

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 19, 2013
APPROVED: January 16, 2014**

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

Members Present: Paul Willard, Jim Breslauer, Don Ritchie, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin), Tony Shaw, Rob & Sally Carrona, Christian Boysen and Lauren Slater

Request for Comments on Grass Fire at the Still River Oxbow

The members discussed the letter drafted by the Fire Chief to the US Department of Fish & Wildlife (DFW) in regards to the recent grass fire at the Still River Oxbow Wildlife Refuge on Depot Road. Mr. Willard indicated there are a number of letters that have been circulated by different groups in Town, but this is the only one the Commission has been asked to comment on. The letter does not clearly detail all of the issues residents and Town official may have with the property; this letter is meant to be a conversation starter with the DFW on coming to an agreement on how the fields can and should be maintained. Jim Breslauer made a motion to allow the chairman to sign the letter or some variation thereto on behalf of the Commission. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Request for Update on the Herman Orchard

Tony Shaw was present to discuss his proposals for the Herman Orchards, which includes the clearing of the existing apple trees with the conversion to hay fields. Mr. Shaw was before the Commission a year ago with this request and would like to hear from the Commission members how this fits into their current goals for the land.

Wendy Sisson had previously distributed the report from the Division of Fish & Wildlife, which viewed the location as valuable wildlife habitat if converted to grassland. Ms. Sisson will need to collect some additional information about the cost associated with converting the area to grassland. This information could be available for further discussion with the Commission at the first meeting in February.

Mr. Shaw stated he would like a decision this evening as he has been waiting a year for an answer. Mr. Shaw noted the land was purchased for agricultural use and should be maintained that way and that he could assist in finding other lands that are suitable for wildlife habitat. Jaye Waldron stated she would like time to review the information that will be received from Ms. Sisson. Joanne Ward had the same sentiment as Ms. Waldron and would like the opportunity to give each proposal due consideration. The members agreed to re-visit the topic at the February 6th meeting.

Continuation of a Request for Determination of Applicability Hearing – Sally Carrona, 267 Stow Road, Harvard#1113-01. Opened at 7:37pm

Notice of Intent Hearing – Lauren Slater & Benjamin Alexander, 95 Depot Road, DEP#177-627, Harvard#1213-01. Opened at 7:47pm

Request to Name Dunlap Gift of Land on Old Littleton Road

Liz Allard had previously distributed a letter received from Bev Rodrigues requesting the land her father, James Dunlap, donated to the Town a few years ago be named after her mother's family who originally owned the land. Ms. Rodrigues suggested the land be named Fuller Dudley Woods. After a brief discussion, Wendy Sisson made a motion to approve the request by Bev Rodrigues to re-name the two parcels of land on Old Littleton Road (Map 18 Parcel 69 & 70) the

Fuller Dudley Woods. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Steering Committee Update

Jaye Waldron stated she is confused on what it is the master plan consultants are working on in regards to the criteria on whether or not to take back the Harvard's historical boundaries of Devens, which continuously resurfaces as the main topic. It is Ms. Waldron's sense that the committee should be focused on developing a master plan on what the boundaries of Harvard are currently and not what they could be in the future. Ms. Waldron also reported the Planning Board (PB) was not willing to allocate time for the Town Planner to conduct interviews with stakeholders. Liz Allard stated that information was not entirely correct; the PB had reservations about the Town Planner conducting the interviews and was requesting a more structured process in order to not use up a significant amount of the Planner's time. Jim Breslauer explained developing the criteria for Devens will aid the residents in making a decision on whether or not to take back Harvard's historical boundaries. If the plusses and minuses of taking back Devens now are computed- this would only give Harvard a snapshot – what the plusses and minuses at this time. Having criteria for whether or not to take back Devens will allow Harvard to have the necessary information at the time a decision on Devens is made.

Community Preservation Committee Update

Wendy Sisson attended the Community Preservation Committee (CPC) last night on behalf of the Commission's request for \$200,000 for the Conservation Fund. Ms. Sisson stated the CPC has \$586,000 in revenue this year, with \$100,000 for encumbrances, and \$750,000 in requested funds this year. Ms. Sisson stated she did not get the sense that the CPC was favorably looking at this request, as they feel the Commission already has a lot of money and land. There were questions about MGL Chapter 40 Section 8c, that details purposes for which towns may appropriate money. Ms. Sisson stated the CPC requested the link to the Open Space Plan be sent to them so that they may further review the goals of the Commission.

2014 Annual Town Meeting Warrant Article

Liz Allard informed the members she would be submitting a warrant article on behalf of the Commission to correct an error in payment from the 2010 Fiscal Year. A review of the Community Preservation fund indicated that in 2010 the Commission paid an entire invoice for Town Counsel, rather than its portion of the bill.

Approve Minutes

Members have not had an opportunity to review the November minutes for approval at this time.

ZBA Request for Comments – Bell Atlantic Mobile, 47 Poor Farm Road

Liz Allard explained the Commission has received a request for Comments from the Zoning Board of Appeals in regard to a variance application for the extension of an existing cell tower at 47 Poor farm Road. The application indicates there would be no new ground disturbance associated with this extension. The Commission agreed they had no comments on this application.

Issue Certificates of Compliance

There were no Certificates of Compliance to be issued.

Approve Invoices

Liz Allard stated the following invoice has been received and needs to be approved for payment to be included on the next bill warrant:

- Mark J. Lanza - \$610.90

Jim Breslauer made a motion to approve the above mentioned invoice for payment. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

2013 Annual Report

Liz Allard informed the members the 2013 Annual Report is due by January 24th. Ms. Allard and Wendy Sisson will work together to prepare a draft for approval at the January 16th meeting of the Commission.

Paul Willard left the meeting at this time.

Executive Session

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

Adjournment

After executive session, Don Ritchie made a motion to adjourn the meeting at 9:09pm. Joanne Ward 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
Sally Carrona, 267 Stow Road, Harvard#1113-01
December 19, 2013**

The public hearing was opened at 7:37pm 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, Don Ritchie, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin), Sally & Rob Carrona

This hearing was continued from November 21, 2013 on a Request for Determination of Applicability filed on behalf of Sally Carrona for the determination of whether or not an area is subject to jurisdiction under the Wetland Protection Act and/or the Harvard Wetland Protection Bylaw at 267 Stow Road, Harvard.

Several members have had an opportunity to review the site since the previous meeting, along with a visit by Dave Crossman at the request of the applicant. Mr. Crossman reported to Liz Allard the wetland areas on the Carrona's property are insignificant to the wetland above and below this property. The area beyond the stone wall is upland and contains no wetland soils or vegetation.

The Carrona's explained they want to add a 12x12 pony shed at the back corner of the property. Wendy Sisson asked about potential runoff from that area. Don Ritchie stated that would not be a concern due to the topography of the site. The removal of manure and its storage was discussed; the applicant is willing to keep manure on concrete slabs or covered to reduce leaching.

With no further questions or comments, Jim Breslauer made a motion to close the hearing and issue a Negative 3 Determination with the condition the manure shall be covered and removed routinely. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Lauren Slater & Benjamin Alexander, 95 Depot Road, DEP#177-627, Harvard#1113-01
December 19, 2013**

The public hearing was opened at 7:47pm 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, Don Ritchie, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin), Christian Boysen and Lauren Slater

This hearing is for a Notice of Intent filed on behalf of Lauren Slater and Benjamin Alexander for the construction of a riding ring and remediation of other areas after the issuance of an enforcement order, within the resource area and its 100' buffer zone at 95 Depot Road, Harvard

Christian Boysen, of Land Solution, was present to represent the applicant, Lauren Slater, who was also present. Mr. Boysen reviewed the plans and the improvements that have been completed thus far. Mr. Boysen stated the plans indicate the restoration within the west pasture. The path in the woods has been cleared of its wood chips and vegetation is starting to come back. Mr. Boysen stated as atonement for the work being conducted without proper permits, Ms. Slater is willing to work on controlling the invasive species within the wetland area. Mr. Boysen explained the differences between a riding ring and a pasture for horses; a riding ring is not detailed as a use not allowed within 100' of a wetland as a pasture is. Mr. Boysen further explained riders do not want manure in the ring while working the horse as it is distracting to them and it will destroy the layers of the ring. Ms. Slater is agreeable to cleaning out the manure within 30 minutes of it being deposited in the riding ring.

After discussion as to the removal of invasive species within the wetland area, the members agreed that activity should be permitted under a separate filing with the Commission. Members discussed the planting of woody vegetation along the slope of the riding ring closest to the wetland.

Mr. Boysen discussed with the Commission the requirement for the fees to be doubled after the issuance of an enforcement order. After a brief discussion Jim Breslauer made a motion to waive the doubling of the fees. Jaye Waldron seconded the motion. The vote was 6-1, with Charlie Gorss voting to deny the request.

With no further questions or comments Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the following conditions:

- The restored "PATH IN THE WOODS" shall no longer be used as a horse trail
- All horse manure deposited within the riding ring shall be removed within 30 minutes. This is a permanent condition which shall not expire with the issuance of a certificate of compliance; and

- The slope within the 50 foot to 75 foot buffer zone of the riding ring shall be planted with enough woody vegetation to discourage mowing in that area. Any undesired saplings can be removed and replaced with additional woody vegetation as necessary.

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 Comments on Grass Fire at the Still River Oxbow

- ❖ Letter US Fish & Wildlife Service, Attn: Libby Herland, dated December 10, 2013

Request for Determination of Applicability Hearing – Sally Carrona, 267 Stow Road, Harvard#1113-01

- Sewage Disposal System Plan, for Lot 4 Street #267 Stow Road, Assessor's Map 36, Parcel 73, Town: Harvard, MA, Designed for Kenneth Nist, prepared David E. Ross Associates, Inc., Job No. 9866, Plan L-4399, final revision date 2-18-98

Notice of Intent Hearing – Lauren Slater & Benjamin Alexander, 95 Depot Road, DEP#177-627, Harvard#1213-01

- ❖ Notice of Intent Site Plan, December 6, 2013, prepared for Lauren Slater and Benjamin Alexander, 95 Depot Road Harvard, MA by Land Solutions, Sunderland, MA