

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 6, 2014
APPROVED: MARCH 20, 2014**

Vice Chairman Jim Breslauer called the meeting to order at 7:03pm in the Town Hall Meeting Room

Members Present: Paul Willard, Jim Breslauer, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin), Marylynn Gentry (HCT), Pam Durrant (HCT), Jim Lee (HCT), Steve Sears (Ross Assoc.), Margret Nestler, Jeffrey & Patricia Shaw, Rob Oliva (Ross Assoc.), Sidney Blackwell (Harvard Press), Davida Bagatelle, Phil Knoettner (LSS), Robert Benson (LSS), Tony Shaw, Mark Shaw and Jim Adelson (LSS)

Executive Session

Charlie Gorss 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, to return to the regular session of the public hearing once the discussion is complete. Jaye Waldron seconded the motion. A roll call vote was taken; Wendy Sisson, aye; Charlie Gorss, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Breslauer, aye.

Wendy Sisson left the meeting at 7:10pm

At the conclusion of the executive session Charlie Gorss made a motion to return to the regular session of the public meeting. Joanne Ward seconded the motion. A roll call vote was taken; Charlie Gorss, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Breslauer, aye.

Paul Willard arrived at 7:20pm

ZBA Request for Comments

Liz Allard stated the Commission has received a request for comments from the Zoning Board of Appeals for an accessory apartment at 74 Bolton Road and a Comprehensive Permit for an affordable housing project at 105 Stow Road. Ms. Allard stated she has reviewed the plans for 74 Bolton Road and sees no conservation issues. As for 105 Stow Road, Ms. Allard has not had an opportunity to review the complete plan as of yet. A letter will be sent to the ZBA indicating no comment on the 74 Bolton Road application. Ms. Allard will report back to the Commission at the February 20th meeting in regards to 105 Stow Road.

Certificate of Compliance

Liz Allard stated the Commission has received a Request for a Certificate of Compliance from Dennis Murphy at 55 West Bare Hill Road. Ms. Allard has reviewed the site and found it to be in compliance with the Order of Conditions. Joanne Ward made a motion to issue a Certificate of Compliance for 55 West Bare Hill Road, DEP#177-532. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Request for Determination of Applicability Hearing – Jeffrey & Patricia Shaw, 37 Woodside Road, Harvard#0114-01. Opened at 7:30pm

Wendy Sisson returned to the meeting at 7:36pm

Request for Determination of Applicability Hearing – Dennis Murphy , Jr., 55 West Bare Hill Road, Harvard#0114-02. Opened at 7:40pm

Informal Discussion – Harvard Public Schools Parking Lot Improvements

Rob Oliva, of Ross Associates, was present to discuss the improvements to the parking lot at the high school behind the library. Mr. Oliva explained there is no plan to increase the existing size of the lot, but rather to smooth out the overly heaved lot, improve drainage and add a sidewalk on the west side of the lot, connecting to the existing sidewalk on Pond Road. The plan calls for an under-drain swale along the slope on the east side of the lot. The swale will aid in reducing the icing that currently occurs in the winter in the lot. Drainage has been sized for a ten year rain event. Erosion control barriers have been proposed along the length of the parking area to protect the lower playing field. The plan provides for two cross walks and new curbing along the edges. The plan will increase the number of parking spots by two.

Jaye Waldron asked what will happen with pulverized pavement. Mr. Oliva stated it may be reused in the gravel base. Liz Allard asked if there would be any increase of stormwater runoff on the existing stormwater facilities. Mr. Oliva stated he had reviewed the facilities on the site and believes there will be no increase in the amount of flow that is already being treated by those facilities. Davida Bagatelle asked why a sidewalk was not designed for the east side of the parking lot. Mr. Oliva stated this was a topic of conversation at the Planning Board meeting as well; the reason is a matter of cost, since installing a sidewalk on the east side of the parking lot would require cutting into the existing slope and constructing a retaining wall. Mr. Oliva stated the wetland along the slope to the playing field was flagged, but is not jurisdictional as it pertains to the existing drainage. With no other questions or comments, the Commission thanked Mr. Oliva for reviewing the plan.

Jim Saalfeld arrived at 8:00pm

Hermann Orchard Update

Wendy Sisson, as chair of the Land Steward Subcommittee (LSS), presented an alternative to Tony Shaw's proposal for the Hermann Orchard along Ayer Road. Ms. Sisson stated the LSS has been working on putting a proposal together for some time now; the presentation this evening is not meant to be the final proposal. The LSS received a letter from the Massachusetts Division of Fish & Wildlife (DFW) stating that the property has a high wildlife habitat value due to the isolation and varied features of the area: being surrounded by Bowers Brook and extensive wetland systems. The DFW perspective is to help landowners enhance habitat for areas that are at risk and toward that end, they provided the town with a comprehensive report on their habitat management recommendations for the site.

Ms. Sisson explained the site is currently accessed by a right-of-way off Ayer Road. The right-of-way had been previously used for access when the orchard was in production. This right-of-way would require improvements in order to access with heavy equipment, including the replacement of the existing culverts. Beyond the right-of-way the access is narrow and would require the removal of trees for suitable access for equipment. The existing orchard has been left fallow for over ten years and contains a number of invasive plant species.

The LSS is proposing the clearing of the southern half of the orchard with access to the site through the adjoining property known as Little Rascals Orchard. Once the orchard is cleared, Little Rascals would be offered a license to graze sheep on the cleared land under an annual license from the Town. Ms. Sisson stated the LSS would seek funding from the Community Preservation Committee for the control of the invasive plant species on the property. The LSS has received proposals for the clearing of the orchard in the range of \$19,500 - \$25,000.

Paul Willard asked if Little Rascals had a renewed interest in the Hermann Orchard. Ms. Sisson stated yes, she has recently discussed the matter with Sean McLaughlin, the owner of Little Rascals.

Jim Breslauer wondered which activity would have less impact on the wildlife; Mr. Shaw's proposal, the creation of a hay field, or LSS proposal, the grazing of sheep. Ms. Sisson stated haying requires a first cutting in June when invertebrates, mammals and ground nesting birds are reproducing, whereas there is a more compatible steady state between grazing animals and wildlife. To prevent over grazing, the fencing used for the sheep would be moveable, so as to be able to rotate the location of the sheep. Mr. Willard stated he has not seen an adverse affect on bobolinks from the mowing of hay fields in his experience. Ms. Sisson noted the Williams land is used for agriculture and balances out with ground nesting birds and other wildlife, as it is only mowed in late July or August. Mr. Willard stated the Sprague land would be the closest example to the proposed use of the Hermann Orchard by Mr. Shaw. Ms. Sisson suggested there maybe another location where a hayfield may work better for Mr. Shaw.

Jaye Waldron asked if the proposed grazing of the sheep would be away from the priority habitat area. Ms. Sisson stated it would and the grazing of sheep is considered a low impact agricultural use, whereas Mr. Shaw's proposal is a higher impact agricultural use. Ms. Sisson also noted that Mr. Shaw's proposal would require road improvements, which would require upgrading the roadway.

Phil Knoettner, a member of the LSS, has a big concern with the right-of-way and thinks it is going to be a large job because hay equipment will need a wider road and the current access is terrible. Mr. Knoettner could go either way between the haying or grazing in the orchard. There is a concern that walking through the orchard might be restricted by the portable sheep fencing at times. Mr. Shaw stated he would object to fencing the area and he does not think the sheep will survive out there. Mr. Shaw thinks the right-of-way should be maintained for access in case of emergencies regardless of his proposal. Mr. Willard agrees the road should be passable for emergency vehicles. Charlie Gorss noted the Town had previously noted the need to take the right-of-way by eminent domain, but had never acted upon it.

Margret Nestler, a resident of Cruft Lane, asked if under the proposed haying of the orchard would there be the use of herbicides. Mr. Shaw stated he would fertilize and lime the hay field. Mr. Shaw noted that passage through the hay field would be allowed. Ms. Nestler wondered if Little Rascal is a good landowner and could anyone speak to that. Mr. Willard stated he does not know of any problems with Little Rascals. Jim Saalfeld mentioned that the LSS may want to take a look at the new approach at Otis Air Force Base being done by Mass Audubon. Ms. Sisson stated she was aware of the approach.

Ms. Sisson stated there are several issues to take into consideration under these proposals and those are the improvements to the right-of-way, the town taking responsibility for and control over the clearing and maintenance of the land, and whether haying or grazing should be allowed. Ms. Sisson feels the proposal from Mr. Shaw does not take into account the full extend of work that is truly needed for access into the property.

At 9:15pm Jim Breslauer had to leave the meeting, but stated if he had to choose between the two proposals he would vote for the lessor impact, which would be the grazing of sheep.

Mr. Knoettner stated he has additional concerns about not being able to commit to a long term lease. Mr. Shaw stated the Town could pay him the full amount of his proposal and would be satisfied with a hand shake deal on use of the orchard for hay for ten years.

With no further comments or questions, Paul Willard made a motion to accept the proposal for the Hermann Orchard as previously presented by Tony Shaw. There was no second or discussion on Mr. Willard's motion.

Paul Willard left the meeting at 9:26pm

Adjournment

Wendy Sisson made a motion to adjourn the meeting at 9:27pm. 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
Continuation of a Request for Determination of Applicability Hearing Meeting Minutes
Jeffrey & Patricia Shaw, 37 Woodside Road, Harvard#0114-01
February 6, 2014

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 Town Hall Meeting Room

Members Present: Paul Willard, Jim Breslauer, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin), Steve Sears (Ross Assoc.), Jeffrey & Patricia Shaw

This hearing was continued from January 16, 2014 on a Request for Determination of Applicability filed on behalf of Jeffrey & Patricia Shaw for the replacement of an existing septic tank within the 100' wetland buffer zone at 37 Woodside Road, Harvard.

Steve Sears, of Ross Associates, was present to represent the applicants, Jeff and Patricia Shaw, who were also present. Mr. Sears explained the existing system is in failure. As designed the septic system and grading will be outside the wetland buffer, but the replacement tank and lines will be within the wetland buffer. Mr. Sears noted the closest point to the wetland is sixty-five feet. The area in which the replacement tank is proposed is an existing lawn area and will be re-seeded once work is complete. There is no proposed increase in flow to the septic system. Jim Breslauer asked about erosion controls and machinery accessing the site. Mr. Sears stated access would be directly from the driveway and the plan shows the Harvard erosion control detail.

With no further questions or comments, Jim Breslauer made a motion to close the hearing and issue a Negative #2 Determination of Applicability based on a plan dated December 2013. Charlie Gorss 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
Dennis Murphy, Jr., 55 West Bare Hill Road, Harvard#0114-02
February 6, 2014

The public hearing was opened at 7:40pm 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

Members Present: Paul Willard, Jim Breslauer, Charlie Gorss, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Saalfeld (Associate Member)

Others Present: Liz Allard (LUB Admin) and Rob Oliva (Ross Assoc.)

This hearing is on a Request for Determination of Applicability filed on behalf of Dennis Murphy, Jr. for the removal of existing dead trees, fallen timber and invasive plant species from the 100' wetland buffer zone at 55 West Bare Hill Road, Harvard.

Rob Oliva, of Ross Associates, was present to represent the applicant. A site walk was conducted earlier this week with members of the Commission, the Conservation Agent and Mr. Oliva. Mr. Oliva gave an overview of the request. Members of the Commission would like there to be expert advice on the control and removal of the invasive plant species to be certain it is done properly. Members agreed that fallen trees and dead trees that show no signs of wildlife activity can be removed under this determination. Jaye Waldron asked how close to the wetland would any cutting take place. Mr. Oliva stated the work is inside the twenty-five and fifty foot buffer zones. Mr. Oliva stated the plan is for a selective cutting and not planning a clear cut. Mr. Oliva stated the Murphy's real concern is with the potential for a fire within that area. Wendy Sisson stated the area contains a lot of dead ash with bittersweet wrapped around them, and the area is very wet and not really a fire hazard, but not the view you want from the terrace. Hand cutting of material was recommended to reduce the potential of pollutants from entering the wetland. Ms. Sisson would suggest controlling the invasives first and then work on the fallen and dead trees. Members agreed to the removal of trees that are broken and leaning on others for support, but the applicant should come back in the spring with an invasive species control plan for the Commission to review, and hold off on removing any nesting trees until there is a plan for the invasives plants. Trees to be removed should be marked and reviewed by the Conservation Agent or a member of the Commission prior to removal.

Davida Bagatelle, an abutter, commends the efforts the Commission is putting forth with controlling invasive plant species around town. Ms. Bagatelle respects that people want to manage their property, but would like to be certain wildlife habitat is being maintained.

With no further questions or comments, Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the condition that leaning trees can be cut and fallen branches can be removed from the area, the applicant shall return in the spring with a plan to control the invasive plant species and the removal of the dead trees. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Continuation of a Request for Determination of Applicability Hearing – Jeffrey & Patricia Shaw, 37 Woodside Road, Harvard#0114-01

- Sewage Disposal System Plan, 37 Woodside Road, designed for Jeffrey & Patricia Shaw, prepared by David E. Ross Associates, Inc., Job No. 29325, Plan No. L-12224, dated December 2013

Request for Determination of Applicability Hearing – Dennis Murphy , Jr., 55 West Bare Hill Road, Harvard#0114-02

- Sewage Disposal System, Lot 10^{B17} West Bare Hill road, designed for Dennis Murphy, prepared by David E. Ross Associates, Inc., Job No. 24564, Plan No. L-10281A, dated 1/15/14

Informal Discussion – Harvard Public Schools Parking Lot Improvements

- Site Plan of Land in Harvard, Mass. Prepared for Harvard Public Schools “Pond Road Parking Area”, prepared by David E. Ross Associates, Inc, Plan #L-12247, Project#29358, dated January 2014

Hermann Orchard Update

- Hermann Orchard PowerPoint Presentation, prepared by Wendy Sisson, undated