

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 6, 2018
APPROVED: OCTOBER 4, 2018**

Chairman Don Ritchie called the meeting to order at 7:00pm in the Town Hall, 13 Ayer Road, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward and Mark Shaw

Others Present: Liz Allard (LUB Admin), Tim Bragan, John Lee, Steve Sears (Ross Assoc.), Marty Green (Harvard Press), Peter Deng, Steve Moeser, Jack Maloney (Ducharme & Dillis), Carla Page & Peter Cricones (Pine Hill Village), and Scott Evens

Discuss potential development of Kasabian parcel on Poor Farm Road (Map 9 Parcel 4.2.1)
Scott Marcello was not present to discuss this matter.

Discuss potential exchange of conservation land with municipal land and use of Reuben Reed land for parking with Town Administrator

Tim Bragan, Town Administrator, was present to discuss the need for additional playing fields in town for youth sports. During the construction of the new elementary school the softball field will be unusable prompting the need for additional fields in Town. Mr. Bragan stated the Select Board owns a 32 acre parcel of land along Stow Road that is adjacent to another parcel of conservation land, known as Warila. As the land is not suitable for playing fields the Select Board has authorized Mr. Bragan to discuss a land exchange of the Warila land with existing conservation land that would be suitable for playing fields. Those lands include the Stone land on Old Mill Road, approximately 6-7 acres of the Powell land at the corner of East Bare Hill and Brown Road and the Reed land in the Town Center. With the Reed land in conservation it limits its use during events in the Town Center; however there is no plan to convert the Reed land to another use, such as parking. The Commission recently approved this land for the sale of Christmas Trees this holiday season and would continue if under the management of the Select Board.

Paul Willard stated the Reed land is a perfect piece of land to be left alone. Tim Bragan stated the desire is to make it part of the existing Common. Wendy Sisson stated she would be okay with an agreement that would honor the wishes of Reuben Reed. Ms. Sisson stated the Stone land may have restrictions in regards to its use, but as a flat field next to Harvard Park it always looked like a potential site for playing fields. She thought this may have been discussed at the time the town bought the land. She also asked if more than one playing field would fit on the site. Ms. Sisson is opposed to the Powell land for a playing field. Powell now has a beautiful field thanks to the efforts of the Commission to remove the spruce plantation and invasive species from it, not to mention it is a heavily used piece of conservation land. Feedback from the neighborhood should be sought. Tim Bragan stated he will be meeting with the direct abutter to Powell tomorrow. Ms. Sisson stated Powell is a much loved piece of land by the whole neighborhood. As far as the Warila land, Ms. Sisson cautioned that the land is "rough" when Mr. Bragan said he intended to walk it. She explained that the parcel, a forested wetland backed by a steep ridge, was logged about 15 years ago just before it was transferred to the town and the woody vegetation has grown up in thickets.

John Lee, a concerned citizen, stated land purchased for conservation should remain in conservation.

With more detail and questions to be answered, the Commission made no decision on the matter of the exchange of land, however after a brief discussion in regards to allowing parking from

September 17th to October 26th on the No Name Road, which is part of the Reed land, during construction of sets for the filming of Little Woman, Wendy Sisson made motion to permit parking as requested. Mark Shaw seconded the motion. The final vote was 4-1, with Paul Willard voting against the request.

Notice of Intent Hearing – Laura Andrews, 13 Scott Road, DEP#177-666, Harvard#0818-02.
Opened at 7:40pm

Notice of Intent Hearing – Acorn Realty Trust, 14 Park Lane, DEP#177-667, Harvard#0818-03.
Opened at 7:45pm

Request to Extended the Order of Conditions Pine Hill Village, Stow Road (Map 36 Parcels 85 & 86.1), DEP#177-586

Wendy Sisson made a motion to extend the Order of Conditions for Pine Hill Village to November 6, 2018. Jaye Waldron seconded the motion. The vote was 4-1, with Paul Willard opposing.

Wetland Violation – 30 Bolton Road

Andrew Ashe was present to discuss the activity on his property within the 100' wetland buffer zone without a permit. Mr. Ashe stated the north side of his property beyond the existing driveway has been eroding due to the existing slope. In order to resolve that issue Mr. Ashe had the area regraded, installed gravel and covered with loam and seed. The area has been stabilized as grass is growing well. After a brief discussion, Wendy Sisson made a motion to require the filing of a Request for Determination of Applicability for the above mentioned activity. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Jaye Waldron made a motion to approve the minutes from the executive session of June 21, 2018, and the meeting minutes from August 2 and 16, 2018, as amended. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Streamline Permitting/Permitting Guide

Liz Allard had previously distributed information on MGL Chapter 43D Expedited Local Permitting (aka Streamline Permitting) and Permitting Guides prepared by Montachusett Regional Planning Commission (MRPC). Part of the requirements under Chapter 43D is that a community will provide for the development or redevelopment of a building of at least 50,000 square feet of gross floor area. Since it is clear this is not the type of development Harvard is willing to support, adopting Chapter 43D would not be recommended.

However, in an effort to make the process of applying to the various Land Use Boards, Ms. Allard is recommending the development of a Permitting Guide. That would include the Board of Health, Conservation Commission, Historical Commission, Planning Board and Zoning Board of Appeals. Ms. Allard has met with MRPC in regards to the Permitting Guides they developed for both Gardner and Shirley. Funding for the development of these guides can be obtained from MRPC's District Local Technical Assistance grant.

The members supported the effort to create a permitting guide for those Boards and Commission mentioned above.

Request to Amend Order of Conditions, 26 Bolton Road, DEP#177-665

The Commission discussed a request to amend the order of conditions for 26 Bolton Road. The applicant has requested the removal of existing trees between the 50' and 100' buffer zone. Don Ritchie made a motion to allow this amendment as *De Minimus*. The Applicant must mark the trees for removal to be reviewed by the Conservation Agent. In addition, it shall be explained to the applicant, the concern with the removal of too many trees in the area due to the large amount of stormwater that flows through that area; therefore the removal of vegetation in that area will be limited to 10% of the overall canopy.

Certificate of Compliance – 14 Park Lane, DEP#177-613

Wendy Sisson made a motion to issue the Certificate of Compliance for 14 Park Lane, DEP#177-613 as an incomplete order of conditions. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Holy Hill Dancing Grounds fencing repair — request funds for materials

Wendy Sisson made motion to allocate \$1,500.00 for low fence on Holy Hill that is in need of repair. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Request for Comments

- Planning Board – 325 Ayer Road – no comments
- ZBA – 62 Old Littleton Road – The application provided little detail on the reconstruction of an existing dwelling within 35' of a wetland resource area. Comments will be sent requesting the applicant consider applying the setbacks set out in Chapter 147-17 as much as possible, as well as the additional details to be included on the site plan submitted with the Notice of Intent.

Discuss 50' Buffer Zone Remediation – 223 Bolton Road, DEP#177-639

Don Ritchie and Joanne Ward visited the site on August 28th with Liz Allard to determine any further action by the Commission to bring the site into compliance. An existing pile of boulders shall be moved to create a border at the 50' buffer zone. The 50' – 100' buffer zone has re-vegetated well and will not require any additional plantings.

Follow-up letter for tree removal within buffer zone – 21 Eldridge Road

There were no requested revisions to the letter as drafted.

Requested Information Regarding Harvard CPA Projects

There was no update to this item this evening.

Preservation of open space along Willard Lane

The Commission received an inquiry in August with interest of a single-family house and the preservation of the remaining land. Wendy Sisson suggested to the individual he speak with Harvard Conservation Trust on the matter.

Smith Land Acquisition, Littleton County Road (Map 14 Parcel 56)

The original allocation for the Smith land was based on 12 acres of land at \$3,000/acre. The land is actually 12.79 acres; therefore the Commission needs to allocate an additional \$2370.00 for the purchase of the Smith land. Wendy Sisson made a motion to that effect. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Representatives from Sudbury Valley Trustees (SVT) would like to attend the next meeting of the Commission to discuss the management plan for the land. Wendy Sisson stated she is working on a management agreement between the Commission and SVT.

Deer Management Subcommittee

Wendy Sisson stated the subcommittee has been changed from seven members to five. The committee will be made of up the following Harvard residents:

- Bob Douglas, Director of Conservation for the Town of Andover
- Paul Willard, Conservation Commission
- Tom Cotton, Harvard Conservation Trust
- Ben Urquhart, a trained forester
- Jason Cole, Citizen at Large

Bob Douglas will serve as the chair of the committee and Don Ritchie will serve as the Conservation Commission alternate. Initial terms will be for two year terms. Tom Philippou from the Board of Health (BOH) will be copied on all correspondence in order to keep BOH informed.

Jaye Waldron made a motion to amend the charter of the Deer Management Subcommittee by reducing the membership from seven to five. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson made a motion to appoint the above listed individuals to the Deer Management Subcommittee. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Community Preservation Committee FY2020 Application

Wendy Sisson made a motion approving the FY2020 Community Preservation Committee application in the amount of \$200,000. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Discuss Potential Acquisition of unbuildable Land owing back taxes adjacent to Black Pond & Woodside Road

After a brief discussion of the advice received from Town Counsel, which stated getting Mass Department of Revenue to forgive taxes is difficult, therefore any outstanding taxes would need to be paid no matter who or for what purpose the land is purchased. With the Commission having limited funding for open space protection, and the back taxes owed being more than the value of the land for conservation, they are unable to obtain either of these properties for open space.

Follow-up on Encroachment on Bare Hill Wildlife Sanctuary

Wendy Sisson stated the clearing done in 2015 by the property owners at 208 Bolton Road on the abutting conservation land has become infested with invasive plants. Ms. Sisson requested the Conservation Agent obtain a proposal from Bransfield Tree Company, LLC, who has completed other invasive plant management proposals in Town, for the remediation of this area.

The following items appeared on the agenda under "Pending Business" and nothing new to report at this time unless otherwise noted:

- Discuss Potential Gift of Land – Brown Road
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations
- Open Space Committee

Adjournment

Paul Willard made a motion to adjourn the meeting at 9:40pm. Wendy Sisson 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
Laura Andrews, 13 Scott Road, DEP#177-666, Harvard#0818-02
September 6, 2018**

The public hearing was opened at 7:40pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward and Mark Shaw

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press) and Steve Sears (Ross Assoc.)

This hearing is for a Notice of Intent filed on behalf of Laura Andrews for the replacement of a sewage disposal system with components within the 100' wetland buffer zone at 13 Scott Road, Harvard.

Steve Sears, of Ross Associates, explained the existing leach field is located adjacent to the wetland; the proposed plan locates it to the opposite side of the dwelling, further from the wetland. The pump chamber is unable to be shifted due to Title V requirements and the topography of the land. Appropriate sediment control barriers will be installed to protect the wetland from any adverse impact.

Paul Willard made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. 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
Notice of Intent Hearing
Acorn Realty Trust, 14 Park Lane, DEP#177-667, Harvard#0818-03
September 6, 2018**

The public hearing was opened at 7:45pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron Joanne Ward and Mark Shaw

Others Present: Liz Allard (LUB Admin), Marty Green (Harvard Press), Peter Deng, Steve Moeser, Jack Maloney (Ducharme & Dillis) and Scott Evens

This hearing is for a Notice of Intent filed on behalf of Acorn Realty Trust for the replacement of a sewage disposal system with components within the 100' wetland buffer zone at 14 Park Lane, Harvard.

This application for the replacement of an existing septic system had been previously permitted in 2013; however the Order of Conditions expired prior to the start of any activity. The Commission conducted a site walk this week.

With no new questions or comments, Jaye Waldron made a motion to close the hearing and issue an Order of Conditions with the additional condition that the sediment control barrier will be installed from the edge of the driveway, along the tree line to the rear of the dwelling. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

Conservation Commission Agenda, dated September 6, 2018

Discuss potential exchange of conservation land with municipal land and use of Reuben Reed land for parking with Town Administrator

- Map of Abbott-Reed-Powell Land – East Bare Hill Road, dated September 4, 2018
- Map of Reuben Reed Land – Town Center, dated September 4, 2018
- Map of Stone Land – Old Mill Road, dated September 4, 2018
- Map of Warila Land – Stow Road, dated September 4, 2018

Notice of Intent Hearing – Laura Andrews, 13 Scott Road, DEP#177-666, Harvard#0818-02

- Sewage Disposal System, Laura Andrews, 13 Scott Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 32388, Plan No. L-13589, dated July 2018

Notice of Intent Hearing – Acorn Realty Trust, 14 Park Lane, DEP#177-667, Harvard#0818-03

- Sewage Disposal System, William & Carolyn Herbert, 14 Park Lane, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 23377, Plan No. L-11972, dated December 2012

Request to Extended the Order of Conditions Pine Hill Village, Stow Road (Map 36 Parcels 85 & 86.1), DEP#177-586

- Letter from Pine Hill Village, LLC, RE: Pine Hill Village, date August 23, 2018

Approve Minutes

- DRAFT HARVARD CONSERVATION COMMISSION EXECUTIVE SESSION MINUTES, JUNE 21, 2018, prepared by Liz Allard
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, AUGUST 2, 2018, prepared by Liz Allard
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, AUGUST 16, 2018, prepared by Liz Allard

Request to Amend Order of Conditions, 26 Bolton Road, DEP#177-665

- Email from Fred Alach, to Liz Allard, Subject: request to remove trees from property, dated September 1, 2018
- Image, dated September 1, 2018

Holy Hill Dancing Grounds fencing repair — request funds for materials

- Letter from Philip Knoettner, to lallard@harvard.ma.us, msisson@charter.net, Marc.sevigny@gmail.com, Subject: Cost estimates for dancing ground fence replacement, dated August 24, 2018 at

Deer Management Subcommittee

- Harvard Conservation Commission Deer Management Subcommittee, revised August 4, 2018

Discuss Potential Acquisition of Land adjacent to Black Pond & Woodside Road

- Preserving Land with outstanding taxes_Town Counsel advice.pdf,dated September 4, 2018