

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 7, 2013
APPROVED: March 7, 2013**

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

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

Others Present: Liz Allard (LUB Admin), Lucy Wallace, Marty Green (Harvard Press) and Bill Johnson

Herman Orchard Proposal – Tony Shaw

Liz Allard had previously distributed a letter and associated plan from Tony Shaw to the members outlining his proposal to convert the Herman Orchard into a hay field. Mr. Shaw was unable to attend this evening but will be able to attend on February 21st to answer any questions the members may have.

Wendy Sisson stated the Land Stewardship Subcommittee (LSS) is working on a management plan for this area to determine the best overall use of the property; the LSS is still in the investigative stages and have not come up with a final plan as of yet. Previous conversations about this parcel included a long term lease with Sean McLaughlin. After a brief discussion, Paul Willard stated it is the opinion of the Commission that enough information has not been provided, as of yet, by the LSS to determine if the proposal from Mr. Shaw will fit into the overall plan for the Herman Orchard. At this point the LSS will continue its investigation, once complete, the Commission will again review Mr. Shaw's proposal to see how it may fit into the overall management of the property. Ms. Allard will follow up with Mr. Shaw on the matter.

Approve Minutes

Jim Breslauer made a motion to approve the minutes of December 6, 2012 and January 17, 2013 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson made a motion to accept the minutes of February 2, 2012 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Approval of Bills

The following bill has been received and will require the Commissions approval for inclusion on the next bill warrant:

- Attorney Mark J. Lanza - \$495.00

Liz Allard noted there is an error on the bill in which a charge was missed in the final total owed by the Commission. Ms. Allard has communicated the error to the Town Administrator. The Commission can only pay the amount as stated on the bill (\$495). Jim Breslauer made a motion to approve the previously mentioned bill for inclusion on the next bill warrant. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Approve & Sign Hoch Purchase & Sale Agreement

After a brief discussion, Wendy Sisson made a motion that the Commission accepts and signs the Purchase and Sales agreement for the Reimar H.H. Hoch land on Still River Road, subject to the verification from Town Counsel that he has researched all the fine points of the document, such as the book and page of the deed, the eminent domain confirmation and that in his legal opinion it is an appropriate document to sign. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Continuation of the Amendments to the Code of the Town of Harvard, Chapter 147 Wetland Protection Bylaw Rules Hearing. Opened at 7:33pm

Executive Session

Jim Breslauer 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 return to the public meeting once the discussion is complete. Don Ritchie seconded the motion. A roll call vote was taken, Paul Willard, aye; Wendy Sisson, aye, Charlie Gorss, aye; Jaye Waldron, aye; Jim Breslauer, aye; Don Ritchie, aye

Executive session was adjourned 8:40pm on a motion by Jim Breslauer, seconded by Don Ritchie. The vote was unanimously in favor of the motion.

Certificates of Compliance

Liz Allard explained to the members she has been reviewing old files in preparation for the move out of Town Hall during the renovations. Ms. Allard has begun to gather files that either had a Certificate of Compliance (COC) issued, but never recorded at the registry of deeds, or projects that never commenced. Ms. Allard is requesting the Commission re-approve the previously issued Certificates of Compliance, for DEP#177-364, 382,488,492,498 & 515; also issue Certificates of Compliance for DEP#177-483, 507 & 516 on projects that were never started.

In addition, Ms. Allard found an Order of Conditions (OOC) for the Harvard Fire Department for a fire pond on Ann Lees Road that was recorded in 1980. The OOC did not require an as-built in order to issue a COC. The Fire Chief has reviewed the plan submitted and has stated the work was completed as permitted under the OOC. Ms. Allard requested a COC be issued for DEP#177-49. Don Ritchie made a motion to issue the previously mentioned Certificates of Compliance. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – Town Hall Building Committee, 13 Ayer Road

Liz Allard explained to the members the ZBA has requested comments of the variance and special permit application before them in regards to the renovations to Town Hall. With no resource areas or wildlife habitat in the vicinity of Town Hall the Commission had no comments in regards to the application as submitted. A letter to that effect will be sent to the ZBA.

Discuss Potential Appointment of Joanne Ward to Commission

Liz Allard explained to the members that they have received a volunteer application from John Sullivan, who was unable to attend this evening to discuss his interest in being a part of the Conservation Commission. Members agreed to hold off on any recommendations to the Board of Selectmen until they have an opportunity to speak with Mr. Sullivan. Ms. Allard will inform both Mr. Sullivan and the other potential candidate, Joanne Ward of the Commission's decision.

Discuss E-Mails and Open Meeting Law

Wendy Sisson had requested the Commission discuss the matter of the ability to communicate via email and how the open meeting law (OML) affects those conversations, such as the reviewing of minutes. The OML states, "E-mail exchanges between or among a quorum of the members of a public body discussing matters within that body's jurisdiction may constitute deliberation, even if the sender of the email does not ask for a response from the recipients."

Ms. Sisson would like to know what comments or revisions each individual is making to the minutes or other documents used by the Commission. Since the OML does not allow for this to take place, the members agreed that when sending revised documents to Liz Allard, they will now include only Ms. Sisson on the message as well.

Bare Hill Pond Watershed Management Committee & COLAP

Jaye Waldron stated she had recently attended the Massachusetts Coalition of Lakes and Ponds annual workshops, which included many different presentations, such as dealing with nitrification and the removal of dams. Ms. Waldron learned that other communities are using chemicals every other year in their lakes and ponds for the control of weeds with great success.

The Bare Hill Pond Watershed Management Committee (BHPWMC) is looking into hydro-raking for weed control as an alternative to the annual draw down. The BHPWMC has invited the Conservation Commission to join them in June when sampling is conducted by Wendy Gendron, to see first-hand the results of the draw downs on the pond.

Wendy Sisson stated that in an earlier Commission minutes it was stated the monitoring plan established years ago for the draw down should be reviewed. The BHPWMC will need to re-apply within the next year or two for permission to draw down the pond, at which point the monitoring plan should be reviewed. Ms. Sisson also wondered what the objectives are of the draw downs beyond maintaining recreational values. Paul Willard stated the original objective had been stated as promoting diversity of plants and animals in the pond.

Update on Ruben Reed Land Encroachment

Jim Breslauer stated he has been in contact with Senator Jamie Eldridge's office in order to obtain an answer as to whether or not the parking area along Mass Ave is on the Ruben Reed land or within the State's right of way. Senator Eldridge's office has made two attempts to contact Mass Highway with no response. Mr. Breslauer will follow up with Senator Eldridge's office prior to the Commission's next meeting for any updates.

Required Conservation Restrictions under Community Preservation Act

Liz Allard stated she had made several attempts to get a final opinion from Attorney Pickett in regards to the conflicting opinions of Town Counsel Mark Lanza and the State's representative, Irene Del-Bono on whether or not the Commission needs conservation restrictions on lands purchased with community preservation act funds prior to the revisions to the Act in 2012. Ms. Allard will continue to follow-up with Attorney Pickett.

Historic Commission Request to Remove Trees on Conservation Land around Shaker Cemetery, Shaker Road

Members of the Commission have reviewed the site and will request the Historic Commission mark the trees they want to take out. The Commission does not want to see a 25' swath of trees taken out around the perimeter of the cemetery. When the work is to be done the site can be reviewed once again with members of the Cemetery Commission to ensure the area will not be clear cut.

Open Space Priority and Evaluation Checklist

Paul Willard has not had an opportunity to begin the open space priority check list with Liz Allard, but will do so within the next few weeks. Once completed, the Commission can review the document for accuracy. This document is intended for internal use only.

Letter from Ned Leeming

Wendy Sisson read a letter from Ned Leeming into the record. Mr. Leeming is suggesting that brush cleared along trails not be left along the side of the trails to decay as they potentially could cause hazards to users of the trails. Ms. Sisson stated the piles of brush that are left do not create hazards and that slash is a natural occurrence in the woods. It may look unsightly, but it is good for the soil. It would be a big undertaking to bring in a chipper to make the trails tidy. Ms. Sisson stated there are several Town residents who have worked diligently over the past several years to clear the trails after storm events, such as the 2008 ice storm and the 2011 October snow storm.

Tripp & Smith Land Baseline Reports

Liz Allard stated she and Wendy Sisson have reviewed the baseline reports the Harvard Conservation Trust had prepared for the Tripp land and the Smith land. Both Ms. Allard and Ms. Sisson had minor modifications to the documents, which are being re-worked. Once a final document is received the Commission will need to accept the baseline reports.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:31pm. 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 the Amendments to the Code of the Town of Harvard,
Chapter 147 Wetland Protection Bylaw Rules Hearing Meeting Minutes
February 7, 2013**

The public hearing was opened at 7:33pm by 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

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

Others Present: Liz Allard (LUB Admin), Lucy Wallace and Marty Green (Harvard Press)

Paul Willard stated after a recent meeting with the Finance Committee (FinCom) it seems as if the Commission is not prepared to make a decision on increasing the fees; however he would suggest keeping track of time spent doing fee-based activities. Wendy Sisson stated the time spent fluctuates with each application. Ms. Sisson suggested a few members of the Commission spend time thinking about this subject matter to be able to be more versed about it when it is discussed with FinCom again.

Jim Breslauer asked about the recent article in the Harvard Press, which indicated that the Commission was in favor of the warrant article for the hiring of Town Planner. Mr. Willard explained he was not speaking for the Commission when he made that statement and has clarified that position in this week's issue of the Harvard Press. In regards to the Warrant Article, Mr. Breslauer stated there seems to be a real rush for a Planner now, with little consideration on exactly how this will work.

Mr. Breslauer suggests closing the hearing and not increasing the fees until the Commission has more information on the tracking of time spent on fee based activates.

Lucy Wallace, liaison to the Commission from the Board of Selectmen, suggests the Commission send a letter to FinCom explaining the process they have been through and what the follow-up steps will be. Ms. Sisson suggests telling FinCom the Commission will be looking at fees this coming year, the Commission did an extensive overhaul of the fees eight years ago, with revisions five years ago, and with the economy not booming, there is no rationale to raise the fees at this point.

Jim Breslauer made a motion to close hearing and not increase the fees as recommended, but to take the opportunity to review, over the next six months, the amount of time actually spent on fee based activities by the Conservation Agent to determine if the fee schedule is appropriate. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Approve & Sign Hoch Purchase & Sale Agreement

- ❖ PURCHASE AND SALES AGREEMENT, February 7, 2013

Discuss E-Mails and Open Meeting Law

- ❖ Open Meeting law Guide, dated February 10, 2012

Letter from Ned Leeming

- ❖ Letter from Ned Leeming, dated February 4, 2013