

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MAY 21, 2015
APPROVED: AUGUST 6, 2015**

Chairman Paul Willard meeting to order at 7:00pm in the Hapgood Room at 7 Fairbank Street under MGL Chapter 131 §40 The Wetland Protection Act and The Code of the Town of Harvard Chapter 119 the Wetland Protection Bylaw

Members Present: Paul Willard, Don Ritchie, Charlie Gorss, Wendy Sisson, Jim Breslauer, and Joanne Ward

Others Present: Liz Allard (LUB Admin), David Outman (HCT), Peter Dorward (HCT), Lucy Wallace (HCT/BOS), Charlie Case, Jim Lee, Jonathan & Judith Williams and Neil Gorman (Ross Assoc.)

Introduction of the new Harvard Conservation Trust Director – David Outman

Peter Dorward, President of the Harvard Conservation Trust (HCT), introduced the Trust's new director, David Outman. Mr. Outman previously worked in the Land Protection Department for the Trustees of Reservation for ten years. Mr. Outman has experience in land protection from fee acquisitions to conservation restrictions. Mr. Outman has also been involved in creating new trail systems as part of his experience with the Trustees. Mr. Dorward stated the HCT is pleased with what Mr. Outman has to offer when it comes to land preservation.

Executive Session

Jim Breslauer made a motion to go into Executive Session to discuss the possible purchase of real property, the public discussion of which could have detrimental effects on the negotiating position, only to return to the public meeting once completed. Charlie Gorss seconded the motion. A roll call vote was taken: Jim Breslauer, aye, Charlie Gorss, aye, Joanne Ward, aye, Wendy Sisson, aye, Don Ritchie, aye and Paul Willard, aye.

Discuss Gift of Land – Case, Bolton Road

Charles Case was present to discuss a potential gift of his land on Bolton Road. The parcel which Mr. Case would like to gift to the Town abuts the Bare Hill Wildlife Sanctuary. Mr. Case stated the land has been in forestry since 1979, he and his brother Richard, are in the process of dividing up the undeveloped land owned by their family along Bolton Road. The plan endorsed by the Planning Board this week details the land division, which will create two lots (A&B) and a parcel (C). Lot A will be a 4.77 acre lot on the east side of Bolton Road and will be further divided to create two building lots. Lot B will be 4.51 acres of land on the west side of Bolton Road and will be further divided into three building lots. Parcel C is a 2.02 acre parcel on the west side of Bolton Road, with no frontage or access.

Mr. Case is seeking to come to an agreement with the Town that when he proceeds with the sale of the building lots the Town will not exercise its right of first refusal of land in Chapter in exchange for Parcel C as a gift to the Town. Jim Breslauer asked if there is any reason the Town would be interested in Lot A or B. Wendy Sisson stated the Commission at this point could not afford such a purchase; in addition the lots do not have significant conservation value.

On a Jim Breslauer/Don Ritchie motion the Commission voted in unanimously favor of such an agreement, with the stipulation that advice from Town Counsel agrees that the Commission could enter into such an agreement. Liz Allard will follow up with Town Counsel on the matter.

Continuation of a Notice of Intent Hearing – The Homescout, LLC, 90 Warren Avenue, Harvard#1114-02. Opened at 7:31pm

Continuation of a Notice of Intent Hearing – Jonathan Williams, 13 Whitman Road, DEP#177-636, Harvard#0115-01. Opened at 7:32pm

Discuss Required filing for the Proposal to Upgrade the Running Trails at Harvard Park with Park & Recreation Commission

Jim Lee was present for clarification on the type of filing that should be completed for the improvements that have been discussed previously with the Commission for the trails behind the McCurdy Track on Lancaster County Road. Wendy Sisson stated upon further thought of the matter she has reconsidered the decision of the Commission last fall to require the filing of a Notice of Intent (NOI) for the activity; Ms. Sisson feels it seems unnecessary and could be permitted under Request for Determination of Applicability (RDA). Mr. Lee stated a previous trail improvement project had been permitted under an NOI because part of the trail is on State land, and the State required the filing of an NOI. Mr. Lee stated there would be no excavation of the existing trail, except in the locations of the proposed culverts. Jim Breslauer stated he would like to see details of the culverts and their location on a plan as part of the RDA application. Mr. Lee asked how extensively the wetland would need to be flagged for this activity. After a brief discussion of how much of the wetland needed to be flagged the Commission agreed any resource area within 10' of the trail in which improvements are to be made should be flagged. On a Wendy Sisson/Jim Breslauer motion the Commission voted unanimously to require a Request for Determination of Applicability be filed for this project.

Certificate of Compliance – Mace, 38 Peninsula Road, DEP#177-548

Liz Allard stated she has reviewed the site at 38 Peninsula Road for compliance with the Order of Conditions. This site was under a five year plan for restoration of the buffer zone after an enforcement order was issued for clearing of said buffer zone without a permit from the Commission. Ms. Allard stated the site has re-vegetated as required by the approved plan. Issues with runoff from the site have been addressed with additional ground cover. Wendy Sisson stated she would encourage the home owners to introduce additional ground cover and reduce the amount of wood chips in the area. With no other comments, Don Ritchie made a motion to issue the Certificate of Compliance for 38 Peninsula Road, DEP#177-548. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Liz Allard stated the Commission has received the following invoice for inclusion on the next bill warrant:

- Mark J. Lanza - \$352.00

Wendy Sisson made a motion to approve the above mentioned invoiced for inclusion on the next bill warrant. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Request for the Allocation of Funds

Wendy Sisson requested funds be allocated from the invasive plant management account for the purchase of weed wrench and other supplies for the volunteers to complete tasks specific to invasive plant management. Jim Breslauer made a motion to allow for the allocation of funds for items needed for invasive plant management. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Steering Committee Update

With Jaye Waldron absent this evening there was no update from the Master Plan Steering Committee.

Land Stewardship Subcommittee Update

Wendy Sisson reported on the walk the Land Stewardship Subcommittee organized of the Holy Hill area in April. The event had a low number of participants.

Ms. Sisson stated she joined the Harvard Conservation Trust when they conducted their monitoring on Dean's Hill. The top of the hill is becoming overrun with a lot of invasive plants; she would like to begin the process of determining a cost to treat the invasive plants there, with an ultimate goal of completing a restoration of the top of the hill to bring it back to an early succession habitat. Members encourage Ms. Sisson to investigate such an undertaking.

Ms. Sisson stated the no trespassing signs have been removed, but the realtor sign remains on the Willard land. Liz Allard will work with the DPW and the realtor to have the sign removed.

Ms. Sisson noted the Maxant trail at the corner of Ayer Road is a mess and over run with invasive plants. Ms. Sisson stated it would be a high cost to remove the invasive plants, but the area is of high value, so they cancel each other out. There is an abutting office building that is dumping lawn waste at the edge of their property and may actually be on conservation land or within the resource area. The trailhead at Maxant needs to be kept clear and Ms. Sisson will need to work with the DPW to get it done.

There are some areas with the Bare Hill Wildlife Sanctuary that are difficult to maintain, if anyone knows someone who would be willing to help out please let Ms. Sisson know.

Willard Land Conservation Restriction Update

The Commission discussed the Harvard Conservation Trust (HCT) indication that they will be seeking an endowment to take on the conservation restriction for the Willard land. Members discussed others who may be able to be the holder of said restriction, such as an abutting Town or land trust. The HCT has expressed concern with Willard Lane (a private road) being part of the restriction. Liz Allard will follow up with Irene Del Bono at the State to get examples of other restrictions with similar circumstances.

Potential Enforcement – Van Wormer, 129 Oak Hill Road

Liz Allard, Don Ritchie and Jim Breslauer visited 129 Oak Hill Road recently to review any potential wetland violations. Although they were not allowed onto the property, there was clear evidence from the roadway that activity has taken place within resource areas and the associated buffer zone. A portion of the site is within priority and estimated habitat for rare and endangered species. Wendy Sisson stated the site is prime migration of amphibians seeking to migrate to vernal pools along Littleton County Road for mating in the spring. Members agreed an enforcement order should be sent to the property owner requiring that all activity cease and desist immediately. In order to continue any activity on the site the property owner should have the area flagged for resource areas and then work from there with the Commission on what activities would be allowed as routine maintenance and which would require a filing with the Commission.

Discuss Potential Gift of Land – Scott Road, Map 30 Parcel 98

Liz Allard explained to the members she has been contacted by the representative of one of the two owners of a parcel of land off Scott Road that abuts the Town of Bolton in regards to gifting the land to the Town of Harvard. The parcel is 2.80 acres of undeveloped land, which abuts the Bare Hill Wildlife Sanctuary.

After a brief discussion, the Commission stated they were interested; however they cannot co-own a parcel of land with another individual. If clear title to the land can be obtained, they would be interested in the gift of land.

Informal Discussion of the removal and replacement of trees within 200' buffer zone of Bare Hill Pond – Patrick Wind, 37 Peninsula Road

Liz Allard explained she has been contacted by the owner of 37 Peninsula Road in regards to removing the existing trees along Peninsula Road and replacing them with another plant species. The property owner has requested an informal opinion of the Commission as to what type of filing this can be completed under. The members agreed a Request for Determination of Applicability would be satisfactory for this activity.

Discuss Potential Erosion Control Bylaw

Liz Allard stated she recently came across an abutting town that has an erosion control bylaw as part of their zoning bylaw. This bylaw requires the installation of erosion controls depending on the grade of the site. Currently Harvard only requires the use of erosion controls when work is associated with resource areas. The Commission is the only permitting authority that requires the use of erosion controls during activity. Ms. Allard is hoping to get support from the Commission and the Board of Health on a request to the Planning Board to include such a provision within the Protective (Zoning) Bylaw. In addition, Ms. Allard would request that the Commission and the Board of Health include it within their regulations. Members were agreeable to the bylaw and encouraged Ms. Allard to proceed.

Update to the Gift of Land – 100 Shaker Road

There was nothing new to report at this time.

Fire Department Request for Input – Training Facility at the Gravel Pit on Stow Road

Liz Allard had previously distributed the information the Commission was seeking from the Fire Chief in regards to the type of material that is allowed to be used for live burns during training exercises. Satisfied with the information received, Don Ritchie made a motion to approve the use of the gravel pit on Stow Road as a training facility by the Harvard Fire Department with the following conditions:

1. The Commission shall be notified of training that will include a live burn at least 48 hours prior to said activity;
2. At no time will water be pumped out of the adjacent pond for use for training at this location;
3. Live burns shall take place, as described in the provided material, within the shipping container and shall consist of straw and wood pallets as allowed by DEP; and
4. Any vehicles used for training purposed shall be drained of all of its fluids prior to being brought to this location.

Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Daman Gift of Land Update

Liz Allard stated she had nothing new to report on this item.

Adjournment

Jim Breslauer made a motion at 9:10pm to adjourn the meeting. Charlie Gorss 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 a Notice of Intent Hearing Meeting Minutes
The Homescout, LLC, 90 Warren Avenue, Harvard#01114-02
May 21, 2015

The public hearing was opened at 7:31pm 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, Don Ritchie, Charlie Gorss, Wendy Sisson, Jim Breslauer and Joanne Waldron

Others Present: Liz Allard (LUB Admin)

This hearing was continued from April 16, 2015 on a Notice of Intent filed on behalf of the Homescout, LLC for an upgrade to the sewage disposal system, demolition of existing single-family dwelling and the reconstruction of a new single-family dwelling, improvements the existing driveway, the construction of a bridge and new portion of the driveway and selective tree removal within the 100' wetland buffer zone at 90 Warren Avenue, Harvard

Liz Allard stated the applicant's representative requested the hearing be continued to June 18, 2015. Jim Breslauer made a motion to continue the hearing to June 18, 2015 at 7:30pm in the Hapgood Room at 7 Fairbank Street. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Jonathan Williams, 13 Whitman Road, DEP#177-636, Harvard#0115-01
May 21, 2015

The public hearing was opened at 7:32pm 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, Don Ritchie, Charlie Gorss, Wendy Sisson, Jim Breslauer and Joanne Ward

Others Present: Liz Allard (LUB Admin), Jonathan & Judith Williams and Neil Gorman (Ross Assoc.)

This hearing was continued from April 16, 2015 for a Notice of Intent filed on behalf of Jonathan Williams for an upgrade to the sewage disposal system for an existing four-bedroom single-family house within the 100' wetland buffer zone at 13 Whitman Road, Harvard.

Neil Gorman, of Ross Associates, was present to represent the applicant, Jonathan Williams, who was also present. Mr. Gorman recapped the events surrounding the attempt to connect to Town sewer, which were unsuccessful. Mr. Gorman reviewed the site plan explaining the site has limited soils, shallow depths to ledge, and slow perk rate, making the system larger than average. The closest activity to the wetland will be the installation of the force main. The Board of Health has stated this is the best system for the site. Wendy Sisson asked about installing the system on the adjacent lot owned by the applicant. Mr. Gorman stated the area was tested years ago and did not pass. In addition, the existing well would be within 100' of the system, which is not allowed and would require its relocation. Paul Willard stated he thinks you have to deal with the lot in question, rather than look at off-site possibilities. Mr. Willard added what is being proposed is better than what is there now. Due to the proximity to the wetlands members questioned if there are any other types of systems that would reduce the footprint of the system. Mr. Gorman stated even with a different system you would only reduce the fill by three feet.

With no further questions or comments, Don Ritchie made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Continuation of a Notice of Intent Hearing – Jonathan Williams, 13 Whitman Road, DEP#177-636, Harvard#0115-01

- Sewage Disposal System, 13 Whitman Road, Harvard, Massachusetts, Job No. 30125, Plan No. L-12506, prepared by David E. Ross Associates, Inc., dated January 2015