

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 11, 2018
APPROVED: FEBRUARY 1, 2018**

Chairman Paul Willard called the meeting to order at 7:04pm 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, Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Carl Sciple and Mark Shaw (Associate Member)

Others Present: Liz Allard (LUB Admin), Peter Dorward (HCT), Marty Green (Harvard Press), Russ Wilson (R. Wilson Associates) and Peter Cricones (Pine Hill Village)

Update Pine Hill Village, Stow Road, DEP#177-586

Peter Cricones, owner of the Pine Hill Village property, was present along with his representative, Russ Wilson, of R. Wilson Associates to discuss the wetland delineation and installation of the erosion controls on the site. Mr. Cricones stated the wetland flags on the southern portion of the property have been re-installed using the wetland delineation completed in 2011 by Mike Turgeon. Erosion control barriers have been relocated as well based on the revised plan, which has not been approved by the Conservation Commission or any other board.

After discussing the concerns of the Commission in regards to the wetland delineation and the commencement of activity on the site, Mr. Cricones agreed to request David Crossman, of B&C Associates, attend the site inspection scheduled for January 16th at 8:30am. Mr. Cricones was informed that once the erosion controls are agreed upon no further activity shall take place on the site until all final plans have been approved by the necessary boards and commissions (Zoning Board of Appeals, Board of Health and Conservation).

Request to further remove tree at 2 Stonecutter's Path

The property owners, John and Andrea Pelak, had received an Emergency Certification (EC) in November to remove trees that were a threat to human safety on their property at 2 Stonecutter's Path. The EC stated the tree at the roadway was to be cut to just below the existing power lines, as opposed to being completely removed, because it serves as habitat for wildlife by way of existing cavities within the trunk of the tree. The Pelak's requested time on the agenda to discuss the possibility of removing the entire tree. Although informed of the date and time of tonight's meeting, there has been no other communication from the Pelak's since their request.

Carl Sciple has reviewed the tree and agrees with the Conservation Agent that it is stable and does not cause an immediate threat to human safety, with that said Don Ritchie made motion that the decision made within the Emergency Certification issued to John Pelak on November 14, 2017 stands, and that the tree along the roadway is not to be cut down any further then detailed in the Emergency Certification. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Monetary & Other Warrant Articles for 2018 Annual Town Meeting to support Open Space Protection

- **Conservation Fund**

The Commission was encouraged by their Board of Selectmen representative, Lucy Wallace, to seek funding not to build up funds for future land purchases, but for the management of existing conservation land, gifts of land, and any unforeseen expenses. Ms. Wallace suggested reducing the amount requested from the Capital Planning and Investment Committee from \$100,000 to \$50,000. Don Ritchie made a motion to submit

a monetary warrant article request to the Finance Committee, through the Town Administrator, in the amount of \$50,000 for the ongoing maintenance of existing conservation land, gifts of land, and any unforeseen expenses, and to be a part of the omnibus budget going forward. Car Sciple seconded the motion. The vote was unanimously in favor of the motion.

- **Open Space Committee**

Peter Dorward was present to discuss a proposed Open Space Committee, which he feels will assist in motivating the town to be more involved in the funding of an open space fund. Wendy Sisson suggested opening the concept up to more than just conservation, such as a land committee that looks at all of the land in town and how it can be used, perhaps to benefit the town, such as a cell tower location, affordable housing, senior housing, etc.

Members discussed how such a committee could be created, either by town meeting vote or as a sub-committee of the Conservation Commission. If a committee voted on at town meeting, there would be very limited time to pull this together before warrant articles are due on February 1st. With a number of things to consider the Commission agreed to review information provided by Mr. Dorward and further discuss at the January 18th meeting.

Harvard Snowmobile Proposed Trail Connection Herman Orchard and Coke Land

Jim Burns explained the Harvard Snowmobile Club (HSC) desire to create a connecting trail from the northwest corner of the Coke land and across Bowers Brook to the cart road on the Herman Orchard. Mr. Burns stated from a safety standpoint this would not be an ideal location for a trail connection. Wendy Sisson stated HSC requested this connection last year and the Commission did not grant permission because they opposed the crossing of Bower's Brook because it is a wetland resource area with prime wildlife habitat. Wendy Sisson made a motion to deny the Harvard Snowmobile Club request to create a connecting trail on the Coke and Herman Orchard land. Jaye Waldron seconded the motion. The vote was 4-0-3, with Carl Sciple, Paul Willard and Jim Burns abstaining from the vote.

Approve Minutes

Don Ritchie made a motion to approve the minutes of November 2, 2017 as a mended. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respond to request to preserve open space along Willard Lane

The Commission discussed the values of the Capobianco land that has frontage along Willard Lane. This land was discussed during the negotiation of the Willard land as it provides desired trail connection, that due to wetlands the Willard Land can not provide for without building an extensive boardwalk through the wetlands, wildlife connection and protection of the watershed. Mr. Capobianco has been clear in that he is not interested in dividing the parcel into anything more than two lots. With unanswered questions in regards to potential development, Jim Burns made a motion to draft a letter to Robert Capobianco stating the Commission is working along with Harvard Conservation Trust to develop a plan that will meet everyone's goals, and request, that in doing so it would be useful to be able to discuss the land with his engineer at David E. Ross Associates. Don Richie seconded the motion. The vote was unanimously in favor of the motion.

Land Use Boards Meeting Update

Don Ritchie gave an overview of the meeting, which included a discussion of the new affordable housing project along Ayer Road, known as Craftsman Village and the existing project along Stow Road, known as Pine Hill Village. The Craftsman Village public hearing has been changed from January 10th to February 7th. Comments in regards to this project should be sent to the Zoning Board of Appeals prior to the opening of the public hearing.

The organization of the Land Use office was discussed and concluded that the Planning Board needs to detail the duties between the Planner and the Land Use Administrator.

ZBA Request for Comments – Craftsman Village, Ayer Road

Liz Allard stated the site has buffer zone from some off-site wetland resource areas that may be affected by this development. A request will be made of the applicant to be able to review the site.

Joanne Ward left the meeting at 9:00pm

Comments to the proposed new Harvard Elementary School

Members had no comments in regards to the current plan for the Harvard Elementary School.

Bromfield Science Fair, Friday March 2, 2018

After a brief discussion, Carl Sciple and Jaye Waldron agreed to judge the science fair and Don Ritchie will present awards on behalf of the Conservation Commission.

Wetland Enforcement

- **30 Oak Hill Road**
Drafted letter approved for release
- **140 Old Littleton Road**
Liz Allard has been in contact with the property owner who had questions about the application, but has not come into the office as of yet to go over those questions.
- **10 Madigan Lane**
Drafted letter with minor edit was approved for release

Nashua River Wild & Scenic River Study and Draft River Management Plan

Members had no comments in regards to the draft plan for the Wild & Scenic designation being sought by Nashua River Watershed Association.

Discuss Potential Gift of Land – Brown Road

Liz Allard stated she has been in contact with the property owner who seems willing to an agreement to gift the land to the Town for open space purposes. Questions about the status of the trusts may require the property owner to file additional paper work with the State in order to have a clear title. The Commission agreed to continue discussing the potential gift of land with the property owner as long as it is clear that any cost associated with clearing up the title will be at the owner's expense and not the Commission's expense.

Review Offer Letter for Smith Land – Littleton County Road (Map 14 Parcel 56)

Wendy Sisson stated in her conversations with a friend of the Smith family, who is also a member of Littleton Conservation Trust, that there is no time constraint for the completion of this transaction. With no rush on the sellers' part, Ms. Sisson would like to hold off for two years to allow for funding of other projects that are in fact more pressing. Liz Allard had received some conflicting information on the time frames, therefore Ms. Sisson will follow-up to confirm the ability to delay this project.

Discuss Response Letter from DPW re: Beaver Trapping

Members discussed the response received from Tim Kilhart, the Director of the Department of Public Works (DPW), in regards to beaver trapping. The Commission asked the letter received from Mr. Kilhart be sent to the Board of Health as well. In the future, if a permit to trap beavers is requested from the DPW and a beaver deceiver is in use in that location, then the Commission would advise the deceiver be cleaned prior to the issuance of a trapping permit to determine if that resolves the issue.

Deer Management Update

Wendy Sisson had some detail questions for the draft charter in regards to the membership of the committee. Ms. Sisson will continue to work on the charter for approval by the Commission within the month.

The following items appeared on the agenda under “Pending Business” and nothing new report at this time:

- Potential Open Space – Woodside Road, Map 30 Parcel 14
- Licensing of Conservation Land Update
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:55pm. Wendy Sisson 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 January 11, 2018

Nashua River Wild & Scenic River Study and Draft River Management Plan

- Excerpts Draft “Nashua River Wild & Scenic River Stewardship Plan”, version 12-1-17
- “Benefits to the our rivers”, December 2017
- FAQ and map of the Nashua River Wild & Scenic Study Committee, undated

Approve Minutes

- Draft minutes of October 19, 2017 prepared by Liz Allard

Wetland Enforcement -10 Madigan Lane

- Draft letter to Frank Culmone & Erica Tremblay, Re: Activity within 100' Wetland Buffer Zone, dated December 7, 2017

Review & Approve Letter to DPW re: Beaver Trapping

- Draft letter to Tim Kilhart, Director, Harvard Department of Public Works, RE: Beavers Trapping, dated December 7, 2017

Review Offer Letter for Smith Land – Littleton County Road (Map 14 Parcel 56)

- Draft letter to Attorney Ray Lyons, Re: Offer to Purchase approximately 59 acre of unimproved land located on Whitcomb Avenue in Littleton and Harvard, Massachusetts, dated December 7, 2017