

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JANUARY 5, 2012  
APPROVED: April 19, 2012**

Chairman Paul Willard called the meeting to order at 7:00pm in the Hildreth House

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

**Others Present:** Liz Allard (LUB Admin), Jim Croyle, Rob Oliva (Ross Assoc), Steven Kimball, Judith & Jonathan Williams, Marylynn Gentry (HCT), Molly Cutler (HCT) and Pam Durrant (HCT)

**Encroachment on Conservation Land – Blue Moon Farm, 87 Depot Road**

Jim Croyle was present to discuss with the Commission the encroachment onto Conservation Land by the previous owners of his property. Mr. Croyle stated that he has a survey of the property completed in 2009, which indicates the areas of encroachment. Since last meeting with the Commission, Mr. Croyle has removed the fencing that was on the Conservation land. Mr. Croyle intends on making the pool into a root garden, which will eliminate the encroachment caused by the concrete pad around the pool. Jim Breslauer suggested there should be markers put in place to demarcate the boundaries of the two properties. Mr. Croyle stated that the survey completed in 2009 located the iron pins as depicted on the plan.

An existing shed, which was also placed onto the abutting Conservation land, still needs to be removed. The survey does not show the location of the shed. Mr. Croyle requested additional time for the removal of the shed. The members agreed to allow Mr. Croyle until July 31, 2012 to remove the shed from Conservation Land. A full copy of the survey plan shall be submitted to the Commission as well.

**Memorandum of Understanding – Hoch, Still River Road (Map Parcel 2)**

Members have reviewed the draft Memorandum of Understanding (MOU) between the Conservation Commission and the Harvard Conservation Trust (HCT) in regards to the purchase of open space on Still River Road, known as the Hoch Land. Members again questioned whether or not a Town meeting vote would be necessary to use Community Preservation Act funds for this purchase. Liz Allard will follow up with Town Counsel. The members requested that the appraiser be informed of the difficulties with developing the site. Wendy Sisson stated that Commission would not want to pay the original appraised value if the cost of developing the lot would be expensive. Members questioned if the seller had been informed that the appraisal may come back much lower due to cost associated with developing the property. Marylynn Gentry, the Director of the HCT, stated that she was not certain that had been conveyed to the seller, but the Purchase & Sales agreement is contingent on the Commission obtaining its own appraisal.

With no additional comments, Jim Breslauer made a motion to enter into the Memorandum of Understanding between the Harvard Conservation Trust and the Harvard Conservation Commission as presented this evening. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

**Request for Determination of Applicability – Williams, 13 Whitman Road, Harvard#1211-03,**  
Opened at 7:48pm

**Notice of Intent – Kimball, 29 Littleton Road, DEP#,177-605, Harvard#1211-04.** Opened at 7:55pm

**Annual Town Report**

The members had the opportunity to review the 2011 annual report. Wendy Sisson has completed the section in regards to the Land Stewardship Subcommittee. Minor amendments

had been suggested to the report. With no further comments, Don Ritchie made a motion to submit the 2011 Annual Report to the Board of Selectmen for inclusion in the 2011 Annual Town Report. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

#### **Land Stewardship Subcommittee Update**

Wendy Sisson explained to the members that new blazes had been painted on the trails; however they were done in a haphazard manner. Ms. Sisson recommended the purchase of aluminum strips that cost 0.33¢ each and last about twenty years. Ms. Sisson stated the project would need approximately 1200 strips at a cost of approximately \$400. Ms. Sisson requested \$500 be appropriated for this purchase from the Conservation Fund for this project. Don Ritchie made a motion to appropriate \$500 from the Conservation Fund for trail blazes as described this evening. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

#### **Adjournment**

Jim Breslauer made a motion to adjourn the meeting at 9:02pm. 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  
Jonathan & Judith Williams, 13 Whitman Road, Harvard#1211-03  
January 5, 2012**

The public hearing was opened at 7:48pm 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 Hildreth House

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

**Others Present:** Liz Allard (LUB Admin), Judith Williams and Jonathan Williams

This hearing is for a Request for Determination of Applicability filed on behalf of Jonathan & Judith Williams for the removal of trees posing a threat to people and dwellings within the 100' wetland buffer zone at 13 Whitman Road, Harvard.

Judith Williams explained that on the lot next to her house lot, which she owns, she would like to conduct a timber stand improvement. The trees on the lot to be removed are either damaged, dead or dying. Jonathan Williams stated there are some healthy trees that are within a clump of the damaged, dying or dead trees that will be removed as well. Wendy Sisson asked what types of trees were on the lot. Mr. Williams stated there are white pine and hemlock. Ms. Sisson stated that hemlocks like to grow next to each other and thinning them is not a good idea. Liz Allard recommended the flagging of the stream to determine the line and what is within the 100' wetland buffer and what is not. Ms. Sisson agreed to review the site prior to cutting in order to determine if the trees marked in the field should be removed.

With no further comments, Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the following conditions, 1) A wetland delineation along the stream shall be completed to determine the 100' wetland buffer zone and 2) Trees to be removed shall be flagged and reviewed by a member of the Commission prior to their removal. 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  
Notice of Intent Hearing Meeting Minutes  
Steven Kimball, 29 Littleton Road, DEP#177-605, Harvard#1211-04  
January 5, 2012**

The public hearing was opened at 7:55pm 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 Hildreth House

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

**Others Present:** Liz Allard (LUB Admin), Rob Oliva (Ross Assoc) and Steven Kimball

This hearing is for a Notice of Intent filed on behalf of Steven Kimball for the construction of a stone trench drain and drain line at the rear of the existing house within the 100' wetland buffer zone at 29 Littleton Road, Harvard.

Rob Oliva, of Ross Associated, was present along with the applicant Steven Kimball. Mr. Oliva gave an explanation the site and the existing run off that is bleeding out of the slope at the back of the house. A drainage system was installed when the house was built, however it is not functioning properly at this point. A new drainage system is proposed, which would incorporate the existing drain along with adding an additional drain. Jim Breslauer asked how close the wetland is to the proposed drainage. Mr. Oliva explained that the closest point is within feet of the wetland in an existing lawn area. The Commission would like to see the lawn area be allowed to re-vegetate naturally. Steven Kimball stated that he intends on doing additional plantings in that area to help with the absorption of the water. Mr. Breslauer explained that fertilizers are not allowed within the 100' wetland buffer zone. Mr. Kimball was acceptable to that condition. Liz Allard requested that the dumping of grass clippings and other yard waste on the edge of wetland cease.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the following special conditions, 1) the wetland area between wetland Flag 11-4 and 11-7 is to no longer be mowed or disturbed and shall be allowed to re-vegetated naturally, 2) grass clippings and leaves shall no longer be allowed to be disposed of along the edges of the existing lawn, since the entire site is virtually within the 100' wetland buffer zone, this material will need to be taken off site. This is a permanent condition. 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

### **Memorandum of Understanding – Hoch, Still River Road (Map Parcel 2)**

- Memorandum of Understanding between the Harvard Conservation Commission and the Harvard Conservation Trust, undated.

### **Request for Determination of Applicability – Williams, 13 Whitman Road, Harvard#1211-03**

- WPA Form 1 Request for Determination of Applicability Application, Jonathan C. & Judith Williams, dated December 12, 2011

### **Notice of Intent – Kimball, 29 Littleton Road, DEP#177-605, Harvard#1211-04**

- WPA Form 3 Notice of Intent Application, Steven Kimball, dated December 2011
- Site Plan of Land in Harvard, Massachusetts, prepared for Steven Kimball, Job No. 27810, Plan L-11789, dated December 2011