

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 1, 2011**

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, Don Ritchie, Jim Breslauer, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Marylynn Gentry (HCT), Molly Cutler (HCT), Jim Lee, Jeff Tingle, Bruce Leicher, Laura Scott, Ralph Fehlberg, Joe & Rosemary Theriault, Tom Cotton, Paul Wood, Jack Spero, Bill Johnson and Matthew Bombaci (GPR, Inc.)

Executive Session

Patrick Doherty made a motion to go into Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position only to return to the regular session of the meeting once the discussion is complete. Charlie Gorss seconded the motion. A roll call vote was taken. Paul Willard, yea; Wendy Sisson, yea; Don Ritchie, yea; Charlie Gorss; yea; Jaye Waldron, yea; Patrick Doherty, yea.

Jim Breslauer arrived at 7:32pm

The Committee came out of Executive Session at: 7:40pm

Notice of Intent Hearing – Jeffrey & Cynthia Tingle, 19 Tahanto Trail, DEP#177-603, Harvard#1111-01. Opened at 7:45pm

Bare Hill Pond Watershed Management Committee's Request to Extend Draw Down

Bruce Leicher, chairman of the Bare Hill Pond Watershed Management Committee, was present to request an extension to the draw down as allowed under the Order of Conditions, DEP#177-551, issued by the Commission. Mr. Leicher explained with the loss of power after the October snowstorm and the extensive rain this season, the Committee is a foot and a half behind on the draw down at this point. The Committee is requesting to draw the pond down for another week to ten days or until a hard freeze. Wendy Sisson made a motion to allow the draw down of Bare Hill Pond to be extended until December 15th or a hard freeze, which ever comes first. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Harvard Cemetery Commission Request for Sponsorship

Jack Spero, of the Harvard Cemetery Commission, was present to seek the Commissions sponsorship of the Cemetery Commissions Community Preservation Committee application for the removal of trees around the Shaker Cemetery. Wendy Sisson thinks the issue is a historic sponsorship and not a conservation sponsorship. The members agreed and suggest that Mr. Spero speak with the Historic Commission.

Williams Pond Drainage Project

An email from Rich Nota, Director of the Department of Public Works(DPW), had been sent to the members earlier in the week in regards to the replacement of a non-functioning culvert on the Conservation Land known as Williams Pond. Mr. Nota has received estimates form a local engineer for design of a replacement culvert and is requesting that the Commission deal with the matter under their budget, as this is work on Conservation Land. Paul Willard maintains that the combining of funds years ago between the DPW and the Commission was for these types of activities and that funding should come from the DPW budget. Patrick Doherty requested that a letter be drafted to the Town Administrator, Tim Bragan, explaining the process from years ago as

the Commission sees it. Mr. Willard stated that he would speak directly to the Town Administrator about this matter.

Discuss Allowable Routine Maintenance on Chapter Land

Wendy Sisson explained that recent activities on Chapter land around Town have been taking place in and around resources areas without the Commissions knowledge. Although most activities conducted on this type of land is allowed under the Wetland Protection Act, it would be helpful to know what the activities are prior to the start of them so that when residents in Town ask what is going on members can respond properly. Liz Allard will communicate this to the individuals who have recently under taken an activity that would require notification of the Commission.

Board of Selectmen Request for Comments on Remote Participation of Meetings

The Commission briefly discussed the request of the Board of Selectmen in regards to remote participation of meetings. The Commission agreed that they are not in favor of the idea.

Land Stewardship Subcommittee Update

Wendy Sisson explained that she had recently been informed of cutting of trees on the Conservation Land along Murray Lane. Ms. Sisson has viewed the area and has concluded that the cutting appeared not to be illegal as the trees are on a conservation easement over private land.

Trees cut on Williams Land have also been reported; Ms. Sisson will speak to the abutting property owner to determine who and why the trees were cut.

Request for Certificate of Compliance – Potter, 267 Littleton Road, DEP#177-589

Liz Allard informed the members of a Request for a Certificate of Compliance for Louise Potter at 267 Littleton Road, DEP#177-589. Ms. Allard has conducted a site inspection and stated the site is in compliance with the Order of Conditions issued for the site. Don Ritchie made a motion to issue a Certificate of Compliance for 267 Littleton Road, DEP#177-589. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Encroachment onto Conservation Land – Blue Moon Farm, 87 Depot Road

Jim Croyle was not in attendance this evening as requested by the Commission to discuss the encroachments on his property by the previous owner. Liz Allard will contact Mr. Croyle to arrange another meeting with him and the Commission.

Minutes

Wendy Sisson made a motion to approve the minutes of June 16, 2011 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Request for the Allocation of Funds for Training

Liz Allard informed the Commission of a two-day workshop being held at Salem State University in January she is planning on attending. The cost for the two-days is \$300. Jim Breslauer made a motion to allocate \$300 for Liz Allard to attend the previously mentioned workshop. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Bare Hill Pond Watershed Management Committee Update

Jaye Waldron gave the Commission an update of the recent Pond Committee meeting. The Committee is looking at an additional stormwater management facility at Thurston Cove, with a potential start date of September 2012. As for the facility needed at the beach, known as BMP-8, the committee is looking to have it constructed in November or December 2012. The Committee will fix the ongoing issues with BMP-7 this Sunday.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 9:45pm. 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
Notice of Intent Hearing Meeting Minutes
Jeffrey & Cynthia Tingle, 19 Tahanto Trail, DEP#177-603, Harvard#1111-01
December 1, 2011**

The public hearing was opened at 7:45pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 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, Charlie Gorss, Jim Breslauer and Janet Waldron

Others Present: Liz Allard (LUB Admin) Jeff Tingle, Laura Scott, Ralph Fehlberg, Joe & Rosemary Theriault and Matthew Bombaci (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of Jeffrey & Cynthia Tingle for the construction of a single family dwelling, driveway improvements, utilities and grading within the 100' wetland buffer zone at 19 Tahanto Trail, Harvard.

Matt Bombaci, of GPR, Inc., was present to represent the applicant, Jeff Tingle, who was also present. Mr. Bombaci stated that the 2007 Order of Conditions issued to Donna Conklin for the property has expired. The Tingle's purchased the property several years ago and they are here now to renew the plan. There is a wetland on the lower portion of the site along Tahanto Trail. An existing gravel drive splits the wetland into two sections in that area. An additional isolated wetland is located off the existing drive to the south.

A culvert under the gravel drive will be added to avoid the over topping of driveway. Wendy Sisson asked if the Commission would like the wetland re-delineated. Members who attended the site walk were satisfied with the delineated wetland location. Jim Breslauer asked about the depression of pooling water in what looked to be an abandoned foundation. Mr. Breslauer had concerns with this area being a vernal pool, which would be filled in during construction. Paul Willard said the depression was presence and dry in 2007 and he does not believe it serves as a vernal pool. Mr. Breslauer would like a wetland scientist to undertake an evaluation of it. Mr. Bombaci agreed that could be done.

Liz Allard asked about the existing driveway, the plan states "gravel driveway" when in fact it is a dirt drive. Ms. Allard wanted to know how the applicant plans on keeping that area from eroding into the adjacent wetland during construction beyond the just silt fence and silt socks. Mr. Bombaci stated that additional gravel will be added to the drive that will stay in place after construction. The Commission recommended the use of Star-pac for use along the drive. Additionally, no salt or chemical deicers will be allowed to be used on the driveway, sand only.

Joe Theriault, of 23 Tahanto Trail, asked about the culvert under the driveway and would it cause the pond in the front of his property to dry out. Mr. Bombaci stated that the culvert is designed at an elevation that will only allow water to flow between the pond and the wetland during large rain events.

With the request to have the depression further reviewed, Wendy Sisson made a motion to continue the hearing to December 15, 2011 at 7:30pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/Conservation Agent

**Harvard Conservation Commission
Executive Session Minutes
December 1, 2011**

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

Others Present: Liz Allard (LUB Admin), Marylynn Gentry (HCT) and Molly Cutler (HCT)

Marylynn Gentry the director of Harvard Conservation Trust (HCT), along with Vice President of HCT Molly Cutler were present to discuss the purchase of the Hoch property on Still River Road. The HCT Lands Committee has viewed the land and thinks it is a viable piece of property that should be preserved as open space. The parcel is adjoining to existing Bolton Conservation Land, contains Priority Habitat of Rare Species and Estimated Habitat of rare Species, as well as a vernal pool. The HCT has voted to proceed with ~~protecting~~ this parcel as open space.

An appraisal done by the property owners came in at \$275,000. The site is problematic in regards to its access. There has been an encroachment on the north side that will need to be resolved before purchase. The HCT is willing to enter into a Purchase & Sale agreement with the seller and then turn the property over to the Commission once funds are approved for allocation at the Annual Town Meeting. It will need to be determined if the Commission in fact needs Town Meeting approval to make a purchase with existing funds from the Community Preservation Act.

Paul Willard stated that he is on board with this purchase. Wendy Sisson thinks the appraised price is good price for what is there. The Commission was in agreement that this parcel fits into the scheme of open space in Town and that the purchase of said land should be pursued.

Members questioned the appraised price of \$275,000 since the access to the site would be a substantial cost in the development of this parcel. Ms. Sisson stated she would feel comfortable paying the appraised price even if it may be a bit more than an actual building lot would be worth. Jim Breslauer suggested getting the sellers appraisal to help short circuit the process. The Commission will need to get their own appraisal as well. Patrick Doherty made a motion to hire an appraiser should the HCT be able to work out the details of the Purchase & Sale with the seller's attorney. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Notice of Intent Hearing – Jeffrey & Cynthia Tingle, 19 Tahanto Trail, DEP#177-603, Harvard#1111-01.

- WPA Form 3 Notice of Intent, 19 Tahanto Trail, submitted by Jeffrey & Cynthia Tingle, 75 Old Mill Road, Harvard, prepared by Goldsmith Preset & Ringwall, dated November 2011
- Residential Development Site Plan, 19 Tahanto Trail, Harvard, MA, JOB 071026, dated April 25, 2007