

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
APRIL 21, 2016
APPROVED: JULY 21, 2016**

Chairman Paul Willard called the meeting to order at 7:01pm 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, Jim Breslauer and Joanne Ward

Others Present: Liz Allard (LUB Admin), Peter Dorward (HCT), Jim Lee (HCT) and Chip deVillafranca (Devens Open Space Committee)

Election of Officers

Jim Breslauer made a motion to elect Paul Willard as the chairman and Don Ritchie as the vice chairman of the Commission. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Open Space and Recreation Plan Update

Peter Dorward and Jim Lee, of the Harvard Conservation Trust (HCT), were present to discuss the need to update the Open Space & Recreation Plan (OSRP) by July in order for the Commission to apply for a Local Acquisitions for Natural Diversity grant. The HCT is willing to take the lead on updating the OSRP. The HCT can administrate the required survey for the OSRP. The Commission agreed to run a half page advertisement in the Harvard Press to publicize the survey. Jim Lee will work with the Park & Recreation Commission to develop questions for the survey. Once the questions are drafted the Commission will be review and approve them.

After a brief discussion on the establishment of a committee to work on this update, the following individuals were appointed to the Open Space & Recreation Plan Update Committee:

- Liz Allard, Town Conservation Agent
- Bill Scanlan, Town Planner
- ConCom: Jim Breslauer and Joanne Ward
- Bare Hill Pond Committee: Megan Glew, Brian McClain and Steve Gordon
- Park & Rec: Frank Calmone, Doug Thornton
- Planning Board: Erin McBee
- HCT: Jim Lee, Peter Dorward
- Member at Large: Jessie Panek
- Board of Selectmen: Lucy Wallace

A motion was made by Wendy Sisson and seconded by Don Ritchie to appoint the above-mentioned individuals to the Committee. The vote was unanimously in favor of the motion.

Approve Minutes

Wendy Sisson made a motion approve the minutes of February 4, 2016 as amended. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

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

- Mark Lanza - \$231.00
- J&S Printing - \$27.00
- Call-A-Copy - \$75.00
- Beaver Solutions - \$250.00

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

Accept Gift of Land – Charles Atherton Case Land, Bolton Road

Liz Allard had previously distributed the final deed for the gift of 2.02 acres of land by Charles Case along Bolton Road. Attorney Lanza has reviewed the deed as well. Don Ritchie made a motion to accept the previously mentioned land as a gift of open space. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Review & Approve Purchase & Sales Agreement – Massachusetts Avenue

Liz Allard had previously distributed the Purchase & Sales (P&S) agreement for the 24 acres of land the Commission is purchasing as open space along Massachusetts Avenue. Don Ritchie made a motion to approve the P&S as presented. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Right of First Refusal – Delker Brothers Land Management, LLC, 0 Ayer Road

Liz Allard had previously distributed a copy of the Purchase & Sales (P&S) agreement for the land along Ayer Road that is currently under Chapter 61A. With the land being of no interest to the Commission as open space, Wendy Sisson made a motion to recommend the Board of Selectmen pass on the right of first refusal for this land. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Annual Request for the monitoring of the Baltimore Checkerspot Butterfly on the Williams Land

Wendy Sisson reported the monitoring of the Baltimore Checkerspot butterfly is going great. The new mowing regime has aided in maintaining the habitat essential to the butterfly. The plan is to mow in the area of field that has been left alone for the last few years to see what happens to the butterfly numbers next year.

Ms. Sisson has asked Elizabeth Crone, the individual conducting the research, to conduct a talk about the research this September. It is Ms. Sisson recommendation, as the Chair of the Land Stewardship Subcommittee, the Commission approve this monitoring and research for the 2016 season. With that said, Jim Breslauer made a motion to allow for another year of monitoring of the Baltimore Checkerspot Butterfly on the Williams Land. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Request for Determination of Applicability – Pan Am Railways, from Bolton Town Line to Route 2, Harvard#0316-01. Opened at 7:30pm

MACC Request for Support House Bill 3906 & Executive Order 562

Liz Allard had previously distributed two letters prepared by MACC that they are seeking support on. The first is for House Bill 3906, An Act to Modernize Municipal Finance and Government. This would take away the Commission's control of its funds and would give the municipal chief executive officer authority to expend monies received. The second letter is in regards to Executive Order 562 which would reduce unnecessary regulatory burden by eliminating certain regulations within the State.

After a brief discussion, Wendy Sisson made a motion to send the letter, using the MACC as a model, for House Bill 3906. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Jim Breslauer will draft a letter in regards to Executive Order 562.

Request for Input – Devens Open Space Committee, Trail Linkage

The Commission had received a request for input from the Devens Open Space Committee in regards to an interconnecting trail from Harvard into Devens on Old Mill Road. Wendy Sisson

stated she does not see that location as ideal for connecting to Devens as leads directly into the Red Tail golf course; maybe if a trail was maintained along the edge of the course it may work. Jim Breslauer would like to see bike access into Devens. The Commission suggested the Devens Open Space Committee look at the end of Depot Road, which seems like a more reasonable access.

Potential Trail Easement with Still River Realty Trust for the Willard Land

Wendy Sisson explained the location and reasoning for the proposed trail for the Willard land. The proposed trail includes land currently owned by Still River Realty Trust. Members of the Commission agreed the trail as proposed makes the most sense. Ms. Sisson and Liz Allard will work the homeowners association to work out a trail easement on the Still River Realty Trust land.

Planning Board Request for Comments

Liz Allard stated the Commission has received two requests for comments from the Planning Board. One is for the extension of the existing Special Permit for a co-locator on the cell tower at 60 Old Shirley Road. The other is for the site plan approval for the Hildreth House at 15 Elm Street. Neither site contains any wetland resources areas. The Commission had no comments in regards to these applications.

ZBA Request for Comments – Berthoud, 64 Massachusetts Avenue

Liz Allard stated the Commission has received a request for comments from the ZBA on a Special Permit application for 64 Massachusetts Avenue. This site has no wetland resource areas on it or within 100' of the proposed activity. The Commission had no comments in regards to this application.

Quarterly Update of Conservation Funds

Liz Allard had previously distributed the spreadsheets detailing the funds under the control of the Conservation Commission. There were no questions or comments in regards to these funds.

Fallen Tree Newspaper Article

Liz Allard had distributed the note and newspaper articles the Commission received from Dennis Murphy, of 55 West Bare Hill Road. The articles detailed several fatal accidents that were caused by dead or dying trees. The Commission recently worked with Mr. Murphy on improvements to his property within a wetland resource area. Mr. Murphy wanted to removal all of the dead and dying trees from the area, but the Commission was not agreeable to that request.

The Commission discussed the matter stating that the area in question on Mr. Murphy's lot is not within a living area used daily by the occupants. It was agreed that a letter will be sent to Mr. Murphy explaining the reasons for not allowing the removal of the trees, specifically detailing the habitat value of dead and dying trees.

Erosion Control Bylaw follow-up after ATM

It was suggested that if the Commission decides to move forward with the Erosion Control Bylaw next year that a "Consider this" article be written for the Harvard Press. Wendy Sisson stated she would be willing draft such an article.

Update on Beaver Deceivers

Liz Allard had previously distributed the proposals received from Mike Callahan of Beaver Solutions for the four sites he recently visited. Jim Breslauer made a motion to have Beaver Solutions install a beaver deceiver in William's Pond at the corner of Stow Road and Murray Lane and include the annual maintenance plan. Don Richie seconded the motion. The vote was unanimously in favor of the motion.

Update to the Gifts of Land

Wendy Sisson has received a written proposal in the amount of \$7400.00 from Joe Wilder for the removal of the structures at 100 Shaker Road. Jim Breslauer made a motion to accept Joe Wilder's proposal in the amount of \$7400 for the removal of the structures at 100 Shaker Road. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

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

Adjournment

After the executive session, Jim Breslauer made a motion at 9:02pm to adjourn the meeting. 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
Request for Determination of Applicability Meeting Minutes
Pan AM Railways, from Bolton Town Line to Route 2, Harvard#0316-01
April 21, 2016**

The public hearing was opened at 7:30pm 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 Joanne Ward

Others Present: Liz Allard (LUB Admin)

This hearing is for a Request for Determination of Applicability filed on behalf of Pan Am Railways for the verification of wetland boundaries along the railway from the Bolton Town line to Route 2, Harvard.

Liz Allard stated she and Ira Grossman reviewed the locations along the railway and have confirmed any errors found with the representative for Pan Am Railways.

With no comments or questions, Jim Breslauer made a motion to close the hearing and issue a Negative #2 Determination. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent