

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
August 15, 2013
APPROVED: SEPTEMBER 19, 2013**

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

Members Present: Paul Willard, Jim Breslauer, Charlie Gorss, Don Ritchie, Jaye Waldron, Joanne Ward and Jim Saalfeld (associate member)

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

Approve Minutes

Don Ritchie made a motion to approve the minutes of August 1, 2013 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Issue Certificate 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#177-102 and 164 have the COC re-issued for recording at the ROD. Jim Breslauer made a motion to re-issue the Certificates of Compliance for DEP#177-102 and 177-164. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approve Bills

Liz Allard stated the Commission had no bills for approval.

Bare Hill Pond Watershed Management Committee Liaison Appointment

Jaye Waldron explained she can now attend the Master Plan Steering Committee meetings as the meeting's evening has been changed to the second and fourth Thursday of the month. With that said, Ms. Waldron requested she no longer be the liaison of the Bare Hill Pond Watershed Management Committee (BHPWMC) and recommended Paul Willard be appointed as the liaison. Mr. Willard stated he was willing to be the liaison to the BHPWMC. Jaye Waldron made a motion to appoint Paul Willard as the liaison to the BHPWMC. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Review and Discuss Use of Outside Legal Counsel

Liz Allard had previously distributed a spreadsheet detailing the actions and associated costs completed by Judith Pickett as independent legal counsel for the Commission. Jim Breslauer explained the Commission's desire for independent legal counsel to those who are new to the Commission. After a brief conversation the members agreed to request from the Board of Selectmen the ability to continue with independent legal counsel for another year.

Request for Determination of Applicability Hearing – Joseph R. Theriault, 23 Tahanto Trail, Harvard#0713-04. Opened at 7:30pm

Invasive Species Special Conditions

With Wendy Sisson absent this evening, members agreed to delay the discussion on additional conditions for invasive species control.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:10pm. Don Ritchie 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
Joseph R. Theriault, 23 Tahanto Trail, Harvard#0713-04
August 15, 2013**

The public hearing was opened at 7:30pm by Chairman Paul Willard under the Massachusetts Wetland Protection Act, Ch. 131 §40 and 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, Jim Breslauer, Charlie Gorss, Don Ritchie, Jaye Waldron, Joanne Ward, and Jim Saalfield (associate member)

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

This hearing is for a Request for Determination of Applicability filed on behalf of Joseph R. Theriault for landscape improvements which includes the removal of dead trees, vegetation and the rebuilding and repaving of the existing driveway within the 100' wetland buffer zone at 23 Tahanto Trail, Harvard.

Joe and Rosemary Theriault were present to discuss with the Commission their application for improvements at 23 Tahanto Trail. Members of the Commission conducted a site walk on August 13th. Don Ritchie understands the issue with wanting to remove some of the trees, however there are two being used by woodpeckers. Mr. Ritchie stated he has no issue with the garden as depicted on the plan as work area 4, the work to stabilize the slope and driveway in areas 2 and 3 or the parking glen in area 1. Mr. Theriault explained he would be moving fill from location A to location B within work area 1. Jim Breslauer and Jaye Waldron stated they are concerned that there is a Bordering Vegetated Wetland (BVW) that is not being shown on the plan. Liz Allard stated typically the Commission does not require that much detail on a plan under a Request for Determination of Applicability. Mr. Ritchie suggested the use of markers to delineate sensitive areas that should not be used for human activity. Paul Willard stated he does not have an issue with most of what is being proposed, with the exception of the trees with the woodpeckers. Mr. Breslauer stated the movement of fill shall be conducted by hand; however he is hesitant to allow brush cutting on the path that is on the wetland side of the path. Jaye Waldron expressed much concern with not knowing how far the BVW extends. Ms. Waldron asked if re-establishing the path requires clearing of woody vegetation, then what prohibits Mr. Theriault from changing the location and clearing even closer to the resource area. Mr. Breslauer suggested the following: reconfiguring the path so that it is less intrusive to the resource area, staking out its location for approval from the Conservation Agent, no cutting of brush north of the existing proposed path, the height of the brush shall be limited, and there shall be no cutting of the two trees with visible signs of woodpecker use. Mr. Theriault agreed with those suggestions.

With no further questions or comments, Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the following conditions:

- 1) The foot path in Area 1 shall be located as far as possible away from the wetland;
 - 2) There shall be no cutting of vegetation north of the foot path within Area 1, vegetation south of the foot path may be cut to a height of 18";
 - 3) The 2 trees within Area 2 that show clear signs of habitat use shall not be cut or removed;
 - 4) Area 3 shall be stabilized as soon as possible;
 - 5) There shall be no dumping of material, natural or otherwise, along the slope in Area 2; and
 - 6) Area 4 may be maintained as a flower garden and path with no further permitting required.
- Don Ritchie 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 Determination of Applicability Hearing – Joseph R. Theriault, 23 Tahanto Trail, Harvard#0713-04

- ❖ Location of Planned Work for JR Theriault Residence, 30 July 2013