

**_HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 3, 2019
APPROVED: DECEMBER 5, 2019**

Vice Chair Paul Willard called the meeting to order at 7:01pm 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: Paul Willard, Wendy Sisson, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate member)

Others Present: Liz Allard (LUB Admin), Bruce Ringwall (GPR, Inc.), Sherry Gould, Chris MacKenzie (Ducharme & Dillis Civil Design Group), Neil Gorman (Ross Associates, Inc.), Pradeep and Marisa Khurana, Marty Green (Harvard Press), Ken Carter (Community Harvest Project), and Bob Douglas (Deer Management Subcommittee)

Discuss Driveway Easement with Attorney Gould for 98 Shaker Road

Members of the Commission, along with Attorney Sherry Gould, reviewed the site in April, at which time they discussed releasing the requirement within the deed that states the driveway to 98 Shaker Road shall be moved off of the conservation land when the property is transferred to a new owner. Attorney Gould stated her client, the new owner of 98 Shaker Road, would prefer to continue using the driveway as it has been for years and allow the Town to access its land through the existing easement off the driveway. Wendy Sisson explained to the Commission that although it appears the land managed by the Commission is the entire field, the property line between the conservation land and 98 Shaker Road actually runs through the field. Additional an existing swale would make access difficult for maintenance of the field if the easement across the existing driveway for 98 Shaker Road was terminated. Ms. Sisson suggested a land swap between the two parties. Attorney Gould stated it would be very difficult for her client to comprehend such an agreement. After a discussion of possible solutions the Commission and Attorney Gould concluded a new language should be drafted that releases the requirement to move the driveway to 98 Shaker Road off of the conservation land known as Shaker Reservoir and allow the existing easements to remain. Attorney Gould will draft that language for review by Town Counsel.

Update and next steps with Discuss Deer Management Subcommittee

Bob Douglas, chair of the Deer Management Subcommittee (DMS), presented the Commission with information requested previously in regards to allowing hunting on conservation land. Mr. Douglas and members of the DMS have reviewed the deeds of the recommended parcels of land and have not found any restrictions pertaining to hunting on those parcels. The DMS has drafted a flyer as a handout at the Town Meeting on October 28th. Wendy Sisson has reviewed the flyer with suggested edits. Ms. Sisson will be attending the Select Board meeting this coming Tuesday to ask them to not support the warrant article that would band hunting on all conservation land in Town.

A draft response to the Commission September 19th vote to accept the report of the Deer Management Subcommittee and the Commission's next steps was previously circulated to the members for their review. After a brief discussion, Wendy Sisson made a motion to approve the response. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson made a motion to oppose Warrant Article #18 a citizen petition opposing hunting on conservation land. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Notice of Intent Hearing – Matthew Ellis, 62 South Shaker Road, DEP#177-679 Harvard#0619-02. Opened at 7:47pm

Continuation of a Notice of Intent Hearing – IRA Financial Trust Co., Lot 1 Pinnacle Road (Map 13 Parcel 28.1), DEP#177-681 Harvard#0719-01. Opened at 7:47pm

Discuss Maintenance at Thurston's Cove with Pradeep Khurana of 110 Warren Avenue

Pradeep and Marisa Khurana were present to discuss the maintenance proposals submitted to the Commission last month. After briefly discussing the proposals Liz Allard stated the total amount the Commission is responsible for will not require the Commission to go out to bid for this maintenance. Wendy Sisson made a motion to allocate up to \$2500 from conservation fund for the Commission share of the maintenance of the driveway to Thurston's Cove, along Warren Avenue. Jim Burns seconded the motion. The vote was unanimously in favor of the motion. Ms. Allard will confirm with the Department of Public Works that the proposal by Lazaro is suitable for the maintenance of the driveway.

The necessity of additional and/or improved signage along with clear indication that the driveway is access to a home as well as conservation land was discussed with an understanding that this will require further discussion in the near future. Mr. Khurana further questioned the Town's liability in regards to the existing condition of the driveway. Mr. Khurana was assured, as has the Commission over the years that the Town has suitable coverage should an incident take place. Mr. Khurana asked if those who insure the Town are aware of the condition of the driveway. Ms. Allard stated the Town Administrator has viewed the driveway; therefore he is aware of its condition.

With time of the essence to get this work completed before winter Marisa Khurana stated she would contact Lazaro for scheduling the work.

Community Preservation Committee Fiscal Year 2021 Application

Ken Crater, of Community Harvest Project (CHP), was present to explain the desire CHP to obtain an Agricultural Preservation Restriction (APR) on the property along Prospect Hill Road. Over the past few years CHP has been working towards a way to remain sustainable at this location. The property was originally gifted to CHP, but maintaining the property was and remains an expensive undertaking. CHP is in the process of raising funds through the sale of the APR. CHP is current working with Massachusetts Department of Agricultural Resources (MDAR) to obtain the initial step towards the approval of an APR. CHP has received a Letter of Interest from MDAR recommending CHP move forward with an appraisal and other requirements that will move the project forward.

CHP has been working with Harvard Conservation Trust (HCT) and Sudbury Valley Trustees (SVT) to gain additional funding support from these two groups. There is a potential to receive up to \$750,000 in funding from MDAR, with required matching funds from other sources. Mr. Carter stated HCT has committed a substantial amount of money as this is a priority to them for conservation and important trail connection. SVT has voted to support the project and dedicate staff time to raise funds.

Mr. Carter attended the Community Preservation Committee (CPC) meeting last week to gain support of the Town through available Community Preservation Act funding. CHP is seeking \$500,000 in funding from the Town in order to make the project work. CHP would apply to CPC for the full amount over a two year period (fiscal years 2021 and 2022). The MDAR process requires Federal approval, therefore timing of funding from CPC would work out as CHP would not be able to finalize the APR until the summer of 2021.

Wendy Sisson stated the Commission had previously voted to submit an application to CPC for \$200,000 for the conservation fund, but she would suggest the Commission also submit a co-application with CHP for \$500,000 over a two-year period for the purchase of the APR. Ms. Sisson explained the benefits of the project and how it aligns with the Commission open space goals.

Jim Burns made a motion that the Commission will submit a joint application with Community Harvest Project for \$500,000 over a two-year period for the purchase of an Agricultural Preservation Restriction for the property owned by Community Harvard Project along Prospect Hill Road. Joanne Ward seconded the motion. The motion was unanimously in favor of the motion.

Notice of Intent - Ron Kline, 18 Park Lane, Harvard#0919-02. Opened at 8:21pm.

Request for Proposals – Sudbury Valley Trustees

It was recommended to pass over this request at this time.

Comments in regards to Park Street sign on Reuben Reed Land

After a brief discussion Wendy Sisson made a motion to inform the Department of Public Works, as conservation land the road on the Reuben Reed land, the road should be named No Name Road, as it has been known for years or Cemetery Street as shown on the assessor's map. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Request to use Reuben Reed land by Bromfield Booster Club for the sale of Christmas Trees

Wendy Sisson made a motion to approve the use of the Reuben Reed land for the 2019 sale of Christmas trees by the Bromfield Booster Club. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Appoint Peter von Conta to the Land Stewardship Subcommittee, term to expire 3/31/2021

With the departure of Carl Sciple from the Land Stewardship Subcommittee Wendy Sisson made a motion to appoint Peter von Conta to fill the remaining term until March 31, 2021. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Forest Stewardship Plan Proposals

Wendy Sisson stated she will continue to work with the State Forester and Derek Beard on this project.

Approve Minutes

Wendy Sisson made a motion to approve the minutes of August 15, 2019. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Update Pine Hill Village

Liz Allard stated the Zoning Board of Appeals are still working out bond details with the developer as well as waiting for receipt of funds for the site monitoring as required by the contract with Nitsch Engineering.

Accepting Precipitation Frequency Statistics prepared by the Northeast Regional Climate Center at Cornell University

This item was tabled this evening.

Adjournment

Wendy Sisson made a motion to adjourn the meeting at 9:55pm. 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 Minutes
Matthew Ellis, 62 South Shaker Road
DEP#177-679, Harvard#0619-02
October 3, 2019**

The public hearing was opened at 7:47pm by Vice Chair Paul Willard under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

Members Present: Paul Willard, Wendy Sisson, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from September 5, 2019 for a Notice of Intent filed on behalf of Matthew Ellis for the construction of a garage within 100' of a wetland resource area at 62 South Shaker Road, Harvard.

At the request of the applicant's representative, Wendy Sisson made a motion to continue the hearing to October 17, 2019 at 7:30pm in the Town Hall, 13 Ayer Road, Harvard. 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 Minutes
IRA Financial Trust Co., Lot 1 Pinnacle Road (Map 13 Parcel 28.1)
DEP#177-681, Harvard#0719-01
October 3, 2019

The public hearing was opened at 7:47pm by Vice Chair Paul Willard under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

Members Present: Paul Willard, Wendy Sisson, Joanne Ward, Jim Burns, Mark Shaw Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin)

This hearing was continued from September 19, 2019 for a Notice of Intent filed on behalf of IRA Financial Trust Co. for the construction of a single-family dwelling, driveway, private well and sewage disposal system within the 100' of a wetland resource area on Lot 1 Pinnacle Road (Map 13 Parcel 28.1), Harvard.

Neil Gorman, of Ross Associates, presented the Commission with a revised plan as requested previously. After debating the need for a waiver from the 75' no build requirement under Chapter 147-17 the Commission requested the house be reconfigure house so that the proposed deck is the only structure within the 75' setback and no closer than 64' to the wetland resource area. Mr. Gorman noted a portion of the driveway is still within the 75' setback. The Commission did not have an issue with the driveway within the 75' setback. As drafted the letter in regards to the gift of Parcel B was okay with the Commission.

With minor revisions to be made to the plan Jim Burns made a motion to continue the hearing to October 17, 2019 at 7:25pm in the Town Hall, 13 Ayer Road, Harvard. 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 Minutes
Ron Kline, 18 Park Lane, Harvard#0919-02
October 3, 2019**

The public hearing was opened at 8:21pm by Vice Chair Paul Willard under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

Members Present: Paul Willard, Wendy Sisson, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin) and Chris MacKenzie (Ducharme & Dillis Civil Design Group)

This hearing is for a Notice of Intent filed on behalf of Ron Kline for the installation of a new Presby© type septic system and grading within the 100' buffer zone of a wetland resource area 18 Park Lane, Harvard.

Chris MacKenzie, from Ducharme & Dillis, explained the plan of removing an existing failing septic system and installing a new Presbey© system in the general location. There is a small wetland feature under the jurisdiction of the Harvard Wetland Bylaw on the south side of the property, along with additional wetland resource to the west. Liz Allard along with Jack Maloney, from Ducharme and Dillis, reviewed the site earlier this week. Ms. Allard had no additional comments on the proposal.

Without a Department of Environmental Protection file number the Commission was unable to close the hearing, therefore Jim Burns made a motion to continue the hearing until October 17, 2019 at 7:45pm in the Town Hall, 13 Ayer Road, Harvard. 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 October 3, 2019

Continuation of a Notice of Intent Hearing – IRA Financial Trust Co., Lot 1 Pinnacle Road (Map 13 Parcel 28.1), DEP#177-681 Harvard#0719-01

- Sewage Disposal System, IRA Financial Trust Co., Pinnacle Road, Harvard, MA, Job No. 32825, prepared by Ross Associates, Inc., dated 6/21/19
- Letter to the Harvard Conservation Commission, from Jingfu Guo, owner IRA Financial Trust Company, Lot B 166 Littleton Road, Harvard Conservation Gift Letter, undated

Notice of Intent - Ron Kline, 18 Park Lane, Harvard#0919-02

- Sewage Disposal System Design, 18 Park Lane (M: 13, PCL: 53), Harvard, Massachusetts, Job No. 6105, prepared by Ducharme & Dillis Civil Design Group, dated 9/20/19

DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, August 15, 2019, prepared by Liz Allard