

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
APRIL 18, 2013
APPROVED: May 2, 2013**

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall Meeting Room

Members Present: Paul Willard, Jim Breslauer, Wendy Sisson, Charlie Gorss, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Joseph Theriault

Discuss Wetland Violation at 23 Tahanto Trail

Liz Allard explained during a site inspection of 19 Tahanto Trail she noticed an unstable slope along the driveway at 23 Tahanto Trail within close proximity to the pond. When she was coming back out of the site she then noticed a number of trees and vegetation had been removed from around the existing pond at 23 Tahanto Trail. Ms. Allard talked to the property owners, Joe and Rosemary Theriault, and explained the work completed requires a permit from the Commission, along with her concerns with the slope of the driveway. Ms. Allard invited the Theriault to attend the meeting this evening to discuss the violation and possible remediation.

Joe Theriault was present to discuss his intentions when he cleared the trees around the existing pond at the front of his property. Mr. Theriault prepared a letter for this evening and read it into the record. Mr. Theriault stated he removed ash trees that were dead and had a potential to be a fire hazard, along with other vines and invasive species such as bitter sweet and multi-flora rose. Mr. Theriault stated there are young oaks that remain and are thriving. Mr. Theriault concern is that with the 100' buffer zone around the pond it would require him to seek permission to do any activities, such as planting of flowers or the replenishing of stone on his driveway. The pond did not exist when he purchased the property twenty-eight years ago. Since that time two different drains have been installed in order to keep water out of the Theriault's house. Mr. Theriault requested the Commission waive the requirements of the 100' buffer zone from his property.

Paul Willard explained the jurisdiction and the allowable activities within the buffer zone. Jim Breslauer noted that under the Harvard Wetland Protection Bylaw the buffer zone to a pond is 200'. Liz Allard explained the exempt activities under the Act and the concern the Commission has with the clearing of vegetation with the 100' buffer zone of a resource area. Ms. Allard further stated the Commission sees this activity as having an adverse impact to the resource area; therefore such activity needs the proper permits before work is done to avoid adverse impacts.

Don Ritchie suggested Mr. Theriault may have created the pond by installing the perimeter drain. Mr. Ritchie further explained Mr. Theriault could have gotten the Planning Board involved for the drainage of water onto his property from an uphill abutting property, as the Protective Bylaw does not allow for water to be diverted to another property. Mr. Breslauer explained the Commission can issue waivers if there is not an adverse impact to the resource area, but not to the limits of the buffer zone. Mr. Theriault is worried the existence of a wetland will devalue his property. Joanne Ward stated he may see it as devaluation, but it may not be to others. Charlie Gorss explained the Request for Determination of Applicability process to Mr. Theriault.

Mr. Theriault stated the work was completed by use of a bobcat; the plan is to repair the area by raking and letting it re-vegetate naturally. Mr. Breslauer suggested the Commission conduct a site walk. One was scheduled for Tuesday April 23 at 5:45pm.

Discuss Acceptance of Land for Conservation – Newman (Map 11 Parcel 13)

Liz Allard explained to the members that Town Meeting has approved the taking of a parcel of land at the corner of Depot Road and Prospect Hill Road, known as Newman. The Town Administrator has asked if the Commission would be interested in obtaining the parcel as open

space. This parcel connects to the Prospect Hill Management Area. After a brief discussion, Don Ritchie made a motion to accept the land known as Newman (Map 11 Parcel 13) as Conservation Land. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Discuss & approve Trapping of Blanding Turtles by the Division of Fish & Wildlife on Pin Hill Conservation Land

Liz Allard had previously distributed an email from Teal Richards-Dimitrie, of the Natural Heritage & Endangered Species Program (NHESP), looking to trap and release Blanding turtles on the Pin Hill conservation land. The members requested the office be notified prior to the activity. Jim Breslauer made a motion to allow NHESP to trap and release Blanding turtles on the Pin Hill conservation land. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion. Ms. Allard will convey this information to Mrs. Richards-Dimitrie.

Approve Minutes

Don Ritchie made motion to accept the minutes of March 7 and 21, 2013 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Review & Approve Proposal for Certificate of Compliance for Williams Pond, Stow Road, DEP#177-610

Liz Allard had obtained a proposal for the Certificate of Compliance for the culverts that were replaced at the Williams pond on the corner of Stow Road and Murray Lane. It has recently been determined that the culverts were being compromised by beaver activity causing the water level in the pond to be too high and the culverts to fail during heavy rain events. The Department of Public Works has resolved the situation and believes there should no longer be an issue with the water level of the pond. Paul Willard suggested waiting one month to review the site again to determine if the solution is working prior to having the work completed to obtain the Certificate of Compliance for the installation of the culverts. Members agreed.

Issue Certificates of Compliance

Liz Allard continues to reduce the files in the office for the move of Town Hall. As previously stated there are a large number of files that 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 they are not recorded at the ROD; Ms. Allard requested these files, DEP#177-272, 274, 278, 330, and 333 have the COC re-issued. In addition DEP#177-229 and 177-490 have requested a Certificate of Compliance.

Don Ritchie made a motion to re-issue certificates of compliance for the above mentioned files. Jaye Waldron 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:

- ❖ Call-A-Copy, Inc. - \$109.00

Don Ritchie made a motion to accept the above mentioned bills for inclusion on the next bill warrant. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Discuss Bare Hill Pond Watershed Management Committee Meeting, April 22nd

Jaye Waldron attended the recent meeting of the Bare Hill Pond Watershed Management Committee at which they discussed treatment of the pond in the limited areas that the draw down does not impact. Ms. Waldron reminded the Commission that a representative from Lycott Environmental will be at the April 22nd meeting, along with Wendy Gendron to discuss alternative solutions to weed control on the pond.

Discuss Town Wide Mailer

Liz Allard stated she and Wendy Sisson discussed the mailing of the wetland brochure to all the residents in Town, along with a cover letter explaining why this mailer is being sent out and an invite to an invasive species event being held in May hosted by the Commission and the Land Stewardship Subcommittee. Members discussed the usefulness of sending the brochure to each and every home, as most may not be affected by wetlands. It was agreed to place an advertisement in the local newspaper to get the word out about wetlands and their significances and to let people know about the event in May. It was suggested that a sandwich board be placed on the common for the event as well. Brochures can be distributed to other locations around Town as well, such as the Council on Aging and the library.

2013 Post-Emergent Vegetation Management Pan Am Railways, Inc., Notification

Liz Allard had recently distributed a letter from Keith Morris in regards to the 2013 Post-Emergent Vegetation Management plan for the Pam Am railway. The members had no questions or comments for Mr. Morris. Ms. Allard will inform Mr. Morris that Commission has been notified.

ZBA Request for Comments – Mace, 38 Peninsula Road

Liz Allard informed the members they have received a copy of the ZBA application for the Mace's at 38 Peninsula Road. The application is for an addition to the existing structure within 200' of Bare Hill Pond. Ms. Allard has been in contact with the applicant's representative, who has stated a Notice of Intent (NOI) will be filed within the next few weeks. Ms. Allard will send comments to the ZBA stating the NOI is anticipated and special conditions will be included in the Order of Conditions.

Open Space Priority and Evaluation Checklist

Paul Willard is still working on his sections of the checklist.

Re-Schedule Site Walk for Eagle Scout Project behind McCurdy Track

Liz Allard reminded the members that the site walk has been rescheduled to Tuesday April 30th at 6:00pm.

Review & Approve Conservation Restriction for Hoch

Liz Allard stated she had received comments from Wendy Sisson, but has not had an opportunity to incorporate them into the document. Jim Breslauer submitted a hard copy of his comments to be included as well. Ms. Allard will incorporate the comments and re-distribute prior to the next meeting.

Wetland Protection Act Regulation Revisions

Liz Allard stated she has reviewed the revisions to the Wetland Protection Regulations 310 CMR 10.00. Ms. Allard distributed a hand out available on the MACC website from the State that details the revisions. Ms. Allard stated there was nothing within the revisions that did not seem to be routine. The interesting change is to roadside cutting for sight lines typically conducted by public works departments.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 8:37pm. 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

Discuss Wetland Violation at 23 Tahanto Trail

- ❖ Letter from Joseph R.T. & Rosemary V. Theriault, dated April 18, 2013