

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MARCH 15, 2012
APPROVED: June 6, 2012**

Chairman Paul Willard called the meeting to order at 7:07pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Greg Breed, Elizabeth Crone, Mary Traphagen, Matt Day, Tim Myllykangas and Bruce Ringwall (GPR, Inc.)

Request to study Butterfly Behavior on the Williams Land

Greg Breed and Elizabeth Crone of the Harvard Forest in Petersham were present to discuss the request to study the Baltimore Checkerspot butterfly on the Williams Land on Stow Road. Mr. Breed explained the Harvard Forest became aware of the colony on the property from the Mass Butterfly Society. The larval lay their egg on its native host plan, Turtle head (*Chelone glabra*), but is using the non-native host the *Plantago lanceolata* as well. Harvard Forest is trying to determine why the species is not using the host plant. Harvard Forest is requesting that small areas on the land not be hayed this year; Harvard Forest would be willing to compensate the farmer for not cutting. Wendy Sisson explained that the mowing done last year was much more aggressive than usual. Mr. Breed and Ms. Crone are willing to delineate the areas in the field with Ms. Sisson. The areas indicated in red on the power point submitted this evening are mostly a wet meadow and may be better suited for being allowed to be left in a natural state. Mr. Breed further explained the process of containing and studying the larval. Mr. Breed is hopeful the results of the study will increase and stabilize local Baltimore Checkerspot populations, improve habitat for all butterflies on the Williams Land, improve wetland conditions and native plant flora near the wetland and be able to apply this method to other pieces of Conservation Land. Jim Pickard, the farmer of the land, will need to be contacted in regards to the mowing requirements.

Request for Determination of Applicability Hearing – Mary Traphagen & Matthew Day, 146 Still River Road, Harvard#0212-04. Opened at 7:32pm

Department of Public Works Activities

Liz Allard informed the Commission that work has taken place along Warren Avenue by the Department of Public Works (DPW) within the buffer zone without proper permits or consultation with Ms. Allard. Ms. Allard was under the impression that she and the DPW Director, Rich Nota, had come to an agreement that prior to any activity involving storm drainage he would notify Ms. Allard for her review and recommendations. This has not happen since May of last year. As this has been an on going issue between the DPW and the Conservation Commission and there has been a clear violation of the Wetland Protection Act, Jim Breslauer recommended the issuance of an Enforcement Order (EO) that states there is to be no further work within the Commission's jurisdiction without coming to them first. Wendy Sisson suggested informing the Board of Selectmen of the issue as well. Members agreed that a copy of the EO along with a letter explaining why the Commission is taking this necessary action against another Department. With no further comments, Jim Breslauer made a motion to issue an Enforcement Order to Department of Public Works, Rich Nota to cease and desist any activities involving repair or improvements to stormwater structures without prior consultation with the Conservation Commission or its Agent. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Request for Determination of Applicability Hearing- Terrence Holt, 20 Warren Avenue, Harvard#0112-02. Opened at 7:51pm

Continuation of a Notice of Intent Hearing – Timothy Myllykangas, Westcott Road (Map 32 Parcel 90 & 91), DEP#177-607, Harvard#0212-02. Opened at 7:55pm

Executive Session

Don Ritchie 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. Jim Breslauer seconded the motion. A roll call vote was taken. Paul Willard, yea; Jim Breslauer, yea; Don Ritchie, yea; Charlie Gorss; yea; Jaye Waldron, yea; Wendy Sisson, yea.

The Commission came out of Executive Session at 8:46pm.

Open Space Purchase– Hoch, Still River Road Map 29 Parcel 2

After a brief discussion Don Ritchie made a motion that after receiving the appraisal for the land on Still River Road known as Hoch, the Commission is making a counter offer of \$200,000 for the parcel. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Jim Breslauer left the meeting at this time (8:50pm).

Right of First Refusal – Wade, Westcott Road (Map 32 Parcels 90 & 91)

Liz Allard explained to the members they have received a copy of the Purchase & Sales agreement on a parcel of land currently under Chapter 61A on Westcott Road for the right of first refusal. After a brief discussion Wendy Sisson made a motion to inform the Board of Selectmen the Conservation Commission has no interest in the purchase of this parcel for the purpose of open space. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – Evans, Lot 2 Old Littleton Road (Map 18 Parcel 11.2.4)

Liz Allard informed the members they have received a request for comments from the Zoning Board of Appeals (ZBA) in regards to a Variance and Special Permit Application on Lot 2 Old Littleton Road. The Commission is familiar with the location, which has no resource areas associated with it; therefore they have no comments on the application as submitted. A letter to that effect will be sent to the Chair of the ZBA.

Invasive Species Project Report from Land Stewardship Subcommittee

Wendy Sisson invited members to review the sites prior to the work begins in regards to invasive species control. Ms. Sisson would like to meet on Saturday, April 7th to tour the sites. In addition, Ms. Sisson has contacted Randy Prostack, the UMass Extension Weed Specialist, who is willing to come for community for outreach in late April. Ms. Sisson will determine when Volunteer's Hall is available for the community outreach program.

Request to Amend Approved Plan – Leiser, Lot 2 Mill Road, DEP#177-606, Harvard#0112-01

Liz Allard explained to the members the applicant is requesting a determination from the Commission in regards to a change to the approved plan for Lot 2 Mill Road, DEP#177-606, Harvard#0112-01. The revised plan call for the carriage house to be shifted twenty feet to the west of the proposed house. After a review of the revised plan Jaye Waldron made a motion to accept the revision to Site Plan C-1.0 prepared by Level Design Group, with a revision date of March 15, 2012 as a *De Minimus* change. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:30pm. 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
Request for Determination of Applicability Hearing Meeting Minutes
Mary Traphagen & Matthew Day, 146 Still River Road, Harvard#0212-04
March 15, 2012**

Chairman Paul Willard under the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room opened the public hearing at 7:32pm

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

Others Present: Liz Allard (LUB Admin), Mary Traphagen and Matt Day

This hearing is for a Request of Determination of Applicability filed on behalf of Mary Traphagen & Matthew Day for an addition to an existing structure within the 100' wetland buffer zone at 146 Still River Road, Harvard

Mary Traphagen and Matt Day were present to discuss their Request for Determination of Applicability. Ms. Traphagen explained that after meeting with the Zoning Board of Appeals it became clear that they would not be able to obtain a variance for the addition as originally proposed due to the fact it would not meet the required setback. Ms. Traphagen and Mr. Day have decided to utilize the existing deck area for the expansion of their kitchen. There will be no need for the installation of a foundation of this addition. Jim Breslauer asked about the topography of the area. Paul Willard explained the site to the members and stated he did not see anything harmful to the resource area with the addition as proposed.

With no further questions or comments, Jim Breslauer made a motion to close the hearing and issue a Negative 2 Determination. 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
Continuation of a Request for Determination of Applicability Hearing
Meeting Minutes
Terrence Holt, 20 Warren Avenue, Harvard#0112-02
March 15, 2012**

Chairman Paul Willard opened the public hearing at 7:51pm under the Massachusetts Wetland Protection Act M.G.L. 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, Charlie Gorss, Don Ritchie, Wendy Sisson, Jaye Waldron and Jim Breslauer

Others Present: Liz Allard (LUB Admin)

This hearing was continued from March 1, 2012 for the Request for Determination of Applicability filed on behalf of Terrence Holt for the removal of trees that have created a threat to human safety within the 100' wetland buffer zone at 20 Warren Avenue, Harvard.

Liz Allard explained to the Commission the abutter notification has now been completed. With no questions or comments in regards to the application, Don Ritchie made a motion to close the hearing and issue a Negative 2 Determination of Applicability. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Timothy Myllykangas, Westcott Road (Map 32 Parcels 90 & 91),
DEP#177-607, Harvard#0112-01
March 15, 2012**

Chairman Paul Willard opened the public hearing at 7:55pm under the Massachusetts Wetland Protection Act M.G.L. 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, Charlie Gorss, Don Ritchie, Wendy Sisson, Jaye Waldron and Jim Breslauer

Others Present: Liz Allard (LUB Admin)

This hearing was continued from March 1, 2012 for a Notice of Intent filed on behalf of Timothy Myllykangas for the construction of a single family dwelling with portions of the access drive and associated grading within the 100' wetland buffer zone on Westcott Road (Map 32 Parcels 90 & 91), Harvard.

A site walk was conducted with members of the Commission and the Planning Board on Saturday, March 10, 2012. During that visit the Commission requested the wetland flagging be revised to include an additional area along the existing cart path. This flagging has completed and is shown on the revised plan. As a result a portion of the proposed driveway is now within 75' of the wetland; GPR, Inc. has requested a waiver for the driveway within 75' of the wetland. The house configuration and driveway have been tweaked from the original plan, creating more grading in the buffer zone. During the site visit Wendy Sisson discussed with the applicant the removal of Japanese Knotweed during the construction; the applicant is amenable to removing the invasive species as discussed, which may include the use of glyphosate as a follow up treatment.

Ms. Sisson requested that the water that is on the site, appearing along the cart path, be indicated on the plan. Bruce Ringwall stated it does not run year round, however he is willing to create a small swale that would direct water towards the wetland. Don Ritchie asked what the plan for the cart path is. Mr. Ringwall stated the applicant will be revitalizing the orchard and will use the cart part for the movement of farm equipment. Jim Breslauer thinks if there is going to be work on the cart path there will need to be erosion controls. Mr. Ringwall requested that the erosion controls be relocated to along the existing cart path. Liz Allard did not agree with that suggestion as it moves the activity right up to the wetland and extends the limits of disturbance. The Commission agreed the Agent shall be contacted before there is to be any activity within 50' of the wetland.

Mr. Ringwall explained that filter fabric will be used to capture fines during construction should the high ground water be located. Ms. Sisson stated in the process of construction if water ceases to get to the wetland there may be a need for a new plan. Mr. Ringwall agreed to extend the stone at out-flow pipe toward the wetland. Mr. Ritchie suggested the work be done on the cart path after the drainage work done. Any exposed earth is to be stabilized quickly to avoid erosion. Mr. Breslauer explained the Commissions policy on the use of pesticides within the buffer zone.

Mr. Ritchie stated he has no issue with the requested waiver which would allow the driveway with 75' of the wetland. With that said, Don Ritchie made a motion to approve the waiver as requested. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

With no further discussion, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions to include the following conditions, during construction invasive species may be

removed from the 50' wetland buffer zone with exposed soils being seeded promptly after removal, if exposed areas can not be seeded prior to the growing season, jute matting or mulch shall be used to prevent erosion into the adjacent wetland; as noted on the "Final Plan", water breaks out at the end of the proposed level spreader along the existing cart path, at no time shall the driveway block or dam water from flowing to the wetland, existing conditions show that water is flowing down the existing cart path ; water will be redirected between wetland flags #2 & #3; work to repair the existing cart path within the 100' wetland buffer zone and removal of invasive species within the 50' wetland buffer zone shall require notification of the Conservation Agent prior to the commencement of said activity. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Request to study Butterfly Behavior on the Williams Land

- Proposed Butterfly Research Work at Williams Property in Harvard Township Power Point, prepared by Greg Breed, Harvard Forest, 15 March 2012

Continuation of a Notice of Intent Hearing – Timothy Myllykangas, Westcott Road (Map 32 Parcel 90 & 91), DEP#177-607, Harvard#0212-02

- Residential Development Site Plan Westcott Road Harvard, MA Prepared for Timothy Myllykangas, 7 Walnut Street, Apt. 3, Boston, MA 02108, JOB 121003, final revision date 3/13/12

Request to Amend Approved Plan – Leiser, Lot 2 Mill Road, DEP#177-606, Harvard#0112-01

- Letter from Bill and Elaine Leiser, RE: Single Family Dwelling, AM 12 Parcel 26.9, Lot 2, 31 Mill Road, Harvard, MA Site Plan C-1.0, 1292.00, dated March 15, 2012
- Single Family Dwelling, AM 12 Parcel 26.9, Lot 2, 31 Mill Road, Harvard, Massachusetts Site Plan C-1.0, 1292.00, prepared by Level Design Group, revised date 3/15/2012