

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 30, 2014
APPROVED: FEBRUARY 5, 2015**

Chairman Paul Willard 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, Wendy Sisson, Jim Breslauer and Joanne Ward

Others Present: Liz Allard (LUB Admin), Pam Durrant (Harvard Conservation Trust), Peter Dorward (Harvard Conservation Trust), Lucy Wallace (Harvard Conservation Trust), Bev Rodrigues, Robin Carlaw (Harvard Conservation Trust), Marty Green (Harvard Press) and Jon Bishop (Harvard Hillside)

Meet with Harvard Conservation Trust RE: Lawton, 121 Old Littleton Road

Members of the Harvard Conservation Trust (HCT) were present to discuss with the Commission the alternatives available to the purchasing of 3.81 acres of land at 121 Old Littleton Road. The Commission recently determined that the value of the parcel may not appraise for the \$150,000 they offered to purchase it, therefore they would be unable to use funds from the Community Preservation for this purchase. With limited funds available from other sources the Commission and the HCT need to come up with a solution.

Peter Dorward, president of the HCT, has been working on a few alternatives that could solve the issue at hand. There are essentially two options, the first is to reconfigure parcel A to be a buildable lot by increasing the amount of land to 4.5 acres. This would reduce the size of Lot 2. This option would require new engineered plans, which would require approval by the Planning Board. The Conservation Restrictions would need to be modified and re-approved by the State. In addition, the buyer for Lot 2 would want to reconsider a sale price should the lot be reduced in acreage, causing a higher overall cost to the HCT. The buyer of Lot 2, Bev Rodrigues, is concerned that increasing parcel A will allow public access closer to Lot 2 and the cabin on that lot, which holds sentimental value to her and her family. Members of the Commission doubt anyone would walk into that area, as there is no plan for a trail and if there is one it would be clearly marked. Wendy Sisson stated the land stewardship subcommittee also installs signage along abutting property lines letting users know they are crossing onto private property.

Option 2 would be for the Commission to purchase the conservation restriction (CR) that has been completed for parcels B & C and lot 2. As determined, with assistance from the primary assessor for the Town, there should be value in excess of \$150,000 for the CR. Ms. Sisson stated there are concerns with the Commission's ability to monitor this CR. Mr. Dorward stated it would be easy to assign monitoring responsibilities to another entity, which the HCT is willing to take on. The HCT would then gift the 3.81 acre parcel (parcel A) to the Commission.

Mr. Dorward stated the HCT has strong preference for option 2. Ms. Sisson stated the most expedient way to resolve this issue is to purchase the CR from the HCT. Ms. Sisson stated in either case the Commission will need to obtain an appraisal. Ms. Sisson attempted to contact Jon Avery prior to this evening's meeting to determine the cost of said appraisals, but was unable to as he is out of the State. Paul Willard agreed that purchasing the CR is the best option. Ms. Sisson also suggested getting in touch with the Community Preservation Coalition to determine if there is another route to go that neither the HCT nor the Commission has thought of. In particular can the Commission purchase a CR that do not allow for public access?

Members had questions and comments in regards to the language within the CR. Mr. Dorward will confirm with their attorney that they are able to assign the CR to the Commission and that assignment handles the appropriate language changes within the CR.

Wendy Sisson made a motion in order for the Commission to complete the project with the use of Community Preservation funds in the amount \$150,000 the Commission purchases the conservation restriction for Lot 2 and parcels B & C, contingent on an appraisal that concludes the value of the restrictions to be in excess of \$150,000. The Commission will work as quickly as possible to make this adjustment, unless another alternative is available through the advice of the Community Preservation Collation.

Jim Breslauer suggested an amendment to the motion. After a brief discussion the following motion was made by Jim Breslauer, to rescind the vote of August 7, 2014 to purchase a trail easement and an undetermined amount of land at 121 Old Littleton Road from the Harvard Conservation Trust in the amount of \$150,000.00; the Conservation Commission will purchase the Conservation Restrictions for parcels B and C and Lot 2 at 121 Old Littleton Road for \$150,000.00, contingent upon (1) an appraisal that verify the value of those restrictions to be greater than \$150,000.00, and (2) the Harvard Conservation Trust will confirm, through its attorney, that under VI. ASSIGNABILITY clause within the restriction for the above mentioned parcels and lot, approved by the Secretary of Energy and Environmental Affairs Commonwealth of Massachusetts on December 23, 2014, that the term "Trust" will be replaced by the "Town of Harvard" where appropriate to the rights and obligations within the restriction by the Harvard Conservation Trust assigning the restriction to the Conservation Commission. The motion was seconded by Don Ritchie. The vote was unanimously in favor of the motion.

HCT will draft a Memorandum of Understanding for the Commission's review.

Don Ritchie made a motion to accept 3.81 acres of land known as parcel A on Old Littleton Road as a gift from the HCT. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Don Ritchie made a motion to allocate up to \$2000 for an appraisal of the value of the conservation restriction for lot 2 and parcels B & C Old Littleton Road. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Certificate of Compliance – 31 Peninsula Road, DEP#177-614

Liz Allard stated she has reviewed the site at 31 Peninsula Road for on a Request for a Certificate of Compliance. Ms. Allard has found the site to be in compliance with the Order of Conditions and recommends the issuance of the Certificate of Compliance. Don Ritchie made a motion to issue the Certificate of Compliance for 31 Peninsula Road, DEP#177-614. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Approval of Invoices

Liz Allard stated the Commission has received the following invoices for inclusion on the next bill warrant:

- Flagg Tree Service (Maple Lane) - \$1700.00
- Harvard Press (Hoch RDA) - \$30.00

Jim Breslauer made a motion to approve the above-mentioned invoices for inclusion on the next bill warrant. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Paul Willard left the meeting at 8:10pm; Don Ritchie took over to chair the meeting.

Willard Land Purchase

Liz Allard stated she has received a Deed Rider to be included with the Purchase & Sales agreement for the 48 acres of land along Willard Lane, known as the Willard Land. Attorney Lanza has requested the members of the Commission initial these pages along with signing the document. Members signed and initial the documents as requested.

Adjournment

At 8:15pm Jim Breslauer made a motion to adjourn the meeting. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent