

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MAY 15, 2014  
APPROVED: JUNE 19, 2014**

Vice Chairman Don Ritchie called the meeting to order at 7:00pm in the Town Hall Meeting Room

**Members Present:** Don Ritchie, Wendy Sisson, Charlie Gorss, Jaye Waldron, Joanne Ward and Jim Saalfield (Associate Member)

**Others Present:** Liz Allard (LUB Admin) and Barbara Kirwood

**Discuss Wetland Violation with Property Owner Barbara Kirwood – 12 Willow Road**

Barbara Kirwood was present to discuss the violation on her property at 12 Willow Road. Ms. Kirwood explained that after the 2008 ice storm and the 2012 October snow storm she removed trees and other debris that were damaged by those storms. In addition, Ms. Kirwood has had Hemlocks removed due to the wooly adelgid. Ms. Kirwood's intent was to have a better view of the pond at the back of her property. Liz Allard had reviewed the site with Ms. Kirwood and determined the 100' buffer zone, which primarily consists of a sparsely vegetated slope above the wetland area. The value of tree cover around wetland resource areas was explained to Ms. Kirwood, who intends to allow the area to re-vegetate naturally. The Commission had no issues with Ms. Kirwood selectively cutting the tops of the pines for holiday decorations. The Commission thanked Ms. Kirwood for attending this evening.

Jaye Waldron arrived at 7:06pm

**Request for a *De Minimus* Change to the Approved Plan, 95 Depot Road, DEP#177-627**

Liz Allard explained to the members that she and Jim Breslauer had visited 95 Depot Road to review three trees that the homeowner is requesting to be removed as they cause a safety issue with the riding ring. The owner's representative, Christian Boysen, intended to request the removal of these trees during the hearing process, but neglected to. Although unable to attend the meeting this evening Jim Breslauer sent an email message to the Commission members stating: "Having visited the site today I feel comfortable with the two dead, most northerly trees being removed - I agree that they are a potential hazard. I do not think the 3rd tree poses any danger and would oppose its removal. I also think this is a *de minimus* change to the order that could be accomplished by an amendment".

With no further questions or comments, Joanne Ward made a motion to allow the removal of two of the three requested trees as detailed by Jim Breslauer as a *De Minimus* change to the Order of Conditions for 95 Depot Road, DEP#177-627. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**Wetland Violation Snyder, 97 Woodside Road**

Liz Allard explained to the members that she and Don Ritchie had visited 97 Woodside Road after receiving notice from a citizen that there were wetland violations on the property. Ms. Allard and Mr. Ritchie noted the property owner, John Snyder, had placed manure along the edges of the driveway, around the back of the fire pond and on the bridal path along the resource area. Mr. Snyder's driveway was constructed under an Order of Conditions, DEP#177-94, as it runs directly through the resource area. Mr. Snyder has also planted strawberries within the fenced-in area of the fire pond.

During the site visit with Mr. Snyder, Ms. Allard learned of the removal of the beaver dam, in which Mr. Snyder showed evidence of having permission from the Division of Fish and Wildlife (DFW) to do so on an as needed bases. After further discussion with Mr. Snyder, Ms. Allard has a better understanding of the situation on the property as it pertains to the beaver dam. It appears that the original culvert was installed too high and causing water to back up onto abutting

properties. The Commission ordered the culvert be re-installed in the correct location. According to Mr. Snyder, after much debate, the Commission agreed to have the culvert removed to allow the water to flow in an open culvert. The only problem with this solution was that beavers began, and continue to this day, to dam the open culvert. Mr. Snyder believes he has permission from the DFW to remove the dam on an as needed basis, which reduces the potential for flooding on his property, as well as abutting properties.

Ms. Allard stated the letter she reviewed from the DFW was from twenty years ago and does not allow for the removal of a beaver dam on an as needed basis. Ms. Allard's read of the letter allows for the cleaning of the culvert as needed, but with the actual culvert no longer in place, she feels this letter is no longer valid. Ms. Allard stated she will contact the local DFW office to get their opinion on the matter.

Mr. Ritchie suggested the manure be taken out rather than left as it may cause more damage to leave it in place. The members agreed growing strawberries within the fenced in area of the fire pond is not appropriate, as they would not allow others to garden in such close proximity to a resource area. The member's recommended Mr. Snyder keep all gardening up near the house to keep it away from the wetland, which will aid in reducing fertilizers from getting into the wetland. The members also agreed My Snyder should remove the manure along the driveway, as the vegetation he is hoping to establish to help stabilize the edges of the driveway will grow better if he moves the manure. Members agreed Mr. Snyder does not have to remove the shavings on the bridal path or from around the fire pond. Finally, the stone dust pile placed in the turn out along the driveway should be relocated to an area that is not adjacent to the resource areas. As well, Ms. Allard has requested Mr. Snyder restore the turnout to allow it to be properly used when necessary.

As previously mentioned, Ms. Allard will follow up with the DFW and report back to the Commission on her findings.

#### **Deven's Open Space & Recreation Plan Advisory Committee Appointment**

Liz Allard had circulated an email from the Deven's Open Space & Recreation Plan Advisory Committee in regards to the open seats for two Harvard residents on that Committee. The message detailed the time commitment as a participant of the Committee. Jim Saalfield stated Ms. Allard should contact John Lee to see if he may have any interest in being a part of the Committee. Mr. Saalfield stated he too would consider the option as well.

#### **Right of First Refusal – 121 Old Littleton Road**

After a brief discussion the members agreed not to make a recommendation at this point to allow for the opportunity to discuss the matter further with the Harvard Conservation Trust at the June 5<sup>th</sup> meeting.

#### **Request for Waivers – CHOICE, Inc., The Elms, 105 Stow Road**

Liz Allard explained to the members the applicant for a Comprehensive Permit that is currently before the Zoning Board of Appeals has requested a waiver from all local fees as allowed by 760 CMR 56.05(7). For the Conservation Commission (Concom), this would be the fees under the Wetland Protection Bylaw (WPB). Wendy Sisson stated she felt, as the applicant is a non-profit entity, the fees should be waived. Charlie Gorss stated the determination of waiving fees under the WPB should be done during the Concom's public meeting process. Ms. Allard further explained the process under this type of application to Mr. Gorss. Jaye Waldron, Joanne Ward and Jim Saalfield all agreed the fees should be waived. Wendy Sisson made a motion to waive the WPB filing fees for CHOICE, Inc. for the affordable housing project at 105 Stow Road, known as The Elms. Jaye Waldron seconded the motion. The vote was 4—0, with Charlie Gorss abstaining from the vote.

### **Approve Minutes**

Joanne Ward made a motion to approve the minutes of April 17, 2014 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

### **Baltimore Checkerspot Butterfly Research Update**

Liz Allard had previously forwarded an email message from Leone Brown, a Postdoctoral Researcher, working with Elizabeth Crone of Tufts University, on the habitat of the Baltimore Checkerspot Butterfly at the Williams Land on Stow Road. The message gave an overview of the data collected in 2013. This year the researchers monitored twenty enclosures at the rear of the property for overwinter survival of the caterpillars. They will be monitoring the butterflies movement and behavior of the adults during flight season, which is the last week of June to the third week of July. There will be no monitoring of the postdiapause survival this year.

Wendy Sisson stated she has passed the message on to Jim Picard, who maintains the field for hay production. Ms. Sisson will be in touch with the researchers for further updates this summer. Ms. Sisson noted this activity is a poster child for land stewardship.

### **Requests for Certificates of Compliance**

Liz Allard stated the Commission has two Requests for Certificates of Compliance, DEP#177-222 and 177-568. Ms. Allard has reviewed both sites and found them to be compliant with the Order of Conditions. Charlie Gorss made a motion to issue the Certificates of Compliance for DEP#177-222 and 177-568. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

### **Master Plan Steering Committee Update**

Jaye Waldron stated the Master Plan survey should be available on the Committee's website shortly.

### **Approve Invoices**

There were no invoices to be approved.

### **Letter to Realtor RE: 0 Stow Road**

Liz Allard, at the request of the Commission, had recently sent a letter to the realtor selling 0 Stow Road, at the corner of Codman Hill Road and Stow Road. Wendy Sisson suggested any letters Ms. Allard sends on behalf of the Commission should be sent to the members of the Commission as well to keep them further informed. Ms. Sisson had revised the letter as originally sent and recommended it be sent by certified mail. The revised letter was copied to the Planning Board, the Harvard Conservation Trust and the abutter, Bob Douglas. Wendy Sisson made a motion to re-send the letter by certified mail and copied to those mentioned above. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

### **Review Forestry Cutting Plan 125-6700-14 Cruft Lane**

Jaye Waldron stated she has not heard back from the State forester, but will continue to try and get in touch with her. Members have been informed that the trees cut for removal have had their stumps buried. Members remain very concerned with the use of the field along Littleton Road as an agricultural field. Don Ritchie and Liz Allard will review the site next week to determine if there are any existing wetland violations.

### **Land Stewardship Subcommittee Update**

Wendy Sisson stated she would like to propose the removal of the white pines along Maple Lane to restore the maple sugar row. Members would like additional information on how that would be conducted prior to making a final determination.

Jim Saalfield left at 8:45pm

**Executive Session**

Don Ritchie made a motion that the Conservation Commission go into executive session pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease or value of real property in which a public discussion of these matters will have a detrimental effect on the negotiating position of the Commission, only to adjourn the meeting at the end of the discussion. Jaye Waldron seconded the motion. A roll call vote was taken; Wendy Sisson, aye; Charlie Gorss, aye; Jaye Waldron, aye; Joanne Ward, aye; Don Ritchie, aye.

**Adjournment**

Wendy Sisson made a motion to adjourn the meeting at 9:06pm. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent