

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 19, 2018  
APPROVED: AUGUST 16, 2018**

Chair Paul Willard 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:** Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Steve Franzeim, Frank Carlson, Bruce Ringwall (GPR, Inc.), Clare Ringwall, Laura Mattei (Sudbury Valley Trustees), Lynda Moulton, Ashley Davies (Sudbury Valley Trustees), David Outman (Harvard Conservation Trust), Libby Levison (Board of Health) and Peter Cricones

**Wetland Enforcement - Tree Removal, 21 Eldridge Road**

Steve Franzeim was present to discuss recent tree removal on his property at 21 Eldridge Road within 200' of a pond and 100' of a bordering vegetated wetland (BVW). In total twelve trees were removed, including some along the steep bank of the pond. The trees removed were causing a threat to the house and human safety. The proper process to follow when conducting this type of activity was explained to Mr. Franzeim. The Commission agreed along the steep bank the tree stumps are not to be ground to grade and no further activity is to take place along this slope, including the spreading of woodchips. Woodchips are also not to be spread within the 50' buffer zone of the pond or BVW. No additional work shall take place without a permit. Mr. Franzeim can contact the Conservation Agent to further discuss where wood chips can be placed and any filing that would be necessary for any additional work.

**Request to allow Public Water Supply Well Radius on Dunlap Conservation Land**

Bruce Ringwall, of GPR, Inc., was present along with Franklin Carlson, of Carlson Orchard, to discuss the farm's desire to add a tasting room. Nashoba Associated Boards of Health have stated a public water supply (PWS) would be required for such a use. As a PWS there is a Zone 1 well radius of 100' in which there shall be no manmade structures. With current activities and structures on the site the best location for sighting the well would put the 100' well radius onto the abutting conservation land known as Dunlap. Permission to include the land area on Dunlap would be required by the Commission. After a brief discussion the Commission was agreeable to the request and looks forward to receiving additional information as this matter progresses.

**Determination of Applicability Hearing – Laura Mattei, Sherry Road (Map 27 Parcel 3), Harvard#0718-01.** Opened at 7:30pm

**Resignation of Carl Sciple**

Members agreed a letter should be sent to Carl Sciple thanking him for his time on the Commission and his continued service on the Land Stewardship Subcommittee. Mark Shaw has acknowledged that he is interested in filling the vacancy left by Mr. Sciple. Mr. Shaw stated as an outdoor enthusiast and a life long resident of Harvard he has extensive knowledge of the land in Harvard. Mr. Shaw understands that his opinions on what a land owner can do on his land may differ from that of some of the members of the Commission, and State and local laws, but hopes he can find a balance that best serves the Commission.

Joanne Ward made a motion to recommend to the Select Board the appointment of Mark Shaw to the remainder of Carl Sciple's term. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

**Continuation of a Notice of Intent Hearing – YYT Harvard LLC, 166 Littleton Road, DEP#177-660, Harvard#0118-01.** Opened at 7:54pm

**Board of Health Request for Tick Signs on Conservation Land**

Libby Levison, chair of the Board of Health (BOH), was present to discuss the free tick informational signs that can be obtained from the Center for Disease Control (CDC). BOH would obtain the signs and with permission from the Conservation Commission, install them at trailheads around Town. Wendy Sisson stated the Land Stewardship Subcommittee would be willing to install the signs this fall in exchange for the BOH looking into a smaller sized sign, as the one from the CDC is bigger than any of the other signs installed by the Commission on the trails. Ms. Levison will work on finding small informational signs for installation this fall. Ms. Levison thanked the Commission for their support on this matter.

**Discuss Smith Land Acquisition, Littleton County Road (Map 14 Parcel 56), with Ashley Davies of Sudbury Valley Trustees**

Ashley Davies, Senior Land Protection Specialist at Sudbury Valley Trustees (SVT), was present to discuss the purchase of the Smith land along the Harvard-Littleton Town line. Wendy Sisson discussed the hidden gem of the Black Pond area. Ms. Sisson suggested SVT manage the Smith land in Harvard along with the additional Smith land in Littleton. The Smith land in Harvard provides direct access to Black Pond.

A Memorandum of Understanding will need to be drafted between the Commission and SVT to detail the concerns expressed by Ms. Sisson this evening, which she will provide in writing to Ms. Davies. The Commission agreed a management plan shall be in place at the time of the sale. Ms. Davies will provide management agreements between SVT and other towns as a starting point for the Smith land. A November closing date was agreed upon by those present.

**Discuss Potential Acquisition of Land adjacent to Black Pond with Lynda Moulton**

Lynda Moulton was present to discuss the potential of the Commission purchasing a portion of her land for conservation purposes. Ms. Moulton's property abuts the Black Pond area, which she had been a steward of for about 35 years, however not as much over the past few years due to ticks. An existing trail on her land leads to the Deny land and Black Pond. Ms. Moulton has been trying to sell her 12 acre property for a number of years now without success, which she feels is due to the size of the property and the assessed value. Forty percent of Ms. Moulton's income is currently going to pay the taxes on the property. Ms. Moulton took advantage of deferring the property taxes a number of years ago, which she believes is in the range of \$48,000 to \$55,000 at this point. Wendy Sisson stated there may be interest in the back four acres, but it is not an ideal location to protect without protection of parcels on either side.

**Request to Extend Pine Hill Village Order of Conditions, Stow Road, DEP#177-586**

Peter Cricones was present to request the extension of the Order of Conditions (OOC) issued in 2011 for Pine Hill Village. Mr. Cricones stated he has been working with the engineers to complete the final plans as required by the Comprehensive Permit issued by the Zoning Board of Appeals (ZBA). Mr. Cricones stated the land has not changed over the past seven years, but the plans have changed due to septic system requirements. Mr. Cricones is requesting the OOC be extended for two years.

The Commission was perplexed on whether or not to issue an extension. The OOC has been valid for seven years due to the Permit Extension Acts of 2010 and 2012. Typically the Commission does not extend beyond six years. The Commission requested the Conservation Agent obtain additional advice on the matter from the Department of Environmental Protection and the ZBA consultant at Nitsch Engineering, including should the Commission allow for an amendment of the OOC or require a new Notice of Intent (NOI); are there advantages to have a new NOI; is the Commission risking making the project uneconomical by asking for a new NOI;

what are the consequences of requesting an NOI; and what is the significant change requiring a new NOI. This discussion was continued to the August 2<sup>nd</sup> meeting of the Commission.

#### **Update from Community Preservation Committee Meeting**

Due to the lateness of the evening this item was passed over

#### **Requested Information Regarding Harvard CPA Projects**

Due to the lateness of the evening this item was passed over

#### **Approve Minutes**

Due to the lateness of the evening this item was passed over

#### **Approve Invoices**

Wendy Sisson made a motion to approve the following invoices:

- MACC Annual Dues -\$867.00
- Bare Hill Pond Homeowners Association Road Dues - \$100.00
- Turner Lane Association Road Assessment - \$150.00

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

#### **Planning Board Request for Comments**

- 41 Woodchuck Hill Road – No wetlands or associated buffer zone, therefore no comment
- 168 Bolton Road – All activity is outside the 100' wetland buffer zone; request erosion control barrier along 100' wetland buffer line at edge of proposed driveway

#### **Master Plan Recommendations Update**

Due to the lateness of the evening this item was passed over

#### **Annual Town Beach Bonfire, July 27, 2018**

Wendy Sisson made a motion approving the annual bonfire at the Town Beach as detailed in the letter from the Beach Director, Alexandra Luck, received on July 18, 2018. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

#### **Request for Certificate of Compliance – 71 Old Littleton Road, DEP#561**

Wendy Sisson made a motion to issue the Certificate of Compliance for 71 Old Littleton Road. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

#### **Election of Officers**

Due to the lateness of the evening this item was passed over

#### **Potential Turf Field along Pond Road**

Jim Burns will attend the Bare Hill Pond Watershed Management Committee meeting on July 23<sup>rd</sup> at which the matter of a turf field along Pond Road will be discussed with all of the stakeholders. Although the proponents of the potential turf field have already been informed of the wetlands that abut the field in question, they should be reminded that any activity within 100' of these wetlands will require a filing with the Conservation Commission.

#### **Executive Session**

This item was unnecessary this evening

**The following items appeared on the agenda under “Pending Business” and nothing new was reported at this time unless otherwise noted:**

- Preservation of open space along Willard
- Discuss Potential Gift of Land – Brown Road
- Smith Land

- Deer Management Update
- Potential Open Space – Woodside Road, Map 30 Parcel 14
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations
- Open Space Committee

**Adjournment**

Joanne Ward made a motion to adjourn the meeting at 9:57pm. Jim Burns 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  
Laura Mattei, Sherry Road, Harvard#0718-01  
July 19, 2018**

The public hearing was opened at 7:30pm by Chairman 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, 13 Ayer Road, Harvard

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Laura Mattei (Sudbury Valley Trustees) and David Outman (Harvard Conservation Trust)

This hearing is for a Request for Determination on behalf of Laura Mattei for trail improvements on the Harvard Conservation Trust land known as Horse Meadow Knoll along Sherry Road (Map 24 Parcel 3), Harvard.

Laura Mattei, Director of Stewardship for Sudbury Valley Trustees, was present to discuss the rerouting of the trail on Horse Meadow Knoll to assist in avoiding areas that are seasonally wet. During the site walk with members of the Commission the location where a bog bridge may be necessary due to seasonally high stormwater was reviewed. SVT will determine next spring if this bridge is actually necessary. This type of bridge lies on the ground and requires no ground disturbance to install.

Jim Burns made a motion to close the hearing and issue a Negative #2 Determination of Applicability. 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  
Continuation of a Notice of Intent Hearing Meeting Minutes  
YYT Harvard LLC, 166 Littleton Road, DEP#177-660, Harvard#0118-01  
July 19, 2018**

The public hearing was opened at 7:45pm by Chairman 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, 13 Ayer Road, Harvard.

**Members Present:** Paul Willard, Wendy Sisson, Jaye Waldron Joanne Ward, Jim Burns and Mark Shaw (Associate Member)

**Others Present:** Liz Allard (LUB Admin)

This Notice of Intent was continued from June 6, 2018, which was filed on behalf of YYT Harvard, LLC for the construction of a single-family dwelling, driveway, well and sewage disposal system, with a portion of the work within the 100' wetland buffer zone on Lot 1 166 Littleton Road, Harvard.

The Conservation Commission received a letter on July 17, 2018 from the applicant, which indicated the lot for which the Notice of Intent was filed was now under the ownership of IRA Financial Trust Company. No one was present to represent the applicant, nor was a written request received to continue the hearing. With the property no longer owned by the applicant and the Commission not in receipt of an updated Notice of Intent with the new owners information and signature, Wendy Sisson made a motion to deny an Order of Conditions based on lack of information. 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**

### **Conservation Commission Agenda, dated July 19, 2018**

#### **Wetland Enforcement - Tree Removal, 21 Eldridge Road**

- Six undated photos of 21 Eldridge Road

#### **Request to allow Public Water Supply Well Radius on Dunlap Conservation Land**

- Site Map Carlson Orchard 115 Oak Hill Road Harvard, Massachusetts, prepared by Northeast Geoscience, Inc., Figure 2, dated 07/09/2018

#### **Approve Invoices**

- MACC ANNUAL DUES Fiscal Year 2019, Invoice#FY190125, dated 7/1/2018
- Bare Hill Pond Homeowners Association, 2018
- 2018 ROAD ASSESSMENT FOR TURNER LANE, HARVARD, MA, DATED July 1, 2018

#### **Annual Town Beach Bonfire, July 27, 2018**

- Letter from the Beach Director, Alexandra Luck, received on July 18, 2018