

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 5, 2015
APPROVED: DECEMBER 17, 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), Peter Dorward (HCT), Kenneth Kasabian, William Campbell, Barbara Campbell, Kevin Ritchie (Civil Solutions), Scott Smyers (Oxbow Associates), David Outman (HCT), Rob Hult (Harvard Snowmobile Club), Mark Adams (Harvard Snowmobile Club) Jim Lee (HCT), Teresa Garti (HCT) and Tom Cotton (HCT)

Update to the Gift of Land - 100 Shaker Road

Liz Allard stated Town Counsel Mark Lanza has informed her that the assignment and assumption for the purchase and sale of 100 Shaker Road has been finalized and all required easements have been accepted by the seller. The attorney for Faith Cross and George Watkins is away currently, but upon her return the documents will be signed by her clients and delivered to the Commission for their signatures. Ms. Allard has drafted a time line for completing this transaction in early December.

Discuss Additional Canoe Racks at Town Beach

Paul Willard, Jim Breslauer and Liz Allard reviewed the area at the Town beach at which the existing canoe racks are located. The areas contain twelve racks now. The Park & Recreation (P&R) Commission is proposing to include four more racks to the designated areas. A site walk has been schedule for Monday, November 9th with members of P&R and the Bare Hill Pond Watershed Management Committee to come to an agreeable solution to the addition of the canoe racks and how they may or may not affect the BMP's in the area.

Request for Determination of Applicability Hearing – William & Barbara Campbell, 259 Stow Road, Harvard#1015-01. Opened at 7:15pm

Continuation of a Notice of Intent Hearing - Kenneth Kasabian, Lot B Poor Farm Road (Map 9 Parcel 4.2.1), DEP#177-643, Harvard#0715-02. Opened at 7:35pm

Discuss Options for Invasive Plant Species Control with Oxbow Associates for 55 West Bare Hill Road

Scott Smyers, Oxbow Associates, was present to discuss with the Commission the invasive plant management proposal on the Murphy property at 55 West Bare Hill Road. Mr. Smyers submitted information that detailed the cost estimates for doing the work mechanically or by hand. Work by hand had originally been suggested, but the information provided shows a significant cost difference between the methods used.

Paul Willard stated it looks like Mr. Murphy wants to turn the whole area into a park. Don Ritchie stated he is not crazy about using a fail machine to go in there and tear up the ground. Wendy Sisson is impressed by the proposal; she wondered if the site allowed for the ability to do the work and retain the vegetation that is not invasive. Mr. Smyers believed there will be. Ms. Sisson would like to see a plan that extends for five years so that end result is a woody vegetated hillside.

The members agreed that a better delineation of the existing wetland needs to be completed before any activity can be allowed. That information will help determine if there are areas in which the work will need to be done by hand.

Mr. Smyers thanked the Commission for their input and will draft a proposal for his client based on the information provided this evening.

Snowmobile Club

Rob Hult and Mark Adams, of the Harvard Snowmobile Club (HSC), were present to discuss this year's activities to prepare the trails for the winter season. The fall trail clearing has started and will continue over the next couple weeks. Community Harvest on Prospect Hill Road has given permission to use that land again adjacent to Dean's Hill. Wendy Sisson asked about the stone wall adjacent to Dean's Hill that had been rebuilt by the previous owner of the Community Harvest land. The plan is to only open enough of the stone wall to allow for a gate of about eight feet wide for snowmobiles to pass through. Ms. Sisson requested the opening only be as wide as needed. Since Community Harvest is seeking to have the gate kept closed at all times, the HSC will take the necessary measures to re-enforce this as a place to take caution. Community Harvest will be locking this gate as of April 1st.

Mr. Adams stated he has seen the request on Nextdoor Harvard for help with chainsaw work on the trails; HSC would be willing to help out with that activity. Ms. Sisson thanked Mr. Adams for volunteering, but a number of other volunteers have stepped forward.

The steep slope on Holy Hill that the Land Stewardship Subcommittee has been trying to re-route due to erosion was discussed. The necessary signage along the trails for the snowmobile users will be installed after Thanksgiving. The HSC members are aware that there needs to be a minimum of 4" of snow before the trails can be used for riding.

Liz Allard asked that Tony Shaw be reminded to keep her on the HSC email list for all updates and events. During normal business office hours Ms. Allard should be the contact person, should anything arise. Outside of normal business hours the Chairman, Paul Willard, can be contacted. The Commission would like an additional contact beyond Mr. Shaw in case he is unreachable.

Notification of the end of the season last year was discussed. HSC felt that it was short notice and were not informed about the item being discussed on the Commission's agenda. Ms. Sisson stated at the end of the season conditions can change quickly and most damage occurs at the end of the season. The Commission also has a limited meeting schedule, which at times ties their hands as when they are able to make a decision.

Members of the Harvard Conservation Trust were present to discuss with the HSC and the Commission a way of having better communication as to the conditions of the trails and reporting trouble on the trails. Mr. Adams stated the HSC has a website that is updated with this type of information. It was suggested a link to the HSC be put on the Town's website. In addition, notification in the newspaper may be helpful. The issue with having notification in the newspaper is that some of the trails used by HSC are on private land, with permission from the property owner. The HSC would not want to be encouraging other users of the trails in Harvard to be using trails on private land. The Commission requested that Wendy Sisson be added to the HSC contact list so that she too can be aware of the happenings on the trails during the season.

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; Jaye Waldron, aye.

Erosion Control Bylaw

Liz Allard stated it is the opinion of Town Counsel that the erosion control be a general bylaw and not part of the zoning bylaw. Ms. Allard will redraft the bylaw to be more detailed and include enforcement. As a general bylaw it will need to be presented at the annual town meeting by a member of the Commission. Members were in agreement to proceed with drafting this bylaw.

Update on Conservation Funds

Other than a minor misappropriation from the wrong account, which Liz Allard will correct, the members had no questions or comments in regards to the funds.

Approve Minutes

Don Ritchie made a motion to approve the minutes of October 15, 2015 as amended. Charlie Gorss 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 \$726.00

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

Discuss New Gift of Land – Stone Cutter’s Path Home Owners Association

Liz Allard informed the members she was contacted by William Katter a resident of Stone Cutter’s Path in regards to a potential gift of open space to the Commission. The parcel, a 7.50 acre piece of land, was part of the Shaker Quarry development and is held by the property owners association. The parcel abuts the twenty-one acres of open space known as “Russo” and an additional twenty acres known as “Kaufman”.

After a brief discussion, Wendy Sisson made a motion stating the Commission would be interested in this parcel as a gift of land from the Shakers Quarry Property Owners Association. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Beaver Solutions

Liz Allard has been in touch with Mike Callahan of Beaver Solutions in regards to having him consult with Commission on solutions to existing beaver issues around town, including Cruft Lane and Williams Pond. Wendy Sisson made a motion that the Commission engages Mike Callahan, of Beaver Solutions, for consultation on proper solutions to beaver issues that threaten health and safety around town. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Steering Committee Update

Jaye Waldron stated she had not received any comments from the members in regards to the sections of the Master Plan that pertain to Conservation. The Master Plan Steering Committee (MPSC) will be holding a public forum in regards to Devens and its effect on the Master Plan on November 12th at Volunteer’s Hall. Ms. Waldron stated there is still time for the Commission to submit comments to the MPSC if they so chose.

Land Stewardship Subcommittee Update

Wendy Sisson reported the Land Stewardship Subcommittee has found additional volunteers by way of Nextdoor Harvard to assist with chainsaw cutting along the trails in Town.

Ms. Sisson stated the invasive plant management project on the Herman Orchard is moving along quickly. The old bridle path has been cleared and the view to town center has been cleared as well. Ms. Sisson noted there is a new issue with available parking for this property. In the past individuals could park along Mill Road; however, the business at the corner of Mill Road is using this area to store vehicles that are being serviced at that business. Liz Allard will follow up with the Town Administrator on this matter.

ZBA Request for Comments – CHOICE, 105 Stow Road

Liz Allard reviewed the final plans submitted to the ZBA on behalf of CHOICE for the development at 105 Stow Road known as The Elms. Although an Order of Conditions (OOC) had been issued for this development the plan has change significantly and will require the amendment of the OOC. In addition, Ms. Allard has the following comments in regards to the plans as currently submitted:

1. The plan details two snow storage areas. The Commission would like to know how those areas will be accessed, as one is beyond a proposed sidewalk.
2. Additional detail of the proposed infiltration pond will need to be provided.
3. The existing Subsurface Disposal System is located within the 100 wetland buffer zone. Information detailing how this system will be abandoned will be necessary for the Commission to provide any additional information in regards to this activity. This activity may require additional erosion controls to prevent any adverse impact to the existing wetland.
4. The plan calls for the removal of the existing cottage. The Commission is requesting the erosion control line be adjusted to provide sufficient work area to conduct the activity.

These comments will be sent to the ZBA.

Adjournment

Don Ritchie made a motion at 9:48pm to adjourn the meeting. Jaye Waldron 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
William & Barbara Campbell, 259 Stow Road, Harvard#1015-01
November 5, 2015

The public hearing was opened at 7:15pm 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 Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin), William Campbell, Barbara Campbell and Kevin Ritchie (Civil Solutions)

This hearing is for a Request for Determination of Applicability filed on behalf of William & Barbara Campbell for proposed sewage disposal system and associated grading within the 100' wetland buffer zone at 259 Stow Road, Harvard.

Kevin Ritchie, of Civil Solutions, was present to represent the applicants, William and Barbara Campbell who were also present. A site walk was conducted earlier in the day by members of the Commission and Mr. Ritchie. Several concerns had been raised during that site walk. It appears a row of trees on the Campbell's property have been girdled by the neighbor, who is also encroaching onto the Campbell's property with their gardens. The activities of the neighbor have not gone unnoticed by the Commission; an enforcement order had been issued to them in September for activity within the swale and buffer zone that is not allowed. The Commission suggested the Campbell's resolve the issues of encroachment with the neighbor.

In regards to the application before the Commission the members had no real concerns. The area available for the system is in the most logical place as it relates to the shape and size of the lot, as well as the proximity to the wetlands. Wendy Sisson made a motion to close the hearing and issue a Negative 2 Determination of Applicability. 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
Kenneth Kasabian. Lot B Poor Farm Road (Map 9 Parcel 4.2.1)
DEP#177-643, Harvard#0715-02
November 5, 2015**

The public hearing was opened at 7:35pm 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 Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin), Scott Smyers (Oxbow Associates) and Ken Kasabian

This hearing was continued from October 1, 2015 for a Notice of Intent filed on behalf of Kenneth Kasabian for the construction of a single family dwelling with sections of the proposed driveway and grading for the septic system within the 100 wetland buffer zone on Lot B Poor Farm Road (Map 9 Parcel 4.2.1), Harvard.

Scott Smyers, of Oxbow Associates, was present to represent the applicant, Ken Kasabian, who was also present. Mr. Smyers explained a review of the site was done yesterday with Gillian Davies of BSC Group, the Commission's consultant. The entire wetland line was reviewed and some revisions were made to that line. In regards to the flood zones detailed on the plan, those are under the Town's zoning bylaw. These zones and the new wetland line will be added to a revised plan.

During the review of the site there were questions about the history of the cart path. If it can be shown to have been in existence prior to the wetland protection act it would be excluded from regulation. Ken Kasabian stated he has owned the property for the past eighteen years and the path has been there the entire time. Mr. Kasabian also stated he has spoken with previous owners of the land who have stated the cart path has been there for 50 years.

With the review being conducted only yesterday by BSC Group a report has not been generated, nor have plans been revised to reflect the new flagging. Mr. Smyers requested the hearing be continued to the next meeting of the Commission. Don Ritchie made a motion to continue the hearing to November 19, 2015 at 7:30pm in the Hapgood Room at 7 Fairbank Street. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,
Liz Allard
Land Use Administrator/
Conservation Agent