

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JULY 17, 2014
APPROVED: SEPTEMBER 4, 2014**

Chairman Paul Willard called the meeting to order at 7:00pm in the Town Hall Meeting Room

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

Others Present: Liz Allard (LUB Admin), Pam Durrant (HCT), Pete Dorward (HCT), Bev Rodrigus, Susan Guswa, Jack Guswa, Glen & Pam Fredrick, Robin Carlaw, Bruce Leicher (BHPWMC), Robert Oliva (Ross Associates), Mary Holtorf, Pablo Carbonell, and Bruce Ringwall (GPR, Inc.)

Discuss Right of First Refusal with Harvard Conservation Trust – 121 Old Littleton Road

Pam Durrant and Peter Dorward, of the Harvard Conservation Trust (HCT), were present to discuss the potential purchase of the Lawton land on Old Littleton Road. Ms. Durrant stated the HCT has an additional abutter to the property who is willing to purchase a portion of the Lawton adjacent to their land, along with preserving it in perpetuity with a conservation restriction. Mr. Dorward had created a rough map of the parcels as they would be look once divided amongst the abutters and the Conservation Commission (Concom). Five parcels would be created; three to be sold to abutters, one for the house lot, and the remaining land to Concom along with a 50' trail easement on the west side of the property connecting to the existing trail on the abutting Conservation land, the Fuller Dudley Woods property. When creating the lots Mr. Dorward tried to match the existing corners lines of the abutting properties. As drafted the lot to be sold the Concom would be approximately 6.2 acres. Also as drafted, the house lot would be 1.5 acres, the minimum lot size under the Town's Protective Bylaw. Wendy Sisson asked if there has been any thought of making house lot larger to make it more desirable to a potential buyer. Ms. Durrant stated it has been thought of, but since the parcel will be surrounded by protected forest land the HCT thought the minimum size was suitable. Ultimately, the septic system will dictate the size of the lot.

The total amount to be received from the abutters will be \$320,000 for a total of 7.5 acres of land. There may or may not be environmental issues on the site; the HCT is working on determining that. The HCT has determined with carrying cost, the total amount for this property will be \$873,000. Between the abutters, the Concom and the sale of the house lot the HCT will be about \$125,000 to \$130,000 short on funds for this purchase. Ms. Sisson suggested additional house lots to aid in the cost. Ms. Durrant stated the HCT was strongly against additional house lots, as they would like to preserve as much of the existing habitat as possible.

Susan Guswa, the abutter at 8 Old Meadow Lane, is willing to purchase a parcel with a conservation restriction in hopes of protecting the woodland. Bev Rodrigus, the daughter of abutter James Dunlap, stated her father is aware of the situation and he too is willing to purchase a parcel of land to help preserve the area. Mr. Dunlap had donated the parcel adjacent to the Lawton land to the Town several years ago in order to preserve the natural beauty of the area.

Ms. Sisson stated she would like to see the parcel the Concom would purchase be one continuous parcel; this makes it easier to know where the boundaries are for monitoring purposes.

After a brief discussion, Jim Breslauer made a motion to authorize the allocation of up to \$150,000 for up to 6.2 acres of land at 121 Old Littleton Road, should the house lot size increase and the remaining land decrease so to will the amount the Commission will pay for the parcel.

Wendy Sisson made a motion to authorize the allocation of \$125,000 for up to 6.2 acres of land at 121 Old Littleton Road. Charlie Gorss seconded the motion. No one voted in favor of the motion.

Joanne Ward seconded the motion by Jim Breslauer. The vote was unanimously in favor of the motion.

Jim Saalfield arrived at 7:20pm

Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Bare Hill Pond, DEP#177-630, Harvard#0514-01. Opened at 7:35pm

Notice of Intent Hearing – Mary Holtorf, 8 Finn Road, DEP#177-629, Harvard#0614-03. Opened at 7:45pm

Discuss Activities at the Town Beach

Jim Breslauer stated he is concerned with recent activities at the Town Beach without consultation with the Commission. Recently the horizontal boards on the fencing, on the edge of the boat ramp access have been removed. The Commission spent a considerable amount of time working out all of the details of the improvements made at the beach in conjunction with the installation of the stormwater management facilities. In addition, the Park and Recreation (P&R) Committee are sponsoring a bonfire on the beach, with no consultation with the Commission. Although the authority of the activity is that of the P&R Committee, they should be discussing these events with Commission as an activity with the Commission's jurisdiction. Members agreed a letter should be sent to the P&R Committee requesting information on the bonfire and explaining the Commission's jurisdiction as it pertains to activities at the Town Beach.

Request for Determination of Applicability Hearing – Harvard Park & Recreation Commission, Ryan Playing Field, Depot Road, Harvard#0714-01. Opened at 8:06pm

Funding for Pesticide License

Wendy Sisson explained she had been approached by the Harvard Garden Club for the purpose of obtaining the appropriate license that would enable her to apply pesticides on municipal land here in Harvard. Ms. Sisson has completed the required courses to do so. At this time Ms. Sisson is requesting the funding for the license. Having this license will aid in the on-going invasive plant management program on Conservation Land. After a brief discussion, Jim Breslauer made a motion to allocate the funding for the appropriate pesticide license for Wendy Sisson. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Request for Determination of Applicability Hearing – Delker Brothers Land Management LLC, Ayer Road (Map 2 Parcel 7.1), Harvard#0714-02. Opened at 8:32pm

Request for Determination of Applicability Hearing – Town of Harvard, Town Beach, Pond Road, Harvard#0714-03. Opened at 8:35pm

Requests for a Certificate of Compliance

Liz Allard stated the Commission has received several Requests for Certificate of Compliance. Ms. Allard has reviewed all of the sites and found them to be in compliance with the Order of Conditions. The sites include 68 Westcott Road, DEP#177-607, 12 Mill Road, DEP#177-622 and 12 Boston Turnpike, DEP#177-626.

Wendy Sisson made a motion to issue the above-mentioned Certificate of Compliance. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Extend Order of Conditions – Slough Road, DEP#177-543

Liz Allard stated the Commission has received a request to extend the Order of Conditions for Joseph Dzekevich & Rita Lancaster for their property on Slough Road. After a brief discussion, Wendy Sisson made a motion to extend the Order of Conditions, DEP#177-543 for one year. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Wendy Sisson made a motion to approve the minutes of June 19, 2014 as amended. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoices

There were no invoices for payment.

FY14 4th Quarter Conservation Fund Update

Liz Allard had previously distributed the fiscal year 2014 fourth quarter conservation funds for the Commission's review. There were no comments from the members.

Kinder Morgan Northeast Expansion Pipeline Project re: Letter to Governor Patrick

Members did not like the proposed letter from the Friends of Willard Brook; Jim Breslauer had drafted a new letter. Wendy Sisson made a motion to send the letter drafted by Jim Breslauer to the Governor in regards to the Kinder Morgan Northeast Expansion Pipeline Project. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Executive Session

Jim Breslauer made a motion to go into Executive Session to discuss the possible purchase of real property, the public discussion of which could have detrimental effects on the negotiating position, only to return to the public meeting to adjourn once completed. Joanne Ward seconded the motion. A roll call vote was taken: Jim Breslauer, aye, Charlie Gorss, aye, Joanne Ward, aye, Wendy Sisson, aye. Paul Willard left the meeting.

Approve Executive Session Willard Minutes

Jim Breslauer made a motion to approve the Executive Session minutes of July 17, 2014. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

After executive session, Jim Breslauer made motion to adjourn the meeting at 9:50pm. 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
Continuation of a Notice of Intent Hearing Meeting Minutes
Bare Hill Pond Watershed Management Committee, Bare Hill Pond,
DEP#177-630, Harvard#0514-01
July 17, 2014**

The public hearing was opened at 7:35pm 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, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin), Bruce Leicher (BHPWMC), and Pablo Carbonell

This hearing was continued from June 19, 2014 for a Notice of Intent filed on behalf of Bare Hill Pond Watershed Management Committee for the annual drawdown of Bare Hill Pond for the management of invasive weeds.

The hearing was previously continued in order to obtain the file number from the Department of Environmental Protection. Liz Allard stated the number has been received with no comments from the Department. Charlie Gorss noted many people have commented to him on there being no draw down this past winter, which allowed for recreational use. Bruce Leicher, the chairman of the Bare Hill Pond Watershed Management Committee, stated the Committee has not made a decision on whether or not to conduct a draw down this year; they are awaiting data collected this week to come back before making that decision.

Pablo Carbonell, a property owner on Bare Hill Pond, stated he would like to see there be a conversation with the users of the pond to see how they feel about the draw downs and their success or lack there of. Mr. Carbonell has heard complaints from the ice fishers about the draw down. In addition, during the eight foot draw down there was a dog stuck out in the mud over night.

With no further discussion, Jim Breslauer made a motion to close the hearing and issue an Order of Condition that allows for a draw down of Bare Hill Pond to a maximum depth of six feet, special conditions, as detailed in the 2001 Order of Conditions shall apply , including the requirement that the Pond Committee shall seek the approval of each yearly drawdown from the Conservation Commission prior to commencement,. 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
Notice of Intent Hearing Meeting Minutes
Mary Holtorf, 8 Finn Road, DEP#177-629, Harvard#0614-03
July 17, 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, Jim Breslauer, Charlie Gorss, Wendy Sisson, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin), Rob Oliva (Ross Associates) and Mary Holtorf

This hearing is for a Notice of Intent filed on behalf of Mary Holtorf for the construction of a sewage disposal system upgrade within the 100' wetland buffer zone at 8 Finn Road, Harvard.

Rob Oliva, of Ross Associates, was present to represent the applicant, Mary Holtorf, who was also present. Mr. Oliva explained the property contains an intermittent stream with an associated bordering vegetated wetland (BVW). The proposed septic system will be between the 50' and 75' setback from the edge of the delineated BVW. The area is current lawn; the system has been designed to be against the existing grade; the toe of the slope is 38' from BVW.

Jim Breslauer stated the vegetable gardens are clearly within the BVW. Wendy Sisson suggested the gardens be moved prior to the final sale of the property.

With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue an Order of Conditions, with the special condition that the gardens are to be moved out of the bordering vegetated wetland. Jim Breslauer 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
Town of Harvard, Park & Recreation Commission, Ryan Playing Field, Harvard#0714-01
July 17, 2014**

The public hearing was opened at 8:06pm 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, Wendy Sisson, Charlie Gorss, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin) and Pablo Carbonell

This hearing is for a Request for Determination of Applicability filed on behalf of Park & Recreation Commission for the rebuilding of the existing dugouts within the 100' wetland buffer zone at the Ryan Playing fields on Depot Road, Harvard.

Pablo Carbonell explained the Little League would like to improve the existing dugouts at the Ryan Playing field on Depot Road. The proposed plan calls for the installation of a concrete pad and roofs at both dugouts. The roof will assist in protecting plays from foul balls in the dugouts. The concrete pad will reduce the muddy situation that occurs there now. Jim Breslauer stated he has a problem with the 3rd base dugout and its proximity to the wetlands; is there any way to move it to the other side of the field along side the other dugout. Mr. Carbonell stated it would make it difficult to coach the player in that manner. Wendy Sisson expressed concerns over the use of fertilizers on the field as the wetlands are directly adjacent to them. It is Mr. Carbonell understanding that the Town is not using fertilizers on this field.

With no further comments, Wendy Sisson made a motion to close the hearing issue a Negative 2 Determination of Applicability. Joanne Ward seconded the motion. The vote was 4-0, with Charlie Gorss abstaining from the vote.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Request for Determination of Applicability Hearing Meeting Minutes
Delker Brothers Land Management, LLC, Ayer Road (Map 2 Parcel 7.1)
Harvard#0714-02
July 17, 2014

The public hearing was opened at 8:32pm 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, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin) and Bruce Ringwall (GPR, Inc.)

This hearing is for a Request for Determination of Applicability filed on behalf of Delker Brothers Land Management, LLC to determine if the area depicted on the plan is subject to the Wetland Protection Act and/or the Harvard Wetland Protection Bylaw on Ayer Road (Map 2 Parcel 7.1), Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. A site walk had been conducted earlier today with Mr. Ringwall, members of the Commission and the Conservation Agent. Mr. Ringwall explained the remaining 12 acres will be divided into two house lots. All associated wetlands on the property will be outside of any proposed activity as detailed on the plan submitted.

With no questions or comments, Jim Breslauer made a motion to close the hearing and issue a Negative 1 Determination of Applicability. 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
Town of Harvard, Town Beach, Pond Road, Harvard#0714-03
July 17, 2014**

The public hearing was opened at 8:35pm 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, Joanne Ward and Jim Saalfield (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing is for a Request for Determination of Applicability filed on behalf of the Town of Harvard for the installation of a handicapped parking space and concrete pathway within the 200' wetland buffer zone at the Town Beach on Pond Road, Harvard.

Liz Allard explained Bill Johnson is seeking to complete the proposed project at the Town Beach that would provide a van-accessible parking spot in the parking lot and provide access to the beach around the existing building. Members reviewed the plans submitted. There will be an increase in pavement of approximately 160 square feet. The existing tree will not be disturbed. The access to the beach will consist of spaced planks that will allow all stormwater to fall through the walkway into a permeable stone/gravel base underneath.

With no further questions or comments, Jim Breslauer made a 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

Discuss Right of First Refusal with Harvard Conservation Trust – 121 Old Littleton Road

- Untitled document detailing the breakdown of proposed lots for 121 Old Littleton Road, Parcels A – E, undated

Notice of Intent Hearing – Mary Holtorf, 8 Finn Road, DEP#177-629, Harvard#0614-03

- Sewage Disposal System Plan, 8 Finn Road, designed for Mary Holtorf, prepared by David E. Ross Associates, Inc., Job No. 29712, Plan No L-12372, dated June 2014

Request for Determination of Applicability Hearing – Harvard Park & Recreation Commission, Ryan Playing Field, Depot Road, Harvard#0714-01

- Harvard Little League, Baseball Dugouts, Ryan Playing Field, 71 Depot Road, Harvard, MA, Floor Plan, dated June 7, 2014
- Harvard Little League, Baseball Dugouts, Ryan Playing Field, 71 Depot Road, Harvard, MA, Cross-Section, dated June 7, 2014
- Harvard Little League, Ryan Playing Fields, Existing Site Plan and Dugout Locations, prepared by Harvard Youth Baseball, dated 9-12-13

Request for Determination of Applicability Hearing – Delker Brothers Land Management LLC, Ayer Road (Map 2 Parcel 7.1), Harvard#0714-02

- Residential Development, Concept Lot Layout Plan, Lot 2 & 3 361 Ayer Road, Harvard, MA, prepared for Delker Brothers Land Management, LLC, prepared by GPR, Inc., Job 071044B, dated July 2014

Request for Determination of Applicability Hearing – Town of Harvard, Town Beach, Pond Road, Harvard#0714-03

- WPA Form 1 – Determination of Applicability, Town of Harvard, dated July 10, 2014

Kinder Morgan Northeast Expansion Pipeline Project re: Letter to Governor Patrick

- Letter to Governor Patrick, dated July 22, 2014