

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 2, 2014
APPROVED: NOVEMBER 6, 2014**

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

Members Present: Paul Willard, Wendy Sisson, Charlie Gorss, Jim Breslauer and Joanne Ward

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.), Deb Thomson, Linda Dwight, Marty Green, John Finn, Tony Shaw, Roe Kolanowski and SusanMary Reddinger

Informal Discussion with John Finn – 44 Peninsula Road

Dan Wolfe, of Ross Associates, was present along with John Finn to explain Mr. Finn's intentions to develop the property at 44 Peninsula Road. Long-term members of the Commission may recall the site was permitted a number of years ago for the reconstruction of the existing cottage and the installation of a swimming pool on the property. None of these activities have taken place and the parcel is on the market for sale. Prior to making an offer on the property, Mr. Finn wanted to get an impression from the Commission as to what they may allow for redevelopment of the site.

Wendy Sisson asked about having to stay within the footprint of the existing house. Mr. Wolfe stated zoning does not require any part of an existing structure remain when reconstructing a structure. Ms. Sisson asked if there will be any required upgrade to the existing septic system. Mr. Wolfe stated the site contains a holding tank, which was installed in 1996 and has been maintained since. The allowed capacity of the holding tank is three-bedrooms. Mr. Finn stated it is his desire to construct a three bedroom dwelling with a garage, similar to others on the road.

Ms. Sisson discussed the re-vegetation of the edges of the lawn to the shore. A plan to relocate the existing dock to the west side of the peninsula will require the re-vegetation of the previous dock location. It was explained to Mr. Finn that the Commission's regulations do not allow for the use of chemical fertilizers or de-icers within 100 feet of a resource area and that this property is completely within the 200 foot buffer zone of Bare Hill Pond.

Informal Discussion with School Committee re: Expanding parking lot at HES

SusanMary Reddinger, chair of the School Committee, and Linda Dwight, the Superintendent, were present to discuss the lack of existing suitable parking at the rear of the elementary school. A plan was drafted in 2001 by GPR, which details additional parking spaces. Wendy Sisson suggested the concept of drop off and active parking be part of the discussion when formulating a final plan. Ms. Reddinger stated they are planning on bringing in a design engineer to determine the best uses of the area as it is heavily used at the start and end of the school day. Ms. Sisson suggested considering the widening of Fairbank to allow for traffic to move past parents waiting to pick-up children. The Commission stated the wetland delineated on the 2001 plan may not be accurate and should be re-determined. It was noted that under the existing regulations of the Commission, that driveways are not allowed within 75 feet of a resource area.

Ms. Reddinger stated new concerns with the parking at the Bromfield School may take precedent over this project. Members of the Commission recommended the School Committee speak with the Pond Committee in regards to stormwater management at the Bromfield location.

Approval for Tree Removal on Maple Lane

Wendy Sisson has received additional information on the cost associated with the removal of a hazardous tree on Maple Lane. Price quotes received include Acorn Tree & Landscape at \$950 to take the tree down and leave it in place and \$2000 from Bud Smith, which would include

disposing of the tree. Paul Willard asked who would be responsible for paying for the removal. Members assumed the Commission would need to pay for this activity out of the Conservation Funds as maintenance to existing conservation land. Mr. Willard will discuss the matter with the Town Administrator as he feels this cost should be incurred by the Department of Public Works as routine maintenance.

As for the proposed restoration of Maple Lane, Ms. Sisson has determined the cost to remove unwanted trees along the lane will cost \$60,000, with an additional \$5,000 to replant trees. It was suggested the Commission speak with the Historic Commission to see if they want to partner with the Commission on the project.

While on the subject of tree removal, Ms. Sisson noted there is an existing tree at the Bare Hill Wildlife Sanctuary which is starting to lean over the trail. Mr. Willard stated he would review the tree to determine the best means of removing it.

Request for Determination of Applicability Hearing – John Marschall and Rosemary Kolanowski, 93 Ayer Road, Harvard#0914-01. Opened at 7:45pm

Enforcement Order – Tony Shaw, Littleton Road (Map 13 Parcel 1)

On September 21, 2014 Jim Breslauer delivered an enforcement order to Tony Shaw for activity associated with the preparing for planting within an area deemed to be a wet meadow at the corner of Littleton Road and Cruft Lane. This enforcement order required the area be restored to its original condition. On September 23rd a new enforcement order was delivered to Mr. Shaw, which required the field to be planted as soon as possible to avoid any erosion into the adjacent resource areas.

Mr. Shaw was present and stated he has complied with the enforcement order. Mr. Shaw explained the field in question has been used for three generations for some form of agricultural and the work done to remove existing trees this past spring re-defined the field to the same size as it has been in the past. Paul Willard asked about documentation showing the agricultural use of the area within the past five years. Mr. Shaw provided photographs taken within the past five years, showing the land under cultivation. Mr. Shaw stated he sells the hay that has been grown in the field. Wendy Sisson had questions about the area being established as agricultural use, but the land is in forestry. It was explained that under the Wetland Protection Act lands that are in agricultural production are given specific exemptions. Ms. Sisson stated there has been confusion on this site over the years and the activity is allowed as an exemption under the WPA.

Ms. Sisson asked about the vehicles in the area of the resource area; does the Commission care about them being located in that area. Mr. Shaw was asked if there is some place else the vehicles could be stored that would be further from the wetland. Mr. Shaw stated he would look into seeing if he can store them in another location. At a minimum, Mr. Shaw was asked to remove them from the 25' wetland buffer zone. Mr. Willard will work with Mr. Shaw to comply with this request.

Land Stewardship Subcommittee Updates

Wendy Sisson had a few updates for the Commission from the Land Stewardship Subcommittee (LSS), which she chairs. First, the Community Preservation Committee FY2016 application requires additional details, which she is working on for final submittal. Second, there is a scheduled walk to highlight the new Hoch Land off Still River Road, in coordination with the Bolton Conservation Commission, on November 9, 2014 at 1:00pm to start Bower's Spring. Finally, Ms. Sisson and members of the LSS are concerned with the existing bridge on the Holy Hill land that passes over Bennett Brook. There is a concern that the bridge will become un-passable in the immediate future. There has been previous concern about its removal and the proper disposal of the railroad ties. It was suggested leaving the bridge and de-commissioning it and creating a new bridge for foot traffic. Paul Willard stated he would further discuss with Rich Nota the construction of a new bridge in that location.

Master Plan Steering Committee Update

Jaye Waldron had sent an update to Liz Allard on the recent meeting of the Master Plan Steering Committee (MPSC). MPSC has reviewed it and agrees the Open Space & Recreation Working Paper is lacking information specific to Harvard. In general, the MPSC thinks the consultant, RKG, has not done enough with the Working Papers to separate Devens features from the rest of Harvard, which would enable a comparison between the two.

Deliverable dates are as follows: Chapter 2 of the Master Plan in draft form is due October 10th; two public workshops November 15th (Devens) and December 6th (recommendations); public hearing with Planning Board to approve the Master Plan February 2, 2015.

Wendy Sisson asked if the consultants spoke to anyone about open space and the natural resources working papers. No one present was aware of any conversations with the Master Plan consultant as it pertains to natural resources and open space. Ms. Sisson suggested members of the Commission should attend an upcoming meeting of the MPSC to discuss the working papers and the lack of accurate information within them. Liz Allard was requested to inform Ms. Sisson of the next meeting of the MPSC once an agenda is posted.

Planning Board Request for Comments

Liz Allard stated the Commission has received a request for comments from the Planning Board on an application for Site Plan Approval. The plan is for the increase of parking spaces at 188 Ayer Road (Dunkin Donuts). Ms. Allard stated the area in question has no wetlands associated with it and recommends the Commission has no comments. Members agreed.

Certificates of Compliance

Liz Allard stated she has been reviewing files for expired Order of Conditions with no Certificate of Compliance where work was never completed and Certificates of Compliances that were never recorded. Ms. Allard is requesting the following Certificates of Compliance be issued or re-issued: DEP#177-293 & 365, 93 Ayer Road; DEP#177-512 & 513, 18 & 20 Woodchuck Hill Road; DEP#177-520, 50 Woodside Road; DEP#177-546, Bare Hill Pond; and DEP#177-547, end of Depot Road.

Jim Breslauer made a motion to issue the above-mentioned Certificates of Compliance. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Board of Health Request

Liz Allard had previously distributed a letter from the Board of Health (BOH) in regards to "Preparing for the Effects of Climate Change at the Municipal Level". The BOH is seeking to convene a meeting with representatives from different boards and committees in Town to discuss how Harvard can plan to provide for their residents in the face of these effects. Wendy Sisson stated she would be interested.

Fruitland's Request to Remove Phragmites from Conservation Land

Liz Allard had previously distributed an email from Mike Volmar from Fruitland's requesting the removal of Phragmites from the Conservation Land on South Shaker Road. After a brief discussion, Jim Breslauer made a motion to allow for the removal of the Phragmites by Mike Volmar of the Fruitland's Museum. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Jim Breslauer made motion to adjourn the meeting at 9:08pm. Joanne Ward 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
John Marschall & Rosemary Kolanowski, 93 Ayer Road, Harvard#0914-01
October 2, 2014**

The public hearing was opened at 7:45pm 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, Wendy Sisson, Jim Breslauer, Charlie Gorss and Joanne Ward

Others Present: Liz Allard (LUB Admin) and Roe Kolanowski

This hearing is for a Request for Determination of Applicability filed on behalf of John Marschall and Rosemary Kolanowski for the removal of an existing building within the 100' wetland buffer zone and the 200' riverfront area 93 Ayer Road, Harvard.

Roe Kolanowski was present to discuss with the Commission her plan to remove the existing mill building that has been heavily damaged over the years within the 100 foot wetland buffer zone and 200 foot riparian zone at 93 Ayer Road. Jim Breslauer stated his main concern is protecting the pond at the rear of the building as all of the debris associated with the building is brought down. Ms. Kolanowski has been speaking with several contractors who have indicated the building would be taken down from the front and would not require any heavy equipment at the rear of the building. Ms. Kolanowski stated she is hoping to get the work done by the end of the month. Mr. Breslauer asked how the pond would be protected during the removal of the building. Ms. Kolanowski stated the application indicated the use of erosion controls between the existing building and the pond. The cellar hole that will remain will be filled with gravel, covered with loam and will be allowed to re-vegetate naturally. The Commission requested the use of both silt fence and orange snow fence for erosion controls.

Jim Breslauer made a motion to close the hearing and issue a Negative 3 Determination of Applicability with the following conditions: erosion controls, including silt fence and orange snow fencing, shall be installed to protect the pond, and the Conservation Agent shall inspect installation of barriers prior to the commencement of any activity to remove existing building. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent