

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
AUGUST 4, 2016  
APPROVED: NOVEMBER 17, 2016**

Chairman Paul Willard called the meeting to order at 7:01pm in the Town Hall Meeting Room 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, Jim Breslauer, Wendy Sisson, Joanne Ward, Jaye Waldron and Jim Burns (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Jim Lee (HCT), Tom Cotton, (HCT), Lucy Wallace (HCT/BOS), David Outman (HCT), Stephen Sears (Ross Assoc.), David & Helen Berry, John Lee (CPC), Deb Ricci (CPIC), Don Ludwig (FinCom), Elizabeth Lowell, Karen Shea and Mamie Wytral

**LAND Grant Update – Meet with CPIC, FinCom & CPC**

Dave Outman, Director Harvard Conservation Trust (HCT), explained why the plan for the Sherry Road land has changed from the Town purchasing a conservation restriction, to buying the land outright. This change will allow for the best approach to receiving the funds needed to get the project completed. As part of the LAND grant process a three-part vote will be needed at Special Town Meeting (STM) in October. A final decision on the LAND grant will be made by the end of November.

The initial appraisal of the land without a conservation restriction was \$760,000.00. The value of the conservation restriction is \$460,000.00. HCT has entered into a purchase and sale (P&S) agreement with the current owners in the amount of \$800,000.00. The P&S stipulates the transaction will take place by the end of 2016 and is contingent on the Town receiving the LAND grant. HCT will complete due diligence to clean up the property and will then sell the property to the Town for \$660,000.00 in the spring of 2017.

Deb Ricci, the chair of the Capital Investments & Planning Committee, stated the order of the votes at STM will be important to ensure items are approved in the proper order. Ms. Ricci stated the funds HCT are donating to the Town towards the purchase of the land need to be in hand before the STM. This will be confirmed with the Town Administrator.

An application has been submitted for Community Preservation funds in the amount of \$100,000.000 for this project and will be presented later this month to the CPC (committee). John Lee a member of the committee thought the available funds are just about \$100,000.00.

**Discuss Funding Source for Open Space Purchases & Maintenance with Lucy Wallace**

Lucy Wallace, a member of the Board of Selectmen (BOS), was present to discuss with the Commission possible funding sources for open space purchases and maintenance. Ms. Wallace thinks it is clear from the recent Open Space & Recreation Plan survey the Town supports the idea of having a separate open space fund. The source of funding since 2005 has been through the Community Preservation Fund, however that is not consistent. Ms. Wallace suggested a one time override of a specific amount be requested from town meeting and then that amount would be built into the town budget. Ms. Wallace suggested outreach to the BOS explaining this would be a way to build up the fund for the maintenance and purchase of open space. In addition, there need to be discussions with the Capital Planning and Investment Committee and the Finance Committee; not to mention a lot of public outreach, which should include determining the tax implication per household.

**Notice of Intent Hearing – Elizabeth Lowell, 40 Lovers Lane, Harvard#0716-03.** Opened at 8:08pm

### **Update on Gifts of Land**

- Stone Cutter's Path – Nothing new to report

### **Bylaw Amendment – Land Subject to Flooding**

Jim Breslauwer stated he had nothing new to report on this matter.

### **Historic Commission Nomination – George Triantaris**

George Triantaris was present to discuss his desire to be a member of the Harvard Historic Commission (HHC). Under the HHC regulations the Commission nominates a member for appointment to the Board of Selectmen. The previous nomination of the Commission resigned from HHC this winter.

Mr. Triantaris stated he is interested in historic houses and preservation and owns property within the district. After a brief discussion Jim Breslauwer made a motion to nominate George Triantaris to the Board of Selectmen for appointment to the HHC. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

### **Enforcement Order – 12 Harris Lane**

David & Helen Berry were present to discuss the recently issued enforcement order for their property at 12 Harris Lane. The work that has already taken place included the removal of trees, grading and the addition of loam in a majority of the area behind the existing house. Some the added loam and perhaps grading has taken place within an existing detention basin, which concerns the Commission as to the basins ability to function properly. The Berry's intent was to level out the area to allow for the placement of a chicken coup, swing set, and garden. When asked about maintenance of the detention basin, Mr. Berry stated the there is an operation and maintenance plan as part of the homeowners association.

Members agreed in order to make an informed decision they need to visit the site. A site visit was scheduled for August 15<sup>th</sup>.

### **Enforcement Order – Water Withdraw from Bower's Brook**

Liz Allard explained that in early June, during the move back to Town Hall, the Fire Chief had asked her about allowing for the withdraw of water from a fire pond by a resident for his irrigation well, that has gone dry. At the time Ms. Allard had stated she was not certain if any permission from the Commission was necessary, but would need to look into it. Several weeks later Ms. Allard was notified that water was being withdrawn from the Williams Pond. Ms. Allard informed the Fire Chief and the employees at the Police Station that this was not allowed without permitting from the Commission. Unfortunately, Ms. Allard was not clear that it was not only allowed at the Williams Pond, but that it was not allowed anywhere in Town without a permit from the Commission and subsequently the resident was now extracting water from the fire pond along Cruft Lane.

Ms. Allard and Jim Breslauwer delivered an Enforcement Order to Lee & Patricia Cochrane of 11 Partridge Hill Road on July 25<sup>th</sup> requiring the activity cease and desist from any water source in Town.

Wendy Sisson made a motion ratifying the issuance of the Enforcement Oder to Lee & Patricia Cochrane. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

### **Approve Minutes**

Don Ritchie made a motion to approve the minutes of May 19, June 2 and 16, 2016 as amended. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

### **Approve Invoice**

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

- Mark J. Lanza - \$51.00

Joanne Ward made a motion to approve the above mentioned invoices. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

#### **Land Stewardship Subcommittee Update**

Wendy Sisson stated the discussion on the research at the Williams Land will be held on September 22 or 29 in Volunteer's Hall.

Ms. Sisson has located a local volunteer to take on the mowing at Bare Hill Wildlife Sanctuary.

#### **Adjournment**

Joanne Ward made a motion at 8:58pm 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  
Notice of Intent Hearing Meeting Minutes  
Elizabeth Lowell, 40 Lovers Lane, Harvard#0716-03  
August4, 2016**

The public hearing was opened at 8:08pm 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 at 13 Ayer Road, Harvard

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

**Others Present:** Liz Allard (LUB Admin), Stephen Sears (Ross Assoc.), Elizabeth Lowell, Karen Shea and Mamie Wytral

This hearing is for a Noticed of Intent filed on behalf of Elizabeth Lowell for the replacement of a septic system within the 100' wetland buffer zone at 40 Lovers Lane, Harvard.

Steve Sears, of Ross Associates, was present to represent the applicant, Elizabeth Lowell, who was also present. Mr. Sears explained the system is being upgraded as part of the sale of the property. The closest point to the wetlands is with grading at 57'. It had been suggested on the site walk that the disturbed area be reseeded with New England Wildflower mix. Jim Breslauer asked if grading could be reduced by adding a retaining wall. Mr. Sears stated under Title V if a compliant system can be installed without such a structure then it shall be.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions, which includes the requirement of seeding the disturbed areas with a New England wildflower mix; allowing the area to re-vegetate naturally and the ceasing of dumping yard waste within the buffer zone. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## **DOCUMENTS & OTHER EXHIBITS**

### **Notice of Intent Hearing – Elizabeth Lowell, 40 Lovers Lane, Harvard#0716-03**

- Sewage Disposal System, Elizabeth Lowell, 40 Lovers Lane, Harvard, MA prepared by David E. Ross Associates, Inc., Job No. 31388, Plan No. L-13002, dated June 2016