

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 21, 2012
APPROVED: July 19, 2012**

Vice Chairman Jim Breslauer called the meeting to order at 7:00pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Marylynn Gentry (HCT Director), James Saalfield, Peggy Zimmer, John Zimmer, Tony Shaw, Gary Shepard (Ross Assoc.), Dan Kosciak, Alex Kosciak, Ron Ostberg, Mike Volmar (Fruitland's) and Chris Polatin (Polatin Ecological Services, LLC)

Discuss Trail Work on Dean's Hill with Harvard Conservation Trust

Marylynn Gentry, the Director of the Harvard Conservation Trust (HCT) and James Saalfield, president of the HCT, were present to discuss with the Commission the clearing that took place last fall on Dean's Hill. Under the Conservation Restriction, which the HCT is the grantee, approval for the creation of new trails is required from both the HCT and the Conservation Commission. This spring Ms. Gentry and another member of the HCT reviewed the site for compliance with the CR and found cutting along a steep slope; HCT is concerned with erosion in that area due to this cutting. Tony Shaw, president of the Harvard Snowmobile Club, who cut the new trail, was also present and presented a plan indicating the existing and proposed trail, along with the portion of the trail that has been closed off by new property owners abutting the Dean's Hill area.

The Conservation Commission (Concom) was unaware of the new trail until it was brought to their attention by the HCT. Ideally, the Concom likes to have the trail flagged and reviewed by members of the Land Stewardship Subcommittee (LSS) prior to any discussion or approval of such trails. Mr. Shaw stated the trail was done in a manner that would not require a rider to climb to the top of hill in undesirable conditions. It was agreed upon that Mr. Shaw will mark the trail with tape for the Concom, LSS and members of HCT will review and further discuss at the August 16th meeting of the Concom.

Findings on regards to earth work conducted on Littleton Road (Map 13 Parcel1)

Tony Shaw was present to further discuss with the Commission the unauthorized activity on his property at the corner of Cruft Lane and Littleton Road. There are two areas of activity that needed to be addressed. The first is the field along Littleton Road; Mr. Shaw installed a drainage pipe to drain the field in order to plant pumpkins in that area. With the trench still open and the pipe in place, the Commission had Dave Crossman, of B&C Associates, flag the extent of the wetlands. After Mr. Crossman's delineation of the area he had expressed to Liz Allard that the pipe was not really serving any purpose in the manner it was installed. Mr. Crossman recommended the trench be refilled and the area left to re-vegetate to a natural state. Ms. Allard had requested Mr. Shaw to refill the trench, but did not indicate the pipe should be removed; hence the pipe is still in the ground. Jim Breslauer stated he does not think the drain is much of an issue. Don Ritchie thinks there is a potential for draining the existing wetland. Patrick Doherty stated if the pipe was put in to drain the field then it should come out, as it could have an adverse effect on the wetland. Mr. Shaw further explained that he did not lay crushed stone, nor did he wrap the perforated pipe prior to refilling the trench. Mr. Doherty reconsidered his previous statement in regards to removing the pipe, and now feels the pipe should stay in place. Jaye Waldron agreed with out the proper material the pipe may not be functioning as a drain. Members agree to leave the field alone and allow for the pipe to remain. Ms. Allard explained to Mr. Shaw regardless if his intent is to utilize the area for the production of any product it will require a permit from the Conservation Commission, as the property is not under an agricultural exemption.

The second area of activity before the Commission is a roadway Mr. Shaw has been building up off of Cruft Lane in order to be able to harvest fire wood under his existing forestry plan. Mr. Ritchie thinks in order to determine the extent of the disturbance the area needs to be delineated for wetlands. Ms. Waldron has strong objections to the work done for the roadway, including the material that was used. Mr. Breslauer agreed the area will need to be delineated and reviewed by a professional wetland scientist to determine the extent of the activity and any recommended solutions. The Commission agreed that Mr. Shaw is to have the area delineated at his expense, at which point the Commission will review the site and further discuss. Mr. Shaw will be in touch with Liz Allard to arrange the wetland delineation.

Request for Determination of Applicability Hearing – John Zimmer, 25 Hynes Lane, Harvard#0612-01. Opened at 7:36pm

Community Preservation Committee Representative

As required by the State statute, the Conservation Commission (Concom) has to make an annual appointment of a representative to the Community Preservation Committee. Charlie Gorss stated he was willing to remain as the Concom representative. Don Ritchie made a motion to appoint Charlie Gorss as the Conservation Commission's representative to the Community Preservation Committee. Patrick Doherty seconded the motion. The vote was unanimously in favor of the motion.

Approval of Minutes

Don Ritchie made a motion to approve the minutes of March 29, 2012 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Update on Transfer Station Improvements

Don Ritchie stated besides the installation of additional fencing along the front part of the transfer station location, there has been no new improvements as requested in January by the Commission. The Commission discussed the potential for a gate to be installed along the bottom slope of the dumping area at the rear of the property to deter dumping by unknown individuals. The members agreed to send the DPW director a letter requesting that access to that area be restricted in some manner, along with a follow up report from the Director prior to the next meeting.

Request for Determination of Applicability Hearing – Fruitland's Museum, 102 Prospect Hill Road, Harvard#0612-02. Opened at 7:45pm

Request for Determination of Applicability Hearing – Harvard Conservation Commission, 47 Depot Road, Harvard#0612-03. Opened at 8:07pm

Discuss General Guidelines for Farming in Wetland Resource Areas

Members discussed the general guidelines for farming in wetland resource areas as drafted by Paul and Wendell Willard. Wendell Willard serves as the chair of the Agricultural Advisory Committee. Members agreed that the guidelines were well written. Liz Allard stated that Wendy Sisson had suggested adding some background material to the document in regards to the Wetland Protection Act and the jurisdiction of the Commission. Members agreed with the suggestion. Ms. Allard stated the first line in the third paragraph seems a bit confusing, as she reads it if the land is not in a qualifying Chapter status, but still functions as agricultural land then it would receive the same exemptions as land in Chapter. Ms. Allard would think the policy would then be allowing for something that is less stringent than the WPA, which is not allowed. After a brief discussion Ms. Allard agreed to rework the sentence. This matter will be further discussed at the next meeting.

Request for a Certificate of Compliance – Alexander, 24 Littleton Road, DEP#177-416

Liz Allard explained the Commission has received a Request for a Certificate of Compliance from Matthew Alexander of 24 Littleton Road for an Order of Conditions that was issued for the installation of a new septic system. Ms. Allard conducted a site visit and found the area to be stable and in compliance with the Order. Don Ritchie made a motion to issue a Certificate of Compliance for Matthew Alexander, 24 Littleton Road, DEP#177-416. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Zoning Board of Appeals Request for Comments – Smith, 345 Ayer Road

Liz Allard explained the Commission has received a request for comments from the Zoning Board of Appeals in regard to the addition of a garage at 349 Ayer Road. In 2007 the Commission issued an Order of Conditions under the Harvard Wetland Protection Bylaw, for work within 100' of an isolated wetland. The Permit Extension Act of 2010 has extended the Order to November 2012. Ms. Allard recommended sending a letter to ZBA to include a copy of the Order explaining that the work currently has a valid permit. Members agreed.

Williams Pond

Liz Allard informed the members that she has received the plans from Ross Associates for the replacement of the damaged culverts at the Williams Pond at the corner of Stow Road and Murray Lane. Ms. Allard has offered to the Department of Public Works (DPW) Director, Rich Nota, to have the Commission issue an Emergency Certification to expedite the process. A formal Notice of Intent will still be required. Mr. Nota had stated that would not be necessary. Mr. Nota will review the plans on Monday with Ms. Allard to determine if this is an activity that can be completed by the DPW. Ms. Allard is anticipating the NOI to be on the July 5th agenda.

Mass Endangered Species Act Evisceration – Senate Bill 1854

At the urgency of several different individuals and groups, including Brian Butler, of Oxbow Associates, the Commission discussed the Senate Bill that would virtually decommission the Natural Heritage Endangered Species Program. Members agreed that a letter should be sent to the committee chair as well as the Governor asking for serious reconsideration. Don Ritchie made a motion to issue a letter to the proper individuals expressing the impact the passing of this bill would have on not only the protection of wildlife habitat, but the increased requirements of local Conservation Commissions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

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 come out of executive session and adjourn the meeting. Jaye Waldron seconded the motion. A roll call vote was taken. Jim Breslauer, yea; Don Ritchie, yea; Charlie Gorss; yea; Jaye Waldron, yea; Patrick Doherty, yea.

Adjournment

As his last act as a member of the Harvard Conservation Commission, Patrick Doherty made a motion to adjourn the meeting at 8:49pm. 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
John Zimmer, 25 Hynes Lane, Harvard#0612-01
June 21, 2012**

Vice Chairman Jim Breslauer opened the public hearing at 7:36pm 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: Jim Breslauer, Charlie Gorss, Don Ritchie, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Peggy Zimmer, John Zimmer, Gary Shepard (Ross Assoc.), Dan Kosciak and Alex Kosciak

This hearing is for a Request for Determination of Applicability filed on behalf of John Zimmer for the installation of a replacement septic system that will require fill within the 100' wetland buffer zone at 25 Haynes Lane, Harvard.

Gary Shepard, from Ross Associates, was present to represent the applicants, who were also present. In addition, the potential buyers, Dan and Alex Kosciak, were also present. A site walk was conducted on June 19th with members of the Commission, the Conservation Agent and Mr. Shepard. Mr. Shepard explained the existing conditions and limitation on the site, which include not only a significant amount of wetlands, but well radii from the property in question and an abutting property. The septic system has been located in the only upland area of the lot. The septic system and associated tanks are outside the 100' buffer zone. There is however minimal disturbance within buffer zone due to grading of the mounded system. Erosion controls were located in a manner that will allow for mechanical equipment to maneuver during the installation. Don Ritchie mentioned that on the site walk members expressed a desire to have the new home owners notified of the limitations on the lot due to the location of the existing wetlands. With the Kosciak's present, the Conservation Agent explained any activity on the property would require a permit from the Conservation Commission.

With no further questions or comments Don Ritchie made a motion to close the hearing and issue a Negative#2 Determination of Applicability. 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
Request for Determination of Applicability
Fruitland's Museum, 102 Prospect Hill Road, Harvard#0612-02
June 21, 2012**

Vice Chairman Jim Breslauer opened the public hearing at 7:45pm 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: Jim Breslauer, Charlie Gorss, Don Ritchie, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin), Ron Ostberg, Mike Volmar (Fruitland's) and Chris Polatin (Polatin Ecological Services, LLC)

This hearing is for a Request for Determination of Applicability filed on behalf of Fruitland's Museum for invasive species control within a resource area and its associated buffer zone at 102 Prospect Hill Road, Harvard.

Mike Volmar, of Fruitland's Museum, was present, along with Ron Ostberg a Board of Director's member at Fruitland's and Chris Polatin, of Polatin Ecological Services. Mr. Volmar stated that he is seeking a determination that is consistent with that of the Division of Fish & Wildlife in that the activity of invasive species control is exempt from filing a Notice of Intent. Mr. Polatin stated both herbicides and pesticides will be used within the wetlands for the control of invasive species. There are two high density areas on the site that are being targeted for control. The first area is covered with multi flora rose, while another area has glossy buck thorn. Mr. Polatin explained the process as any invasive species less than five feet tall are foliage treated, where, as species taller than five feet are cut and the stems are treated. There will be an initial treatment this season with a follow up treatment next year. Jim Breslauer asked how the spray was applied and how far does the spray travel. Mr. Polatin stated either by a backpack carrier or direct from a service vehicle, with a spray radius of ten (10) feet. Mr. Breslauer is concerned with supervision of the spraying. Mr. Polatin stated his company consists of a crew of six (6) individuals who are knowledgeable and licensed applicators. Mr. Polatin himself has nine (9) years of experience as a licensed applicator. Mr. Polatin will make it a point to be on site when the wetland areas are being completed. Don Ritchie asked if there are any rare species within the areas to be treated. Mr. Volmar stated there will be no mechanical machinery in the existing turtle habitat, or in the area of the vernal pool. In addition, Mr. Polatin believes the chemicals to be used do not have an affect on turtles. Mr. Breslauer asked if they would be doing any burning as part of the treatment. Mr. Polatin stated they would not. The work is scheduled to be ongoing over the next two months.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue a Negative#2 Determination of Applicability. Patrick Doherty 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
Harvard Conservation Commission, 47 Depot Road, Harvard#0612-03
June 21, 2012**

Vice Chairman Jim Breslauer opened the public hearing at 8:07pm 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: Jim Breslauer, Charlie Gorss, Don Ritchie, Jaye Waldron and Patrick Doherty

Others Present: Liz Allard (LUB Admin)

This hearing is for a Request for Determination of Applicability filed on behalf of the Harvard Conservation Commission for the installation of a drainage basin within the 100' wetland buffer zone at 47 Depot Road, Harvard.

Liz Allard presented the plan prepared by Ducharme & Dillis last summer for the drainage basin on the Department of Public Works property adjacent to the Tully Conservation Land. Members requested the use of silt socks rather than hay bales and that the work occurs during the dry season. With no other comments Don Ritchie made a motion to close the hearing and issue a Negative#3 Determination of Applicability to include the above mentioned conditions. 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

Discuss Trail Work on Dean's Hill with Harvard Conservation Trust

- ❖ Assessor's Map showing closed/existing/new trails on Dean's Hill, Map 16 Parcel 13, undated

Request for Determination of Applicability Hearing – John Zimmer, 25 Hynes Lane, Harvard#0612-01

- ❖ WPA Form 1 – Request for Determination of Applicability, filed by John Zimmer, dated June 4, 2012
- ❖ Sewage Disposal System designed for John Zimmer, Job No. 28111, Plan No L-11872, dated May 2012

Request for Determination of Applicability Hearing – Fruitland's Museum, 102 Prospect Hill Road, Harvard#0612-02

- ❖ WPA Form 1 – Request for Determination of Applicability, filed by Fruitlands Museum, dated June 12, 2012
- ❖ Invasive Plant Management Plan, Fruitlands Museum Harvard, Massachusetts, prepared by Polatin Ecological Services, LLC, dated June 7, 2012

Request for Determination of Applicability Hearing – Harvard Conservation Commission, 47 Depot Road, Harvard#0612-03

- ❖ WPA Form 1 – Request for Determination of Applicability, filed by the Harvard Conservation Commission, dated June 13, 2012
- ❖ Drainage Improvement Plan, 47 Depot Road Harvard, Massachusetts, Job No. 4588, Drawing No. 4588-SP, dated June 20, 2011

Discuss General Guidelines for Farming in Wetland Resource Areas

- ❖ Harvard Guidelines for Farming in Wetland Resource Area, undated

Request for a Certificate of Compliance – Alexander, 24 Littleton Road, DEP#177-416

- ❖ WPA Form 8A – Request for Determination of Applicability, filed by GPR, dated June 18, 2012
- ❖ Subsurface Sewage Disposal System Upgrade, Construction Record Drawing, 24 Littleton Road, Job 02104, dated October 2003