

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 15, 2015
APPROVED: NOVEMBER 5, 2015**

Chairman Paul Willard called the 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, Wendy Sisson, Charlie Gorss, Jim Breslauer, Jaye Waldron and Joanne Ward

Others Present: Liz Allard (LUB Admin), George Watkins and Marty Green (Harvard Press)

Update to the Gift of Land - 100 Shaker Road

George Watkins was present to discuss the Commission's request to provide an engineered plan detailing the required easement from 98 Shaker Road prior to the gifting of land at 100 Shaker Road. Mr. Watkins suggested instead of creating a new easement that would branch off the existing driveway at 98 Shaker Road, the easement simply be along the existing driveway as it eventually cross onto 100 Shaker Road. This would allow for the existing recorded plan to be used to detail the easement. New language detailing the easement was provided. Wendy Sisson had previously been concerned with using the driveway as the easement, because if at some point in the future a new owner of 98 Shaker Road re-routes the driveway it may no longer pass over or near 100 Shaker Road. At this point the owners of 98 Shaker Road will also need an easement as the driveway is partially on 100 Shaker Road. That easement is to be worked out by the seller's attorney. Members did not see any issues with the use of the existing driveway at 98 Shaker Road as the easement. This information will be conveyed to Town Counsel, who can continue to proceed with the steps necessary to complete this transaction.

Erosion Control Bylaw

Liz Allard stated at the last Planning Board meeting the Town Planner had recommended the proposed erosion control bylaw be a general bylaw rather than a provision of the Protective Bylaw. The reasoning is that if the Conservation Agent oversees the bylaw, and someday in the future, no longer works for the Planning Board then the Agent would still need to report to the Planning Board.

Ms. Allard stated she is obtaining Town Counsel's advice on whether or not the bylaw should be a general one or part of the Protective Bylaw. If Town Counsel advises the bylaw should be a general bylaw, Ms. Allard would like to change it from a by-right use to a permitted use; requiring applicants to apply to the Conservation Commission for a permit to clear and grade land.

Members of the Commission stated it would be undesirable as a general bylaw as it will be forgotten. Ms. Allard will continue to work with the Planning Board to determine its best location.

Discuss Conservation Land Fee Schedule for Licenses

Wendy Sisson stated she has no new information in regards to establishing a fee schedule and suggested the item, for the time being, be removed from the agenda until additional information is compiled.

Approve Minutes

Jim Breslauer made a motion to approve the minutes of September 17 and October 1, 2015 as amended. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Liz Allard stated the following invoice have been received for inclusion on the next bill warrant:

- Mark J. Lanza \$247.50

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

Bilodeau Conservation Restriction Follow-up

Liz Allard had previously distributed a letter from Sean Bilodeau in response to a letter sent him by the Commission, which allowed him to construct an additional structure on the property at the corner of Stow Road and Murray Lane. The letter sent to Mr. Bilodeau included a request to trim the maple trees along Stow Road in order to maintain the view of the field from Stow Road, as stated in the Conservation Restriction. Mr. Bilodeau is requesting that he not be required to trim the trees.

Charlie Gorss thinks the letter from Mr. Bilodeau is reasonable. Jim Breslauer did not like the tone of the letter, nor did he like the singling out of a member of the Commission. Paul Willard stated Mr. Bilodeau is correct in the fact that the site is better now than what it was when he took ownership. Wendy Sisson stated if the Commission is going to make a case in regards to the view from Stow Road then there would need to be better research of the requirement within the Conservation Restriction (CR).

Ms. Sisson believes the two items, the addition of the animal shelter and the requirements under the CR, should have been kept separate. A letter will be sent to Mr. Bilodeau explaining the matter of trimming the trees should not have been included with the approval of the additional structure. Ms. Sisson noted she did not appreciate being singled out twice by Mr. Bilodeau. Members agreed the letter should indicate that it is inappropriate to single out one member as decisions of the Commission are based on a vote of the members.

Discuss Additional Canoe Racks at the Town Beach

Liz Allard had reviewed the plan and noted there are eight racks allowed for within the wooded area adjacent to the parking lot. Jim Breslauer will review the site and determine how many racks are there now and will report back to the Commission at the next meeting.

Master Plan Steering Committee Update

Jaye Waldron reported the Harvard Press will be running a series of articles focused on the elements of the Master Plan. An open house is scheduled for November 12th in regards to the Devens Financial Impact Report. The consultants hired to conduct the impact of Devens will review the entire Master Plan for any additional potential impacts should Harvard resume its historical boundaries of Devens.

The Commission would like an opportunity to review the sections of the Master Plan as it pertains to natural resources. Ms. Waldron will provide the Commission with the most recent draft of the Master Plan. Members are encouraged to review the draft and provide comments at the next Commission meeting.

Request for Certificate of Compliance – Ayer Road, DEP#177-623

Liz Allard stated she has reviewed the access road to the Community Solar Garden along Ayer Road for compliance with the Order of Conditions that was issued. Ms. Allard has found the site to be in compliance with the Order of Conditions. Jim Breslauer made a motion to issue a Certificate of Compliance for Ayer Road, DEP#177-623. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Update on Conservation Funds

Liz Allard had previously distributed the excel spreadsheets detailing the expenditures and money received for the accounts under the control of the Conservation Commission. Members had not had an opportunity to review the information. This item will be discussed at the next meeting.

ZBA Request for Comments – Transformations, Inc. Stow Road

Liz Allard stated Transformation, Inc., has submitted an application to the Zoning Board of Appeals for the extension of the Comprehensive Permit issued to them in 2008. The Order of Conditions associated with this development does not expire until 2018 due to the Permit Extension Act. The Commission had no comments in regards to the request to extend the dates within the Comprehensive Permit.

Request to Reduce Scope of Peer Review – Kasabian, Poor Farm Road

Liz Allard explained to the members she had been contacted by Scott Smyers, of Oxbow Associates, the representative for Ken Kasabian, in regards to reducing the scope of the peer review for the Notice of Intent before the Commission for Parcel B Poor Farm Road. Since Mr. Kasabian will need to file with the Planning Board and the Planning Board will require the application be reviewed by their engineer, Mr. Kasabian is requesting the Commission to use Waterman Design for the peer review of his applications as opposed to BSC Group.

The members agreed that if it is Mr. Kasabian's intent to continue to move forward with obtaining the required permits for development of this property then they are not inclined to reduce the scope of the peer review. A letter will be sent to Mr. Kasabian explaining that the Commission expects to receive the funds needed to conduct the peer review no later than November 5th or at such time they will consider voting on the application based on the information on hand.

Schramm Land

Liz Allard informed the members she has spoken with Stu Sklar, a member of the Board of Selectmen, in regards to the availability of the Schramm land on Sherry Road. The parcel is approximately 50 acres, is entirely within priority and estimated habitat and abuts existing conservation land. Mr. Sklar has received information from the Town Planner in regards to available LAND grants, which requires a current Open Space and Recreation Plan (OSRP). The current OSRP is set to expire at the end of this year. The property is listed for 2.1 million dollars, well above its assessed value. The Commission will need to develop a priority list of lands as there are several parcels of interest currently. A discussion with the Harvard Conservation Trust will be necessary to determine what the current goals are in the way of land protection.

Executive Session

Don Ritchie 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. Joanne Ward seconded the motion. A roll call vote was taken: Jim Breslauer, aye, Charlie Gorss, aye, Joanne Ward, aye, Wendy Sisson, aye; Don Ritchie, aye; Paul Willard, aye.

Adjournment

At the conclusion of the executive session, Jim Breslauer made a motion at 8:38pm to adjourn the meeting. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent