

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
FEBRUARY 15, 2018  
APPROVED: APRIL 5, 2018**

Chairman 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, Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Carl Sciple and Mark Shaw (Associate Member)

**Others Present:** Liz Allard (LUB Admin), Neil Gorman (Ross Associates), Faith Cross, George Watkins, Ken Van Wormer, Steve Hierman, John Johannesen, David Latham, Grant MacLean Peter Deng and Thomas MacMullin

**Request to Rename Swabb land on Shaker Road to Shaker Reservoir**

Faith Cross was present to request the Commission rename the land on Shaker Road to Shaker Reservoir. Ms. Cross generously donated a portion of the funding that helped preserve this land. After a brief discussion, Jim Burns made a motion to accept the new name for the land managed by the Commission at 100 Shaker Road as Shaker Reservoir. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

**Approve Minutes**

Carl Sciple made a motion to approve the minutes of February 1, 2018 as drafted. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

**Land Use Board Meeting Update**

Don Ritchie stated the Land Use Boards (LUB) met this morning to discuss the process of final plan approvals, construction details and other time lines with Peter Cricones, the new owner of Pine Hill Village along Stow Road. Unfortunately, the owner thought the meeting was scheduled for 9:00pm and not 9:00am. This discussion was re-scheduled to March 15<sup>th</sup> at 9:00am.

In addition, the group discussed Craftsman Village Harvard, along Ayer Road; the comprehensive permit hearing will open on February 28<sup>th</sup> at 7:40pm; members of the LUB are encouraged to attend or send representation to these hearings. The Board of Health has a number of concerns in regards to this project as it pertains to septic components, public water supply and arsenic.

Liz Allard was asked by the Commission to gather any information on other projects completed by Mr. Cricones. Paul Willard request Mr. Cricones submit a biography of other projects he has completed.

**Allocation of Funding**

- Massachusetts Association of Conservation Commissioners
  - Annual Conference - \$625.00
  - Unit 101 webinar for Joanne Ward - \$55.00

Don Ritchie made a motion to allocate funding for the above referenced items. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

- UMass Extension - Invasive Plant Management Certification Program for Liz Allard - \$180

Wendy Sisson made a motion to reimburse Liz Allard \$180.00, half of the cost, for the above mentioned certification program. Carl Sciple seconded the motion. The vote was unanimously in favor of the motion.

### **2017 Annual Report**

The annual report was submitted last week and circulated to the members. With no questions or comments, Wendy Sisson made a motion to approve the Conservation Commission's 2017 annual report for inclusion in the Town Report. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

**Determination of Applicability Hearing – David Latham, 140 Old Littleton Road, Harvard#0118-03.** Opened at 7:30pm

**Continuation of a Notice of Intent Hearing – YYT Harvard, LLC, Lot 1 166 Littleton Road, DEP#177-660, Harvard#0118-01.** Opened at 7:50pm

**Continuation of a Request for Determination of Applicability Hearing – Arleon Waldron, 76 Warren Avenue, Harvard#0118-02.** Opened at 8:24pm

### **Monetary Warrant Article for 2018 Annual Town Meeting to support Open Space Protection Update**

Wendy Sisson sent a revised table of conservation lands under agricultural use to the Finance Committee (FinCom) chairman, Don Ludwig. Liz Allard has received unofficial word that the FinCom recommended \$5,000 to the Board of Selectmen (BOS) for the conservation fund. There is a chance that other requested funding from FinCom will be removed from the warrant for town meeting, therefore allowing perhaps for additional funding beyond the \$5,000. BOS is holding an all-boards meeting on March 6<sup>th</sup> at 7:00pm, at which they are seeking input on the process used this year during the budget season.

### **Discuss Potential Gift of Land – Brown Road**

There was nothing new to report at this time.

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

Ashley Davies, from Sudbury Valley Trustees (SVT), sent an update today, stating SVT has now been informed that the owners want to sell the property with the barn to SVT. Ms. Davies is hoping to have this matter resolved by the end of next week.

### **Deer Management Update**

Wendy Sisson stated other groups, those suggested as participants in the draft deer management charge, have not been contacted as of yet. Paul Willard and Don Ritchie stated they were willing to represent the Commission for this group.

### **Wetland Enforcement**

- **26 Madigan Lane**

There were no new concerns with this location.

- **28 Shaker Road, Harvard#0117-02**

Don Ritchie & Liz Allard reviewed the site on Tuesday to find a large area of trees have been removed from what appears to be wetland buffer zone, which is difficult to determine due to the large amount of debris on the site from the felled trees.

After a brief discussion, Wendy Sisson made a motion to issue an Enforcement Order to James & Lorelei Galeski, 28 Shaker Road, for a wetland violation including the clearing of trees within the wetland buffer zone, beyond what was approved under the Determination of Applicability, Harvard#0117-02. All activity is to cease and desist, with a request to attend the March 1, 2018 meeting of the Commission to discuss remediation. In addition,

Liz Allard was granted permission to sign this Enforcement Order on behalf of the Commission. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

In an effort to reduce wetland violations it was suggested the "Living with Wetlands" be sent out to local landscapers with cover letter explaining why the brochure is being sent. Members were asked to keep an eye out for lawn signs advertising landscape services and provide that information to Liz Allard.

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

- Potential Open Space – Woodside Road, Map 30 Parcel 14
- Licensing of Conservation Land Update – see "Monetary Warrant Article for 2018 Annual Town Meeting to support Open Space Protection Update"
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations
- Open Space Committee
- Preserve open space along Willard Lane – HCT interested in the field along Still River Road. Dan Wolfe is confident there are four lots on Willard Lane.
- Trail mapping project by Marc Sevigny – Tom Cotton, president of the Harvard Conservation Trust (HCT), is unaware of the intent of this project. It was suggested Mr. Cotton be invited to the next meeting to discuss joint activities of HCT and the Commission.

**Adjournment**

Wendy Sisson made a motion to adjourn the meeting at 9:45pm. 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 Meeting Minutes**  
**David Latham, 140 Old Littleton Road, Hard#0118-03**  
**February 15, 2018**

The public hearing was opened at 7:30pm by Chairman Paul Willard under Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall, 13 Ayer Road, Harvard

**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), John Johannesen, David Latham and Grant MacLean

This Request for Determination of Applicability was filed on behalf of David Latham for removal of vegetation, including invasive plant species, to restore the borders of existing pastures and obtain cord wood within the buffer zones of the wetland resource areas at 140 Old Littleton Road, Harvard.

David Latham stated his intent for the removal of vegetation on his property along an intermittent stream was to return the field edges to the boundaries which they were when he purchased the property two decades ago. This effort was also completed to combat invasive plant species on the property. Three piles of removed brush exist on the property; in the field across the road from 140 Old Littleton Road, owned by Mr. Latham, along the streams edge; behind the barn at 140 Old Littleton Road, within 200' of the stream; and between the pond and stream, with portions of this pile within the stream, at 140 Old Littleton Road.

Wendy Sisson stated in regards to the field across the road, one could argue that Mr. Latham has created a wildlife habitat restoration in a wet meadow by clearing out the overgrown vegetation and allowing the area to re-vegetate naturally, which will provide for excellent food and cover. This is known as early-successional habitat. The area does need to be maintained in order to keep this habitat viable.

After discussing with Mr. Latham the intent for each of the brush piles, Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the following conditions:

1. The pile of yard waste between the pond and the stream shall be left undisturbed and allowed to decompose naturally;
2. No addition of yard waste or other material shall be added to the pile as mentioned in condition 1;
3. The pile of yard waste within the stream shall be removed when conditions are dry and ground is firm; and
4. To assist in the control of invasive plant species, the stream edges are allowed to be mowed annually, after October 1<sup>st</sup>, at a height of 6" – 8", to allow vegetation to re-grow and provide wildlife habitat.

Don Ritchie 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 Lot 1 166 Littleton Road, DEP#177-660, Harvard#0118-01  
February 15, 2018**

The public hearing was opened at 7:50pm by Chairman Paul Willard under Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall, 13 Ayer Road, Harvard.

**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), Neil Gorman (Ross Associates), Peter Deng and Steve Hierman

This Notice of Intent was continued from February 1, 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.

Neil Gorman stated the plans have been revised as requested. In addition an agreement proposal has been drafted for the Commission. After a review of the plans and proposal, Wendy Sisson made a motion that it is the intent of the Commission to accept the Agreement Proposal, as detailed in the letter from Neil Gorman, of David E. Ross Associates, Inc, dated February 15, 2018 and the plans prepared by David E. Ross Associates, Inc, titled "Plan of Land in Harvard, Mass" owned by YYT Harvard, LLC, progress print 2/15/18; grant a waiver to the 75' setback , as detailed in Chapter 147-17; accept Parcel B, as detailed on previously mentioned plan, as conservation land; with the intent of the owner, YYT Harvard LLC to maintain the existing structure as a three-family dwelling at 166 Littleton Road, known as the "Poor Farm". Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Joanne Ward made a motion to continue the hearing to March 15, 2018 at 7:30pm in the Town Hall. 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**  
**Continuation of a Request for Determination of Applicability Hearing Meeting Minutes**  
**Arleon Waldron, 76 Warren Avenue, Harvard#0118-02**  
**February 15, 2018**

The public hearing was opened at 8:24pm by Chairman Paul Willard under Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Town Hall, 13 Ayer Road, Harvard.

**Members Present:** Paul Willard, Don Ritchie, Wendy Sisson, Joanne Ward, Jim Burns, Carl Sciple and Mark Shaw (Associate Member)

**Others Present:** Liz Allard (LUB Admin) Tom MacMullin and Jaye Waldron,

This hearing was continued from February 1, 2018 on a Request for Determination of Applicability was filed on behalf of Arleon Waldron for the for the establishment of a parking area along Warren Avenue for the storage of construction equipment and the routine maintenance of vegetation within the buffer zone of the wetland resource areas at 76 Warren Avenue, Harvard.

Jaye Waldron recused herself from this discussion.

Tom MacMullin explained it is his intent to remove the two gravel parking areas he installed for the storage of construction equipment along Warren Avenue. Work to remove the gravel will be done by hand, stock piled soil will be spread over the area of the removed gravel and the area will be allowed to re-vegetate naturally. Mr. McMullen agreed to complete this work no later than June 15, 2018. Mr. MacMullin also discussed the plans for the removal of invasive plant species on the property.

Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the following conditions:

1. The two gravel parking areas created shall be removed, stockpiled soil shall be placed back in those two areas and allowed to re-vegetate naturally no later than June 15, 2018; and
2. Invasive plant species may be treated with herbicides as prescribed for each plant species.

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 February 15, 2018**

#### **Approve Minutes**

- Draft minutes of February 1, 2018, prepared by Liz Allard

#### **Determination of Applicability Hearing – David Latham, 140 Old Littleton Road, Harvard#0118-03**

- Map of 140 Old Littleton Road Harvard, MA, dated November 16, 2017

#### **Notice of Intent Hearing – YYT Harvard, LLC, Lot 1 166 Littleton Road, Harvard#0118-01**

- Sewage Disposal System, designed for YYT Harvard, LLC, Pinnacle Road (Portion of 166 Littleton Road) Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 31852, Plan No. L-13328, dated 2/15/18
- Plan of Land in Harvard, Mass., owned by YYT Harvard LLC, prepared David E. Ross Associates, Inc., Job No. 31852, Plan No. L-13312, dated February, 2018, progress print 2/15/18
- Concept Layout, YYT Harvard LLC, Pinnacle Road (Portion of 166 Littleton Road), Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 31852, Plan No. L-Concept, dated January 2018
- Letter from Neil Gorman, David E. Ross Associates, Inc, RE: Agreement Proposal, Site: Lot 1 Pinnacle Road, Portion of 166 Littleton Road, Harvard, MA, Plan No. L-13328, D.E.R.A. Inc. Project No. 31852, dated February 15, 2018

#### **Monetary Warrant Article for 2018 Annual Town Meeting to support Open Space Protection Update**

- Ag license table, undated