

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MARCH 7, 2013
APPROVED: April 18, 2013**

Vice Chairman Jim Breslauer called the meeting to order at 7:04pm 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), Joanne Ward and Tony Shaw

MACC Annual Conference Round-up

Liz Allard stated she had attended the annual Massachusetts Association of Conservation Commissioners (MACC) last Saturday, along with Jaye Waldron and Charlie Gorss. Ms. Allard did not attend any of the workshops; instead she monitored two Fundamental training courses for MACC. Prior to the start of the day, Ms. Allard was able to pick up information from the Department of Environmental Protection in regards to policy 2012 changes and proposed 2013 changes. Handouts of those changes were made available to the Commission.

Jaye Waldron stated she attended a workshop on climate change which suggested figuring floodplain area by its elevation; there are new updated floodplain maps. In regards to stormwater management it is being suggested that the Cornell method is better than applying TP-40 when calculating for storm events. It was suggested that a provision be added to the wetland regulations that requires the use of the Cornell method. A new Mass General Law, Chapter 30, Section 61, states the Commission can ask an applicant to evaluate climate change.

Ms. Waldron also attended a workshop in vista pruning issues; it was suggested if a substantial tree is to be removed from an area then require an applicant to either move it to another location, replant with smaller vegetation or allow stump to develop new growth.

Charlie Gorss attended a workshop by Scott Jackson on habitat evaluation; there are two processes in reviewing for wildlife habitat, the Simplified Wildlife Habitat Evaluation and the Detailed Wildlife Habitat Evaluation. Mr. Jackson has stated when evaluating habitat consider what might happen if wildlife habitat is removed. Members wondered if there are any requirements as it pertains to forestry plans. Liz Allard will review the requirements. Ms. Allard noted there are certain thresholds that have to be met for a resource area in order for wildlife habitat evaluation to be a factor.

Once MACC posts the material from the workshops the Commission would like to follow up further on some of these topics.

Approve Minutes

Wendy Sisson made a motion to approve the minutes of February 7, 2013 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approve Baseline Reports – Tripp & Smith Land

Liz Allard stated the Commission had received the final baseline reports from Nick Holland at Land Stewardship for the Tripp and Smith Land. The Commission needs to approve the report and needs to sign the acknowledgement page of the report.

Wendy Sisson made a motion to accept the baseline reports prepared by Land Stewardship, Inc, dated November 9, 2012 for Tripp and Smith. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – Dunton, 31 Peninsula Road

Liz Allard explained to the Commission they have received a request for comments from the ZBA in regards to an application filed for a special permit at 31 Peninsula Road, for the reconstruction of a single family dwelling. The current house and the proposed house will be within the 200' buffer zone of Bare Hill Pond. The plan calls for the removal of the existing dwelling which is to be replaced with a dwelling with a second floor and a garage, total area of the new structure will be slightly larger than the existing house. Ms. Allard has confirmed with the Building Commission that this would be considered new construction, therefore the structure will be required to meet the setbacks within the wetland bylaw, which as proposed it does not. A Notice of Intent has been filed with the Commission and is scheduled for March 21st. A letter to this effect will be sent to the ZBA prior to their hearing on March 13, 2013.

Issue Certificates of Compliance

Liz Allard is continuing to reduce the files in the office and has reviewed all of the files in the file cabinets at this point. A large number of files had Certificates of Compliance (COC) issued, but never returned a recorded copy for the file. Ms. Allard has been able to locate the information on the Registry of Deeds (ROD) website and is able to destroy the files as allowed by State law. Additional files had COC issued, but there is no record they have been recorded at the ROD; Ms. Allard requested these files, DEP#177-350, 365, 370, 371, 390, 404, 413, 414, 436, 443, 447, 474, and 478, have the COC re-issued.

Wendy Sisson made a motion to re-issue certificates of compliance for the above mentioned files. Charlie Gorss 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 - \$747.00
- Brackett & Lucus - \$116.00
- Heritage Field, \$11,500.00

Jaye Waldron made a motion to accept the above mentioned bills for inclusion on the next bill warrant. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

MRPC Trail Inventory Project & Visitors Guide for Montachusett Region

Liz Allard explained to the members the Montachusett Regional Planning Commission (MRPC) is currently updating the trail inventory and trail guide as part of their transportation planning activities. To help gather information MRPC has set up sub-region meetings. At these meetings communities can provide input and updates regarding existing trail data. This data will be used to create an electronic and hard copy trail and visitors' guide. The meeting for Harvard is scheduled for Wednesday March 13th. Ms. Allard is unable to attend as there is a ZBA meeting that evening. Wendy Sisson stated she and/or others from the Land Stewardship Subcommittee will be attending this meeting.

With the arrival of Chairman Paul Willard to the meeting, Jim Breslauer turned the meeting over to him.

Sudbury Valley Trustees Letter

Liz Allard distributed a letter from the Sudbury Valley Trustees, which offers assistance to Harvard in the protection of open space. At this point the letter is being distributed as a "for-your-information" document for the Commission members. Should the members have any further questions or comments they can be discussed at a later meeting.

ZBA Letter RE: Town Planner

Members of the Commission agreed that the process of determining the role and responsibilities of a Town Planner has been poorly presented to the Land Use Boards by the Planning Board.

The ZBA has, in writing, stated there is no need for a Planner at this moment. Commission members are concerned with the process that will take place should the creation of this position pass at Town meeting. The members agreed there are better uses of the money that would be allocated for this position. If the objective is to develop the commercial district, then consultants can be hired to take on that task rather than pay for an individual's salary and benefits. Members agree with a number of the statements in the ZBA letter.

Paul Willard clarified that what he is hearing from the Commission is that the Commission does not see the benefit of a Planner at this time. Members agreed with Mr. Willard's statement. Members agreed to draft a letter stating the Commission concurs with the points made in the ZBA letter and that a Planner is not necessary at this point in time.

Wendy Sisson made a motion to send the Board of Selectmen a letter concurring with the findings of the ZBA and stating they too feel a Planner is not necessary at this point in time. Jaye Waldron seconded the motion. The vote was 4-0-1, with Paul Willard abstaining.

Planning Board Request for Comments – Protective Bylaw Amendments

Liz Allard stated the Town Clerk received a citizen petition last week requesting an amendment to the Protective Bylaw to allow that all institutional uses with 2500 feet of the intersection of Routes 110 and 111 be exempt from the Protective Bylaw. Members agreed they had no comments to offer the Planning Board in regards to the proposed amendment.

Harvard Forest Butterfly Study – Williams Land

Liz Allard stated she had been contacted by Elizabeth Crone of Harvard Forest in regards to the study of the Baltimore Checkerspot butterflies on the Williams Land. Ms Crone is seeking permission to use the William's Land again this year for research. Members requested they be notified when the study begins so they may observe the stations set up by Ms. Crone and her colleagues. Wendy Sisson made a motion to allow Harvard Forest to study the Baltimore Checkerspot. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Discuss Appointments of Member & Associate Member

Joanne Ward was present to discuss with the members her desire to be appointed to the Commission. John Sullivan, another interested resident, was unable to attend this evening. Ms. Ward stated her interest in the environment; she finds the butterfly study on the Williams Land interesting and has a wetland on her own property. Ms. Ward feels Conservation is important to maintain open space, quality of water, and air, and assist in getting people to appreciate the things around them. Wendy Sisson explained that as of late the Commission has had a lull of applications, but at times there are meeting at which the only thing accomplished are the applications before the Commission and not the stewardship end of Conservation. Ms. Ward stated she understood there are many facets to the Commission and its role in the community.

With no further questions for Ms. Ward, Jim Breslauer made a motion to recommend to the Board of Selectmen the appointment of Joanne Ward as a member of the Conservation Commission to fill the seat vacated by Patrick Doherty. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Snowmobile Update

Tony Shaw was present and discussed with the Commission the removal of the snowmobile directional signs by next Saturday. Wendy Sisson was concerned that if the signs do not come down sooner then trails that no longer have suitable snow cover will be used causing potential erosion problems. Mr. Shaw stated the snowmobilers would not use a trail that did not contain suitable snow cover as it would not be good for the equipment.

Ms. Sisson noted a new trail has been established on the Herman Orchard and that permission to do so from the Commission was never sought. Mr. Shaw was reminded that new trails are to be approved by the Commission prior to their installation and use.

Herman Orchard

Tony Shaw had previously requested time on the agenda to discuss the management plan for the Herman Orchard, but he had informed Liz Allard he would be unable to attend due to a conflict. The snow that arrived this afternoon canceled that conflict and Mr. Shaw came to the Commission meeting tonight hoping to further discuss the plan. Mr. Shaw is looking for a time line for the management plan at the Herman Orchard. Wendy Sisson stated, she along with the Land Stewardship Subcommittee (LSS) has been working on it for years. A representative from the Department of Fish & Wildlife has evaluated the property. Ms. Sisson stated if Mr. Shaw is looking to farm the land this year for hay that would be impossible at this point for the Commission to determine as a viable use of the property. Paul Willard stated the management plan may recommend not having a hay field there, we just do not know yet. Ms. Sisson stated a typical hay field yields two crops each year; however on Conservation land there is a biodiversity going on that only allows for one crop in July.

Mr. Shaw stated he has an issue with not using that parcel for agricultural use; at the time it was purchased by the Commission it was an agricultural field and should be used that way. Ms. Sisson stated much of Harvard is historical agricultural fields. Mr. Shaw asked what it is the Commission is trying to preserve. Ms. Sisson stated high priority habitat. Ms. Sisson stated the Commission is asking for time to allow for a complete review of the parcel as a whole. Ms. Sisson added that when the Commission discussed the use of Conservation land for the production of hay, the plans were much different than what had been proposed by Mr. Shaw.

Charlie Gorss thinks one of the real issues is accessing the location with equipment. Mr. Shaw stated an access road would need to be created. Mr. Shaw added he was hoping to hay the front half of the property this year and the back half next year. Ms. Sisson stated she would like the process of the Commission to be respected. Jim Breslauer stated he thought the Commission decided previously to allow the LSS to go through the process of determining the best management practices for that area. Members confirmed Mr. Breslauer's statement. Mr. Shaw stated he would like an outline of the process and time line for it. Mr. Willard stated the Commission would let Mr. Shaw know before next January whether or not the best management practice for the area is a high intensity hay field.

Update on Ruben Reed Land Encroachment

Jim Breslauer stated he has been in contact with the aide at Senator Eldridge's office who has contacted an individual at the Department of Transportation who in turn has questions as to what it is the Commission is seeking. Mr. Breslauer has not followed up with that information as of yet, but will do so shortly.

Required Conservation Restrictions under Community Preservation Act

Liz Allard had previously distributed the letter from Judith Pickett confirming Town Counsel's opinion that the Commission is not required to place Conservation Restrictions (CR's) on parcels of land purchased with Community Preservation Act (CPA) funds prior to July 2012. Ms. Allard asked the Commission what they want to do about the State wanting the CR's for lands purchased prior to July 2012 with CPA funds. The Commission agreed since they have two legal opinions that state no CR's are required then there is nothing further that needs to be done.

Open Space Priority and Evaluation Checklist

Paul Willard and Liz Allard are continuing to work on the checklist.

Logging of Conservation Land

Wendy Sisson asked the Commission members their opinion on logging the Shapley land on the corner of Old Littleton Road and Pinnacle Road, which contains a stand of white pines. By

logging the white pine one can create a hardwood forest, with the potential of some revenue. Ms. Sisson is also suggesting the Herman orchard be considered under this proposal as well. Members discussed the difference between a clear cut and thinning the forest and asked Ms. Sisson to gather data on whether this is a sound recommendation. Jaye Waldron wondered if the parcel is already white pine and the soil is acidic, would it be too acidic for other types of trees . Both Ms. Sisson and Paul Willard stated it would not. Jim Breslauer asked the time frame for the parcel to become a hardwood forest. Ms. Sisson stated in five years the parcel would be a thicket. Ms. Waldron asked about the potential for invasive plant species to take over after the cutting. Ms. Sisson stated no invasive plants exist there now and the area around the parcel is well maintained as part of the Carlson orchards.

Members agreed with Ms. Sisson's suggestion. Ms. Sisson will collect more information and return to the Commission with her findings.

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 adjourn the public meeting once the discussion is complete. Jaye Waldron 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

Adjournment

Jim Breslauer 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

DOCUMENTS & OTHER EXHIBITS

- ❖ Sudbury Valley Trustees Letter, dated February 20, 2013