

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 16, 2017
APPROVED: JANUARY 18, 2018**

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall, 13 Ayer Road, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Carl Sciple and Mark Shaw (Associate Member)

Others Present: Liz Allard (LUB Admin), Theresa Capobianco, Tony Shaw and Bill Johnson

Approve Municipal Certification for Maxant Conservation Restriction Parcel A, Still River Road
Theresa Capobianco, attorney for Theodore Maxant, was present to discuss the conservation restriction Mr. Maxant is placing on a recently purchased 4.71 acre parcel of land along Still River Road. The purpose of this Conservation Restriction is to assure that the parcel will be retained in perpetuity predominantly in its natural, scenic and open condition with an appropriate mix of woodland areas and open fields and pastures, and to prevent any use of the parcel that will significantly impair or interfere with the conservation values.

Tony Shaw, President of the Harvard Snowmobile Club, stated it was his understanding the Mr. Maxant was willing to allow snowmobile use on the parcel, but as drafted the conservation restriction does not allow for such use. Attorney Capobianco attempted to contact Mr. Maxant in order to clarify his intentions, but was unable to reach him.

After a brief discussion, Don Ritchie made a motion the Harvard Conservation Commission accept and sign the Municipal Certification to be included in the Deed of Conservation Restriction to the Harvard Conservation Trust, granted by Theodore W. Maxant for Parcel A, 4.71 Acres, Still River Road, Harvard, MA. The Municipal Certification is not to be released until the issue of snowmobile use is settled with the grantor. Carl Sciple seconded the motion. The vote was unanimously in favor of the motion.

Harvard Snowmobile Club Annual Update

Tony Shaw, President of the Harvard Snowmobile Club (HSC), was present to review the annual process of marking trails for snowmobile use, maintenance and notification during the snowmobile season. Mr. Shaw stated the clearing of trails will start this Sunday and continue until Christmas.

The southern facing slope on Holy Hill that has been problematic for several years now and a new plan has been proposed that will be executed shortly by Conservation Commission member Jim Burns and members of HSC. The plan includes the installation of three water bars, grid mats and a gravel mix along the slope to potential eliminate erosion on the south facing slope. Although there will be signage indicating which trails are for walkers and which trails are for snowmobiles, both trails need to be safe for walkers. In addition, split rail fencing will be installed to assist in directing those using the trails.

Wendy Sisson made a motion to approve the above mentioned repairs at Holy Hill conservation area along Shaker Road, with expenses not to exceed \$1000. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Mr. Shaw and Mr. Burns were reminded that woodchips should not be used in wet areas as it just retains water and deters drainage. A copy of the 2018 snowmobile trail map was requested for the Land Use Office. Contact information for the HSC was provided and is available in the Land

Use Office for the Commission members. Mr. Shaw was also reminded to include the Land Use Administrator and Wendy Sisson on all email messages to HSC.

Request for Determination of Applicability Hearing – William Johnson, 74 Warren Avenue, Harvard#1017-02. Opened at 7:39pm

Request for Determination of Applicability Hearing, Sarah Porter, 55 Turner Lane, Harvard#1017-03. Opened at 7:42pm

Approve Minutes

Don Ritchie made a motion to approve the minutes of October 5, 2017 as amended. Carl Sciple seconded the motion. The vote was unanimously in favor of the motion.

Land Stewardship Subcommittee Appointments

Due to time commitments Joanne Ward has agreed to step down from the Land Stewardship Subcommittee which would allow for Carl Sciple to be appointed to her term, which expires March 31, 2018. Wendy Sisson made a motion to appoint Carl Sciple to the Land Stewardship Subcommittee until March 31, 2018. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Wetland Enforcement

- **10 Madigan Lane**

Wetland violation consists of the removal of a number of pines trees within the buffer zone of a resource area along Madigan Lane. The current owner was unaware of the wetland are on the property. There are additional trees that the owner may want to take down. The process for filing has been reviewed with the owner. The Commission requested a follow up letter be sent to the property owner.

- **140 Old Littleton Road**

Liz Allard reviewed the site on November 1st and found there to be clearing of vegetation within the bordering vegetated wetland, the intermittent stream and around an existing pond on the property. When speaking with the property owner he had indicated he was removing the vegetation to combat invasive plants. Ms. Allard requested a Request for Determination of Applicability be filed for the activity already conducted and any additional activity proposed. The owner obtained the proper paper work from the office that day, however no filing has been submitted, nor has the owner requested the required list of abutters. Jim Burns volunteered to speak with the property owner in regards to filing the proper application.

- **26 Madigan Lane (prompted by the discussion of 10 Madigan Lane)**

Members of the Commission have noticed the east corner of the property at 26 Madigan Lane has not re-vegetated since the property owner was before the Commission earlier this year. The Commission requested a letter be sent to the property owner reminding him to keep livestock out of that area and to allow the area to re-vegetate naturally.

Ratify Emergency Certification – 2 Stone Cutter's Path

Liz Allard inspected 2 Stone Cutter's Path this week for the removal of dead trees that are causing a threat to human health and safety. The Emergency Certification allows for the removal of three dead pine trees; one near the road and two near the house. The tree near the road is to be cut to the height of the power lines as it has a number of cavities in it already, providing habitat for wildlife. The other two trees can be cut to grade, but the roots systems are to remain in place.

Wendy Sisson made a motion to approve the Emergency Certification issued for 2 Stone Cutter's Path. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Input of a Request to Dismantle a Beaver Dam

Jim Saalfeld, a resident along Woodchuck Hill Road has been required by the Department of Public Works to resolve an issue of a blocked culvert under Oak Hill Road due to beaver activity from a pond on the Saalfeld land. Mr. Saalfeld is in the process of having beavers trapped, as it is now trapping season. Once the beavers have been removed Mr. Saalfeld would like to dismantle the existing beaver lodge. Liz Allard confirmed with Judith Schmidt, of the Department of Environmental Protection (DEP), as a significant habitat feature a filing under the Wetland Protection Act would be required. Ms. Schmidt would assume the lodge is less than 5000 square feet or 10% of the pond, therefore meeting the threshold for activity within a resource area. Ms. Schmidt did question how it would be determined that the beavers were actually no longer using the lodge.

Before letting Mr. Saalfeld know the recommendation from DEP, Ms. Allard wanted to receive feedback from the Commission on whether or not they would be amenable to allowing for this activity. Wendy Sisson stated dismantling a beaver dam would not deter beavers from living there; it is a matter of having an insufficient food supply that would deter the beavers from living in any one area. The Commission agreed that trapping alone does not work to deter beaver activity and suggested the installation of a beaver deceiver. Paul Willard finds it hard to believe any State agency would allow for the removal of a beaver lodge.

This subject brought up the matter of the Board of Health issuing a number of emergency trapping permits to the Department of Public Works (DPW) as of late. After a brief discussion the Commission agreed a letter shall be sent to the DPW in regards trapping beavers and how that alone is ineffective solution to the problem.

Deer Management Update

Wendy Sisson has begun drafting the charter and will circulate for the first meeting in December.

Nashua River Wild & Scenic River Study and Draft River Management Plan

Liz Allard asked if there was any additional feedback from the Commission as it pertains to the information provided in the plan in regards to Harvard. Members have not had an opportunity to review the document and provide feedback for the support letter to be sent to Nashua River Watershed Association.

Potential Open Space – Woodside Road, Map 30 Parcel 14

No news from Town Administrator.

Licensing of Conservation Land Update

Liz Allard has reviewed the deed and the conservation restriction (CR) for the Dunlap property on Old Littleton Road, which contains an agricultural filed maintained by Carlson Orchard. She has not found any reference to an agreement of use of the field between Dunlap and Carlson. The CR does require the field be maintained as a field.

Update from the State Service Forester – Cruft Lane

Liz Allard spoke with Leo Garneau this morning in regards to the methods he used to determine the boundaries of the fields. With questions still lingering on compliance with the cutting and management plans, Mr. Garneau advised the Commission to address their questions to the State Forest Service, Lara Dooley. Ms. Allard will draft a letter to Ms. Dooley for the Commission review and approval.

Chapter 147 Wetland Protection Bylaw Regulations

This item was passed over this evening.

Capital Planning & Investments Committee (CPIC) FY2019 Application Questions

CPIC will be meeting on December 4th at which point they may be making final decisions on FY19 application request. The Board of Selectmen will make a decision shortly thereafter as whether

or not to include the request for funding with the FY19 budget that will be sent to the Finance Committee.

Fiscal Year 2019 Land Use Budget

The chairs of the Land Use Boards meet this week with Tim Bragan who questioned what the plan is for the Land Use Office in fiscal year 2019 with the Planning Board wanting to hire a full-time Director of Planning. The chairs agreed an all land use board meeting should be convened and have done so for November 29th at 7pm in the Town Hall meeting room.

Board of Selectmen reviewed the Land Use Board budget at their meeting this past Tuesday. Most of questions were in regards to the Director of Planning position.

Board of Selectmen (BOS) Response RE: Payment of Town Counsel

The Commission received a response letter from the BOS chair, Lucy Wallace, indicating that expenses associated with land acquisitions should be paid for out of the conservation fund, whereas other general questions will be out of the Town's general fund. The Commission had no issue with this agreement.

Pine Hill Village – Stow Road

Don Ritchie and Liz Allard reviewed the erosion control barrier yesterday; found there to be inconsistencies with the plan approved by the Commission and the erosion control barriers that have been installed. Wetland flags are non-existent on the site; request made to have them reinstalled along the southern boundary of the property in the area known as "Pine Bank". In addition, grading along the south-west slope of "West Serpentine Way" has been added to the plan used to locate the erosion control barriers, however the Commission has not seen or approved this plan.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 8:59pm. Carl Sciple 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 Johnson, 72 Warren Avenue, Harvard#1017-02
November 16, 2017**

The public hearing was opened at 7:30pm by Chairman Paul Willard under Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room, 13 Ayer Road, Harvard

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Joanne Ward, Carl Sciple, Jim Burns and Mark Shaw (Associate Member)

Others Present: Liz Allard (LUB Admin), Bill Johnson and Jaye Waldron

This Request for Determination of Applicability was filed on behalf of William Johnson for the removal and repaving of an existing driveway within 200' of a wetland resource area at 72 Warren Avenue, Harvard.

Jaye Waldron, as an abutter, recused herself from this hearing.

Bill Johnson stated he recently had his existing driveway removed and repaved. This activity is within 200' of a vernal pool and requires a filing with the Commission under the Town's Wetland Protection Bylaw. Members of the Commission are familiar with the site and the adjacent vernal pool. With no adverse impacts to the vernal pool due to this activity, Wendy Sisson made a motion to close the hearing and issue a Negative#2 Determination of Applicability. Jim Burns 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
Sarah Porter, 55 Turner Lane, Harvard#1017-03
November 16, 2017**

The public hearing was opened at 7:42pm by Chairman Paul Willard under Massachusetts Wetland Protection Act, Ch. 131 §40 and Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall Meeting Room, 13 Ayer Road, Harvard

Members Present: Paul Willard, Don Ritchie, Wendy Sisson, Joanne Ward, Jaye Waldron, Carl Sciple, Jim Burns and Mark Shaw (Associate Member)

Others Present: Liz Allard (LUB Admin)

This Request for Determination of Applicability was filed on behalf of Sarah Porter for the removal of a tree within 200' of Bare Hill Pond at 55 Turner Lane, Harvard 72 Warren Avenue, Harvard.

Liz Allard detailed the request made by the applicant to remove an existing tree within 200' of Bare Hill Pond and recommended the issuance of a Negative#2 Determination of Applicability. Don Ritchie made motion to close the hearing and issue a Negative#2 Determination of Applicability. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

Conservation Commission Agenda, dated November 16, 2017

Approve Municipal Certification for Maxant Conservation Restriction Parcel A, Still River Road

- Deed of Conservation Restriction, To Harvard Conservation Trust. Grantor: Theodore W. Maxant, of PO Box 11, 53 Willard Lane, Still River, MA 01467, Grantee: Harvard Conservation Trust, Address of Premises: Parcel A, 4.71 Acres, Still River Road, Harvard, MA, undated

Approve Minutes

- Draft minutes of October 5, 2017 prepared by Liz Allard

Board of Selectmen Response RE: Payment of Town Counsel

- Letter from Board of Selectmen Chair, Lucy Wallace, re: Town Counsel Fees, dated November 6, 2017

Pine Hill Village – Stow Road

- Stormwater Pollution Prevention Plan for Pine Hill Village in Harvard, MASS., Definitive Plans for the Comprehensive Permit Application, prepared for Transformations, Inc., prepared by R. Wilson Associates, File No. 1009, DWG: 1009A-40B-SDS-2013, dated October 21, 2013