

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 19, 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, Wendy Sisson, Charlie Gorss, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin), Michéle Girard, Mark Archambault (NRWA), Caroly Shumway (MRWC) and Heather Daly

Nashua River Watershed Association Presentation on Riparian Buffers Bylaws

Mark Archambault, of the Nashua River Watershed Association (NRWA) and Caroly Shumway, of the Merrimack River Watershed Council (MRWC), were present to follow up on the presentation on riparian buffers presented last month by Al Futterman of NRWA.

Ms. Shumway stated the Merrimack River is the most threatened watershed in the nation due in part to loss of private forested lands from housing pressure. Since the Nashua River and its tributaries are an integral part of the wider Merrimack River watershed any degradation of its tributary streams could have an impact downstream.

Safeguarding the ecological functions and integrity of river buffer zones is one of the best and cheapest ways to protect both water quality and wildlife habitat values of wetlands, rivers and streams. In turn there are savings to stormwater management, drinking water protection and land conservation. In regards to water protection, a 100 foot riparian buffer of no disturbance maximizes its value. Water bodies with little or no riparian buffer zones are found to have two to three times the annual nitrate concentration of streams with buffers.

The report presented to the Commission is part of a 3-year US Forest Service grant to the Merrimack River Watershed Council and its partners (NRWA being one of them). Municipalities may consider requiring wider no disturbance and/or no build zones in overlay districts in significant areas. Harvard has the strictest setbacks of the communities analyzed in this report; and meet the recommendation of 50 feet no disturbance zone. In environmentally sensitive areas the report recommends increasing that distance to 100 feet.

Several other types of bylaws and zoning changes were recommended, with MRWC and NRWA willing to assist in providing references, model bylaws and support at public meetings. The Commission thanked both Ms. Shumway and Mr. Archambault for their presentation this evening. The Commission will further discuss at an upcoming meeting their interest in making amendments to local provisions in Town that will support healthier riparian zones.

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 7:34pm

Request to remove trees from Bartlett Land Pattee Road for Solar Installation on Lot 5 Mill Road

Bruce Ringwall, of GPR, Inc., was present to discuss with the Commission the request to remove trees from the Bartlett Land on Pattee Road for the installation of solar arrays on a proposed dwelling on the adjacent lot know as Lot 5 Mill Road. A site visit took place with Cal Goldsmith, of GRP, Inc., members of the Commission and the Conservation Agent. Three pines trees and three oak trees were indentified for removal. There is a potential for an additional cluster of oaks to be removed depending on the final location of the dwelling.

After a brief discussion, Wendy Sisson made a motion to allow for the removal of the above mentioned trees with the following conditions:

- The trees are to cut in a manner that retains at least 30 – 40 feet of the trunk, which is to remain in place;
- The tops of the trees are to removed from the site;
- The trunks of the trees that are cut down are to be left on the site; and
- Trees to be removed shall be marked by GPR, Inc and reviewed by the Conservation Agent prior to cutting.

Jim Breslauer seconded the motion. Charlie Gorss abstained from voting. The final vote was 4-0-1.

Discuss Request for Determination of Applicability Application – Anthony & Jennifer Slavin, 21 Depot Road, Harvard#1115-01

Liz Allard stated the application submitted by Anthony and Jennifer Slavin should have been on the agenda this evening for the public hearing; however her unexpected absence last week cause the Slavin's to miss the deadline for the legal notice. Ms. Allard is requesting the Commission allow the Slavin's to proceed with the installation of a pre-fabricated shed, approximately 90 feet from the wetland as proposed within the Request for Determination of Applicability, with the public hearing to take place at the next meeting of the Conservation Commission. Members were in agreement with Ms. Allard's suggestion.

Discuss Encroachment on Bare Hill Wildlife Sanctuary

Wendy Sisson informed the members of an encroachment on the Bare Hill Wildlife Sanctuary by an abutter with a fenced in dog run area. After a brief discussion, Jim Breslauer made a motion to instruct the Conservation Agent to send a certified letter to the property owner instructing them to remove the fence within seven days of receipt of the letter and to attend the December 17th meeting of the Commission to discuss potential remediation of the area. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Minutes were not available for approval.

Approve Invoices

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

- Heritage Field (Invasive Management Herman Orchard) - \$12,500

Jim Breslauer 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.

Request to Trim Tree on Eastview Land

Liz Allard had previously distributed to the members a request from Heather Daly, a resident at Harvard Common Condominiums on Littleton Road, to remove a dead ash tree that is on abutting conservation land and is causing a safety issue for Ms. Daly. The members briefly discussed and were unanimously in favor of the removal of the requested tree.

Master Plan Steering Committee (MPSC) Update

Jaye Waldron stated the MPSC's public forum on Devens last week was well attended. Jim Breslauer stated he felt the presentation was all on the economics of Devens and not what it would do to the culture of the Town of Harvard if Harvard were to resume jurisdiction of historically boundaries of Devens. Ms. Waldron noted the presentation is available on MPSC website. Wendy Sisson stated she has concerns with the clean up of the waste sites at Devens and what may be left behind when and if Harvard resumes its jurisdiction. Mr. Breslauer stated the Harvard Press recently reported that most of the remediation has been completed.

Ms. Waldron stated the MPSC is reaching out to the boards and commissions for input on the sections of the master plan that pertain to them. In the Commission's case those chapters would

be natural resources and open space and land protection. These chapters will be discussed at the December 10th meeting of the MPSC with an invitation for the Commission to attend.

The MPSC has scheduled a final public hearing on the Master Plan for February 11, 2016.

Land Stewardship Subcommittee Update

Wendy Sisson stated the walk at Black Pond on Sunday was nice; however, there was a low turn out of Harvard residents

Invasive management of the Bare Hill Wildlife Sanctuary has begun with treatment of bittersweet. In addition, the old orchard has been mowed.

Update to the Gift of Land - 100 Shaker Road

Liz Allard had previously provided the members with a copy of the Assignment & Assumption of Purchase and Sale Agreement and its amendment for their review. Town Counsel has reviewed and approved the document as presented this evening. Once the title has cleared a closing date can be set between the seller's attorney and Town Counsel. With no questions or comments, Wendy Sisson made a motion to accept the Assignment & Assumption of Purchase and Sale Agreement for 100 Shaker Road as presented this evening. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Discuss Additional Canoe Racks at Town Beach

Paul Willard and Jim Breslauer attended a site walk last Monday with a member of the Bare Hill Pond Watershed Management Committee and the Park and Recreation Commission to discuss the location of the new canoe racks at the Town Beach. An agreement has been reached with all parties that had concerns as to where the canoe racks can be located.

Erosion Control Bylaw

Liz Allard had previously distributed a revised erosion control bylaw which included Jaye Waldron's comments. Members had not had an opportunity to review the revised draft. This item will be discussed further at the next meeting of the Commission.

Beaver Solutions

Liz Allard stated she attend a workshop yesterday on Beaver Management and Permitting presented by Mike Callahan of Beaver Solutions, LLC. Mr. Callahan will be available to conduct a survey of beaver concern areas here in Harvard after the Thanksgiving holiday. Ms. Allard will coordinate with Mr. Callahan on this survey and keep the members informed.

Adjournment

Jim made a motion at 9:00pm 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
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 19, 2015**

The public hearing was opened at 7:34pm 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, Charlie Gorss, Wendy Sisson, Jim Breslauer and Jaye Waldron

Others Present: Liz Allard (LUB Admin)

This hearing was continued from November 5, 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.

Liz Allard stated with the report from Commission's consultant, BSC, not available for this evening the applicant has agreed to continue the hearing to the December 17, 2015 meeting.

Jim Breslauer made a motion to continue the hearing to December 17, 2015 at 7:35pm. Jaye Waldron seconded the motion the vote was unanimously in favor of the motion.

Respectfully submitted,
Liz Allard
Land Use Administrator/
Conservation Agent