enamel at a cost lower than expected; the order is close to being made for the signs. Hurricane Irene produced a lot of blow-downs of tree branches on Conservation Land. Residents who are part of the tax work-off program are helping with clearing the debris. A number of Conservation Lands require invasive species control; this matter will be discussed further under Review and Approve Community Preservation Committee Request for Funding Application this evening.

Blue Moon Farm Encroachment onto Conservation Land

Liz Allard informed the Commission has not received any new information from the property owner of Blue Moon Farm on Old Mill Road in regards to the encroachment onto Conservation Land. The Commission agreed that a certified letter should be sent to the property owner requiring the removal of the property from Conservation Land within fourteen days or legal action will be taken.

Continuation of a Notice of Intent Hearing – Sean Patenaude & Heidi Frank, 106 Massachusetts Avenue, DEP#177-597, Harvard#0811-04. Opened at 7:30pm

Request for Determination of Applicability Hearing – Robert Donaldson, 29 Willow Road, Harvard#0911-01. Opened at 7:36pm

Request for Determination of Applicability Hearing – Roy Van Cleef, 101 West Bare Hill Road, Harvard#0911-02. Opened at 8:14pm

Approval for Drawdown of Bare Hill Pond

Liz Allard informed the members that at the last meeting of the Commission a vote was not taken to approve the annual drawdown of Bare Hill Pond as required by the Order of Conditions. Jim Breslauer moved to allow the drawdown as stated in the August 20, 2011 letter submitted by the Bare Hill Pond Committee so long as the drawdown depth was within the limits of the Order of Conditions. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Discuss Creation of Full-Time Conservation Agent Position

The Commission's Five-Year Strategic & Objective Plan submitted to the Board of Selectmen contained the creation of a full-time conservation agent by July 2012. Liz Allard suggested that the Land Use Boards meet and discuss their ideal staffing requirements for the next five-years since the current agent position is shared with other Land Use Boards. Liz stated that she currently spends about 30 hours a week on Conservation Commission business and 10 hours a week on other Land Use Boards business. Jim Breslauer made a motion to authorized Paul Willard to speak on behalf of the Commission on this subject matter with the other Land Use Boards. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Poor Farm Road Conservation Restriction

The Commission has received an additional correspondence from Virginia McCurdy who feels offer is low; however Ms. McCurdy has not produced additional documentation that shows a higher valuation for the Conservation Restriction. Jim Breslauer suggested that an additional letter be sent to Ms. McCurdy further explaining that the Commission is only looking to purchase the rights to a Conservation Restriction on the property. Liz Allard will draft a letter to be reviewed by Mr. Breslauer prior to sending it to Ms. McCurdy.

Review and Approve Community Preservation Committee Request for Funding Application

Wendy Sisson explained that she is working on the proposal for Community Preservation Act funds for the control of invasive plants on Conservation Land in Town. The lands to be included in the proposal include Powell, Clapp, Great Elm and the Williams land. Ms. Sisson stated that succession is an issue on the Powell Land. A restoration of the area will require treatment with herbicides. The field on Murray Lane that is part of the Great Elms Land is overgrown and should be maintained as an old pasture; there is a two acre over-growth of black locus on this property that should be looked at. The Williams Land has an abundance of multi-flora rose; the proposal would recommend the restoration of the grass land. The Clapp Land has an old orchard that has been overrun by black swallow wart. This control of invasive species is a three year process, so additional funds will be required over the next several years as more locations are identified.

Don Ritchie made a motion to request \$50,000 from the Community Preservation Committee for the control of invasive species and the restoration of fields and orchards on Conservation Land. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:52pm. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Sean Patenaude & Heidi Frank, 106 Massachusetts Avenue
DEP#177-597, Harvard#0811-04
September 22, 2011**

The public hearing was open at 7:30pm 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 the Town of Harvard in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin)

This hearing was continued from September 1, 2011 for a Notice of Intent filed on behalf of Sean Patenaude & Heidi Frank for the upgrade to an existing septic system within the 100' wetland buffer zone at 106 Massachusetts Avenue.

The hearing needed to be continued due to a missing abutter notification. Receipt of notification has since been received. Don Ritchie made a motion to close hearing issue an Order of Conditions with the standard special conditions. Wendy Sisson seconded the motion. Jim Breslauer abstained from voting as he was not at the September 1st meeting. The vote was unanimously in favor of the motion amongst voting members.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Request for Determination of Applicability Hearing Meeting Minutes
Robert Donaldson, 29 Willow Road, Harvard#0911-01
September 22, 2011

The public hearing was open at 7:36pm 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 the Town of Harvard in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press), Eric Broadbent, Bob Donaldson, Willie & Darrell Wickman

This hearing is for a Request for Determination of Applicability filed on behalf of Robert Donaldson for the removal of eight trees for the installation of solar panels within the 200' buffer zone of Bare Hill Pond at 29 Willow Road, Harvard.

Bob Donaldson was present to discuss his application for the removal of eight trees that shade his roof for the installation of solar photovoltaic panels. Wendy Sisson asked if tree removal was part of the previous filing made to the Commission. Mr. Donaldson stated that originally it was, but it was removed from the final version at the recommendation of the Commission. Paul Willard asked if it is the solar panels that is driving this request or the problems the trees maybe causing with the house and ongoing health issues. Mr. Donaldson stated that the installation of the solar panels is the main focus of the application. The trees being requested to be removed include mature oaks, white pine, black birch, hickory, and sycamore. The closest tree to the pond is over 100'. Jim Breslauer asked if the trees could be trimmed rather than taking them down. Mr. Donaldson thinks trimming would only leave a small canopy that could grow back and need to be re-trimmed later.

Jaye Waldron was on the site walk and explained that there is already an opening in the vegetation from the house to the pond. All of the trees requesting to be removed appear to be in good shape to her; however there could be rot in the trunk. Ms. Waldron feels this is a lot of trees to be removed in such a sensitive area. Mr. Donaldson discussed the site and the existing drainage patterns; he believes that the removal of the tree won't affect the bank of the pond.

Willie Wickman, an abutter, is a huge proponent of solar, but has a problem with large old trees being cutting down and the impacts that would take place over the long term. Mrs. Wickman wondered how the tree policy would apply to this request. Ms. Sisson explained that the tree policy would not normally allow for this type of activity; however the Commission must weigh the pros and cons of the removal of trees for the installation of solar panels. Mr. Willard is willing to trade a few trees for solar installation. Mr. Breslauer questioned if all eight trees need to be removed to reach the 80% required to qualify for the solarize program. . Mr. Willard wanted to know what the minimum number of trees that need to be cut for the installation of solar as well. Mr. Breslauer suggested that he could approve the project with the condition that New England Breeze re-assess what trees really need to be taken down to reach the 80% threshold. Additionally, the Commission will require a signed commitment before any of the trees are to be cut down.

Ms. Sisson stated that the canopy is different in this location as compared to others; habitats in mature trees may not be significant due to the location of these trees right next to the house which may not be ideal for wildlife. Ms. Sisson recommended the plantings of woody vegetation in the approximate location of the removed trees to aid in erosion.

With no further questions Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination, with the following conditions:

1) Prior to the removal of any trees the Commission shall receive a report from New England Breeze Solar (NEBS) indicating a re-evaluation of the property that shows which trees must be removed to obtain 80% of the energy of an ideal roof (the 80% report) rather than the 86% shown on the report submitted to the Commission. Only the trees shown on the 80% report may be eliminated on the site;

2) No trees shall be removed prior to a signed copy of legal contract before the installation of solar panels between the applicant and NEBS has been received by the Commission;

3) No tree roots shall be removed and

4) Woody vegetation shall be planted in the approximate location of all removed trees.

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 for Determination of Applicability Hearing Meeting Minutes
Roy Van Cleef, 101 West Bare Hill Road, Harvard#0911-02
September 22, 2011**

The public hearing was open at 8:14pm 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 the Town of Harvard in the Town Hall Meeting Room

Members Present: Paul Willard, Wendy Sisson, Don Ritchie, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin)

This hearing is for a Request for Determination of Applicability filed on behalf of Roy Van Cleef for the removal of trees within the 200' buffer zone of an existing pond for the installation of a solar array at 101 West Bare Hill Road, Harvard.

Due to an error with the abutter notification this hearing was opened and immediately continued to October 6, 2011 at 7:30pm on a motion made by Jim Breslauer and seconded by Wendy Sisson. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Request for Determination of Applicability Hearing – Robert Donaldson, 29 Willow Road, Harvard#0911-01

- WPA Form 1 Determination of Applicability for Robert Donaldson, dated September 6, 2011

Approval for Drawdown of Bare Hill Pond

- Bare Hill Pond Watershed Management Committee Letter RE: 2011 Report and Fall 2011 Drawdown Plan, dated August 20, 2011