

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 18, 2012
APPROVED: November 1, 2012**

Chairman Paul Willard called the meeting to order at 7:03pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Marylynn Gentry, Bob Martin, Joe Gibbons, and Gail McCarthy

**Continued Discussion with Harvard Conservation Trust & Harvard Snowmobile Club
RE: Unapproved Trail Work on Dean's Hill**

Wendy Sisson stated she, Don Ritchie and Phil Knoettner reviewed the trail a few weeks ago. The trail was also reviewed by Marylynn Gentry, Director of the Harvard Conservation Trust, along with two members of the Trust, Liz Allard (Conservation Agent) and Tony Shaw of the Harvard Snowmobile Club in August. Ms. Sisson stated once the trail passes through the stone wall at the south east corner of the Dean's Hill property it is in the floodplain. The area known as the Horne Land is very wet. Ms. Sisson can not see how the Commission could permit a trail of any type in this area. The members present agreed with Ms. Sisson. Joe Gibbons, of the Harvard Snowmobile Club, asked if there are any issues with crossing the Davis land. It was stated the Commission had no knowledge of wetlands or floodplain on the Davis land, but the Club should take those factors into consideration when determining a location for the trail.

Marylynn Gentry stated the Trust has concerns with the new unapproved trail along the southern slope of the property. The area is very steep and the clearing for the trail raises concerns of erosion along that slope. An additional concern of the Trust is the existing invasive plant species in that location; the continued cutting of the vegetation will only encourage its growth. The Trust has no issue with the other newly created trail that runs in a southerly direction off the existing trail. The final concern of the Trust is the eight foot width of the new trail. It was explained the groomer is six feet in width, leaving two feet for maneuvering of the groomer. Ms. Gentry stated the Trust would like to see minimal disturbance with the groomer, so where possible maintain a six foot trail. Ms. Gentry and the Commission agreed the trail running along the southern property boundary is not acceptable; flags demarcating this trail shall be removed and brush shall be placed over the trail to deter its future use.

Harvard Snowmobile Club Annual Update

Joe Gibbons and Bob Martin, members of the Harvard Snowmobile Club, were present to discuss the upcoming snowmobile season with the Commission. Mr. Gibbons stated the signage will be installed later this year and taken down sooner than in past years. The Club will be installing signs the day after Thanksgiving this year.

Mr. Gibbons noted the signs on the Clapp Land have been routinely taken down during the season and discarded into the surrounding woods. Last year the sign went missing altogether. In addition, last year someone placed hay bale stakes along the trail creating a dangerous situation for all who use the trails. Mr. Gibbons requested he be able to add additional signage stating the trails are approved for snowmobile use by the Commission. Wendy Sisson suggested a sign from the Commission be installed. Members agreed with this suggestion. Ms. Sisson reminded Mr. Gibbons that the Snowmobile Club needs suitable snow cover for continued use of the trail throughout the season, that it is their responsibility to police the situation and to close trails as necessary, especially towards the end of the season. The Commission reserves the right to request signage be removed if the conditions are not suitable. Liz Allard asked Mr. Gibbons to remind Tony Shaw, president of the Club, to include her on the club emails.

The Commission thanked Mr. Gibbons and Mr. Martin for attending this evening and wished them well this season.

Land Stewardship Subcommittee Update

Wendy Sisson stated the clearing of trails of tree limbs is still on going on several parcels of Conservation Land. Ms. Sisson reported the entry of trails has been a problem this year because the trailheads are not being kept open by the Department of Public Works (DPW). The Stewardship Committee along with the Commission will need to work on a system to get the trailheads mowed periodically in the summer.

There are a few trees that are hung up or too big to handle on a volunteer basis. Ms. Sisson was wondering if the DPW could assist in removing several on the Old Mill Road trail. Liz Allard will follow up with the DPW foreman on Monday.

Ms. Sisson has finally had an opportunity to speak with the contractor completing the mowing of fields for the Commission. Ms. Sisson has explained to him the need to have mowing completed earlier. The contractor has indicated there are areas that have limbs that need to be removed to be able to mow; he is willing to take care of the limbs as long as he is reimbursed for his time. The Commission agreed if the cost to remove the tree limbs is beyond the funds DPW has to pay for the mowing of the fields then they are willing to cover the cost. Don Ritchie made a motion to allocate up to \$2000 for additional maintenance of the Conservation land fields by the current contractor. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Ms. Sisson stated the invasive plant management program will pick up again in November. Ms. Sisson would like to install signs at the various locations explaining the activity to those who frequent the Conservation Lands. Members agreed. Ms. Sisson stated the website of the subcommittee has updated information in regards to the invasive plant management program.

Request for Determination of Applicability Hearing, Gail McCarthy, 39 Jacob Gates Road, Harvard#1012-01. Opened 7:33pm

Bare Hill Pond Point Source Discharge Identification

A recent message from the chair of the Bare Hill Pond Watershed Management Committee indicated one of the sources of algae blooms in the pond is from run off after a drought or infrequent rain. Wendy Sisson suggested the Committee start collecting data from locations around the pond by means of testing for parameters such as phosphorus, nitrogen and nitrite to help identify areas in need of stormwater management. It was suggested a baseline be established at the locations where runoff enters the pond and then additional testing after a drought or infrequent rain. Jaye Waldron stated she would communicate the Commission's request with the Committee.

Request for Certificates of Compliance

Liz Allard explained she has received two requests for Certificates of Compliance (COC) since the last meeting. The first is for Envision Homes at 55 Warren Ave, DEP#177-595. The other is for Christopher Glew at 106 Massachusetts Avenue, DEP#177-597. Ms. Allard stated both sites have been reviewed and are in compliance with the Order of Conditions. In addition, Ms. Allard has prepared a COC for an outdated Order of Conditions, DEP#177-517 at 55 Warren Avenue, in which the project was never completed.

Wendy Sisson made a motion to issue a Certificate of Compliance for DEP#177-517, 595 and 597 as recommended by the Conservation Agent. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Community Preservation Committee Requests & Liaison Role

Charlie Gorss informed the member the Community Preservation Committee (CPC) has scheduled time to review with the Commission their application for funding in 2013 on Wednesday November 14th at 8:00pm. Paul Willard stated he would attend on behalf of the Commission.

Mr. Gorss asked why the Commission submitted a bill for the invasive plant species program to the CPC. Liz Allard and Wendy Sisson explained a request for information was received by Jim Breslauer earlier in the week and the figures were not a bill, but an estimate of the amount the Commission has spent thus far from the funds Town meeting approved for the Commission this past spring. Questions as to why the information was passed along to another member of the CPC and not the Commission's representative were vetted. The Commission agreed any request for information in regards to the CPC should come from the Commission's representative, Charlie Gorss. Any other requests will be confirmed with Mr. Gorss or the Chair of the CPC prior to being acted upon.

2011 Annual Town Meeting Acceptance of Gifts of Property – Conservation Land

Liz Allard had previously sent a request for any information the members may have on the acceptance of a parcel of land at the 2011 annual Town meeting. The parcel is on Brown Road, assessor's map 35 parcel 16. Ms. Allard determined the taxes have not been paid since 2011 as well. None of the members in attendance had any recollection of the acceptance of this parcel. Ms. Allard will follow up with the Town Administrator.

Findings in regards to earth work conducted on Littleton Road (Map 13 Parcel 1)

Don Ritchie, Jim Breslauer and Liz Allard reviewed the site off Littleton Road, adjacent to Cruft Lane along with Tony Shaw earlier this week. Mr. Shaw has pulled back the fill put in place at the far end of the roadway he created to gain access to timber on west side of the property. The material removed has been stock piled and is being removed as Mr. Shaw finds suitable locations for it. Mr. Ritchie stated he wants erosion controls installed around the stock pile, as well as having the pile covered to prevent any additional material from entering the wetland. A letter detailing the Commission's requirements and explaining any additional work will require a permit from the Commission will be sent to Mr. Shaw.

Update on Ruben Reed Land Encroachment

Liz Allard informed the Commission she was contacted by Bill Clougherty of Mass Highway this week who has indicated he is still waiting for a response from the civil engineer as to the location of the boundary of the State land along Mass Ave. Mr. Clougherty stated he has spoken to the permitting department at Mass Highway and has found there to be no approval of the parking area in question. Mr. Clougherty is hoping to have a final answer on the boundary within the next week.

Required Conservation Restrictions under Community Preservation Act

Liz Allard stated a letter had been received from Attorney Judith Pickett as to her opinion on the required conservation restrictions for land purchased with Community Preservation Act (CPA) funds, as well as her opinion on rectifying the issue with the purchase of the Stone and Loungo land. Ms. Pickett suggest the Commission ask the Board of Selectmen pursuant to MGL Chapter 40 §15A, to transfer the care, custody, management and control of the parcels to the Commission. This would also require two-thirds vote at Town meeting.

In regards to the required restrictions on the property, Attorney Pickett recommends a formal opinion from the Department of Revenue be sought as to whether or not these parcels would be retroactive under the previous requirements, which did not require a Conservation Restriction on lands purchased with CPA funds.

On the same subject matter, Ms. Allard has spoken with Marylynn Gentry, the Director of the Harvard Conservation Trust in regards to them being the grantees of the restrictions. Ms. Gentry

has indicated the Trust would be interested as long as the restrictions contained a baseline documentation report, the corner boundaries of the properties were demarcated in some manner and there is monetary donation made to the Trust. Ms. Gentry had also indicated the Trust is willing to assist in drafting the restrictions. The members asked Ms. Allard to obtain the cost associated with the drafting of the restriction and the donation. As well, Ms. Allard is to request a proposal from Land Stewardship for the baseline documentation.

Discuss General Guidelines for Farming in Wetland Resource Areas

Liz Allard stated she has distributed the draft guidelines for members' review earlier today and requested they submit any revisions to her prior to the November 1st meeting of the Commission.

Massachusetts Association of Conservation Commissioners (MACC) Workshops

Liz Allard made a request to attend two MACC workshops in November. The first is training on the revised Mass GIS program and the second is a winter shrub identification course. Wendy Sisson made a motion to allocate \$130.00 for Liz Allard to attend the two previously mentioned workshops. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Executive Session

Don Ritchie made a motion that the Conservation Commission 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 in which a public discussion of these matters will have a detrimental effect on the negotiating position of the Commission, only to adjourn the public meeting once the discussion is complete. Charlie Gorss seconded the motion. A roll call vote was taken, Paul Willard, aye; Don Ritchie, aye; Wendy Sisson, aye, Charlie Gorss, aye; Jaye Waldron, aye.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:32pm. 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
Gail McCarthy, 39 Jacob Gates Road, Harvard#1012-01
October 18, 2012**

The public hearing was opened at 7:33pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin) and Gail McCarthy

This hearing is for a Request for Determination of Applicability filed on behalf of Gail McCarthy for the removal of trees within the 100' wetland buffer zone at 39 Jacob Gates Road, Harvard.

Liz Allard stated she had reviewed the site this week and all of the trees Ms. McCarthy is requesting to be removed are either dead or dying. Most no longer leaf out so there would be no loss of the canopy with the removal of the trees. In addition, none of the trees show signs of tree hollows typically used by wildlife. All of the trees are within an established lawn area used by Ms. McCarthy. Two of the trees are adjacent to an existing wetland area in which Ms. McCarthy is in the process of purchasing. Those trees will be dropped into the wetland and left to serve as habitat.

With no questions or comments from the Commission, Wendy Sisson made a motion to close the hearing and issue a Negative 3 Determination of Applicability, with the condition the stumps of the trees are to remain. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Continued Discussion with Harvard Conservation Trust & Harvard Snowmobile Club RE: Unapproved Trail Work on Dean's Hill

- ❖ Undated assessor's map of Dean's Hill and surrounding area indicating location of closed, existing, and new trails

Required Conservation Restrictions under Community Preservation Act

- ❖ Letter from Brackett & Lucas Counselors at Law, Attorney Judith Pickett, RE: Community Preservation Act Permanent Restrictions, dated October 15, 2012