

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 20, 2012
APPROVED: January 17, 2013**

Chairman Paul Willard called the meeting to order at 7:04pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin)

Request for a Certificate of Compliance – Schmidt, 12 Mill Road, DEP#177-319

Liz Allard stated the Commission has received a Request for a Certificate of Compliance from Mary Schmidt for work done to the spillway located at 12 Mill Road. The work had been completed in 2000. Since that time the spillway has begun to be non-functional and will require a new Notice of Intent for additional improvements, which the Commission will receive within the next few months. Don Ritchie made a motion to issue a Certificate of Compliance to Mary Schmidt, 12 Mill Road, DEP#177-319. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approve Acceptance of Gift of Land – St. John's Lane

Liz Allard has received the Quitclaim Deed for Higgins property on St. John Lane, which is being gifted to the Town, for the Commission's approval. Jim Breslauer made a motion that the Commission accepts the gift of land from the Higgins family, which includes approximately 6.8 acres (Map 27 Parcels 125 and 126) at the end of St. John Lane. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Discuss Damage to Shaker Spring House – Lacroix Land, Green Hill Road

Liz Allard explained she had been notified by both Wendy Sisson and Phil Knoettner that the door on the Shaker Spring House on the Lacroix Land off of Green Hill Road is damaged and is not properly sealed, causing a safety issue. Ms. Allard stated she had sent an email to the Chair of the Historic Commission to determine if the structure is under their control or that of the Conservation Commission; she has not received a response. The members agreed given the historic nature of the structure they would like input from the Historic Commission; however given the safety issue it is best to resolve the issue as quickly as possible. Members asked Ms. Allard to send another message to the Historic Commission stating they would like their input within two weeks; if no input is received then the Commission will have the Department of Public Works seal the door by what ever means it may take.

ZBA Request for Comments – Carbonell, 133 Old Mill Road

Liz Allard stated the Commission had received a request for Comments from the ZBA in regards to a Special Permit application for the installation of an accessory apartment within the existing dwelling at 133 Old Mill Road. Ms. Allard reviewed the previous plans associated with the Order of Conditions that was issued for the site and has concluded that all work associated with the installation of the accessory apartment will be within the existing structure and no new activity will take place outside the existing footprint, which is outside the 100' wetland buffer zone. A letter will be sent to the ZBA stating the Commission has no issues with the application as proposed.

Approval of Bills

Liz Allard stated the Commission has received an invoice from Town Counsel in the amount of \$853.60. A portion of that bill (\$578.60) was in association with Attorney Lanza's opinion on the need for Conservation Restrictions on land previously purchased with Community Preservation Act funds. Since the Commission had not solicited Attorney Lanza's opinion, they do not feel they should be responsible for these charges.

Other charges on the same invoice include \$245 in association with the Higgins and Bamford gifts of land and \$30 in association with the potential purchase of land on Still River Road. Jim Breslauer made a motion to approve the payment of \$275 to Attorney Lanza for his November invoice. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Open Space Priority and Evaluation Checklist

Previous conversations with the Harvard Conservation Trust have lead the Commission to question if they too should create an open space priority and evaluation checklist. Paul Willard stated he thinks it is a good idea, even if it is just for Commission to get a sense of the priority of any particular parcel of land. Mr. Willard stated he would work over the next few weeks on the list using the parcels that are currently being discussed for purchase as open space.

Bromfield Science Fair

The Commission has been requested to participate as judges in the 2013 Bromfield Science Fair on February 8th. Jim Breslauer volunteered to judge the project along with Jaye Waldron. Don Ritchie will be able to present the awards that evening. Liz Allard will inform Ellen Leicher of this information.

2012 Annual Report

Liz Allard will work with Wendy Sisson to draft the 2012 annual report for review and approval at the next meeting.

Approval of Minutes

Don Ritchie made a motion to approve the minutes of November 1, 2012 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Update on Ruben Reed Land Encroachment

Liz Allard stated she has not had any updates from Mass Highway since the Commission last met.

Required Conservation Restrictions under Community Preservation Act

There is some confusion as to whether or not Conservation Restrictions (CR) are in fact needed for the parcels of land (Stone, Locke and Loungo) purchased with Community Preservation Act funds. It is Town Counsel's opinion that a CR is not needed as the parcels were purchased prior to changes to the law on July 1, 2012. The State says this is not so. Paul Willard state he is willing to do whatever it is that needs to be done, but the Commission needs a clear answer as to what that is. Members questioned what happens if the Commission does nothing. It was suggested the Commission obtain the opinion of independent counsel, Judy Pickett or the advice of the Attorney General. Liz Allard will follow up on the suggestions made.

ZBA Request for Comments – PRM Capital, Trail Ridge Way

Liz Allard has reviewed the plans submitted to the ZBA for modifications of the Comprehensive Permit filed on behalf of PRM Capital, LLC. Ms. Allard suggests the following comments be forwarded to the ZBA in regards to the application:

- ❖ The applicant shall obtain a Certificate of Compliance for the work that has been completed under the Order of Conditions, DEP#177-457
- ❖ A status report on the existing replicated wetland should be provided with the Request for a Certificate of Compliance
- ❖ A new Notice of Intent will be required for the completion of the project for areas within the 100' wetland buffer zone and its associated resource area
- ❖ The existing wetland line shall be reviewed by a professional wetland scientist for its accuracy as part of the new Notice of Intent
- ❖ A new filing with Natural Heritage and Endangered Species shall be required as the location is within Estimated Habitat of Rare Wildlife

Members agreed with the suggested comments. Ms. Allard will forward them to the ZBA.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 7:36pm. 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**Request for a Certificate of Compliance – Schmidt, 12 Mill Road, DEP#177-319**

- ❖ WPA Form 8A Request for a Certificate of Compliance, dated December 5, 2012
- ❖ Cover letter from New England Environmental, Inc., dated December 5, 2012
- ❖ Letter from D. Hobbs Contracting, Inc., dated November 30, 2000

Approve Acceptance of Gift of Land – St. John's Lane

- ❖ Quitclaim Deed for Higgins property on St. John Lane, undated

Approval of Bills

- ❖ Invoice from Mark J. Lanza, dated November 30, 2012