

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
FEBRUARY 20, 2014  
APPROVED: April 17, 2014**

Vice Chairman Jim Breslauer called the meeting to order at 7:03pm in the Town Hall Meeting Room

**Members Present:** Jim Breslauer, Charlie Gorss, Don Ritchie, Wendy Sisson, Jaye Waldron and Joanne Ward

**Others Present:** Liz Allard (LUB Admin), Joe Schmidt, Tony Shaw and Peter Basile

**Review Site Plan with Parks & Recreation Commission for Boat Trailer Parking on Pond Road**

Joe Schmidt was present to discuss the proposed boat trailer parking along Pond Road. Mr. Schmidt explained the proposed plan shows four parking spaces, long enough to accommodate a trailer and vehicle; a retaining wall will be required along the eastern slope. All work will be within 100' of Bare Hill Pond. Wendy Sisson wanted to hear about any plans in the near future for any additional parking at The pond. Mr. Schmidt stated for at least the next five years he sees no plans to increase the existing parking. Discussions around additional parking have taken place and would potentially require the digging into the hill along the existing parking lot. Ms. Sisson would like to see more details in terms of drainage in the proposed boat trailer parking area. Members agree the preliminary plan looked sufficient, but the entire plan can be better vetted out during the permitting process with the Commission.

**Follow up on Herman Orchard Proposals**

Tony Shaw submitted and read a letter to the Commission (see Appendix A). Don Ritchie had not been in attendance at the previous meeting, but has reviewed the other proposals submitted by Wendy Sisson. Ms. Sisson explained to Mr. Ritchie what it is Little Rascals Orchard would like to do on the site and for that they would allow access through their land to clear the orchard. In Ms. Sisson's opinion it should be the Conservation Commission who handles the work of prepping the site. Ms. Sisson explained the haying that Mr. Shaw is proposing is an intense process that is typically done with two cuttings per growing season. Jim Breslauer further explained to Mr. Ritchie that the sheep Little Rascals would like to graze in the cleared orchard will be in a moveable pen area, allowing for rotation of their location from time to time. Mr. Shaw stated the sheep will destroy the land by ripping up the grass down to the ground. Jaye Waldron noted that permission from the owners of the right of way into the Hermann Orchard would need to be obtained prior to any improvements to that road and the improvements will require a filing with the Concom. Ms. Sisson has spoken with a local engineering firm which agrees the access right of way needs substantial improvements beyond putting down some gravel as proposed by Mr. Shaw.

Peter Basile asked if Little Rascals would be doing the clearing Mr. Shaw has proposed to conduct. Ms. Sisson stated they would not, that work would be completed by a private contractor hired by the Town. If Mr. Basile understands it correctly Mr. Shaw's proposal cost the town less than the other proposal. Ms. Sisson stated that was correct, but Ms. Sisson believes Mr. Shaw has not taken into account the true cost of improving the right of way. It seems to Mr. Basile that Mr. Shaw's proposal would be a worthwhile thing for the Town to do. As Chairman of the Agricultural Commission, Mr. Basile stated the Agricultural Commission is in support of the land remaining agricultural and of the proposal put forth by Mr. Shaw.

Jim Saalfield arrived at 7:45pm

Don Ritchie made a motion to accept the proposal to clear the Hermann Orchard for the purpose of it being turned into and maintained as a hay field as proposed by Tony Shaw. Joanne Ward

seconded the motion. Jaye Waldron asked what if the owners of the right of way do not allow the improvement of the right of way and the Town has to pursue a taking by eminent domain; what kind of cost will that be to the Town. Ms. Sisson explained the work proposed by the Land Stewardship Subcommittee would be conducted without having to access the site from the right of way, but through Little Rascals property. Mr. Shaw asked if he could get access through Little Rascals as well. Mr. Ritchie stated that would have to be handled between himself and Little Rascals. The motion was defeated 1-4-1 with Jaye Waldron abstaining from the vote.

### **ZBA Request for Comments**

Liz Allard stated she has reviewed the application for a Comprehensive Permit filed on behalf of Chelmsford Housing Opportunities for Intergenerational and Community Development for an affordable housing project of nine rental units at 105 Stow Road. Ms. Allard reviewed the plan with the members and had the following comments:

- Will need to file an application with the Commission
- Erosion controls should include both silt sacks and silt fencing
- Would like to see erosion control barrier around the carriage house extend to the edge of pavement
- Consider the reduction of pavement to allow for better infiltration of storm water runoff and the ability to reduce the size of the basin
- Provide an O&M plan for the basin

The Commission agreed to include a comment about the basin having no treatment of stormwater other than settling.

### **Follow-up to Encroachment on Prospect Hill Conservation Area**

Wendy Sisson was reminded of the encroachment that was noted when the management plan was completed for the area and wanted to know if the issues had been taken care of. Members agreed that a follow up letter should be sent to the property owner to obtain an update from him on the status of the encroachments.

### **Master Plan Update**

Jaye Waldron stated she understands the Devens issue much better now that she has had an opportunity to review the Phase I report. Ms. Waldron reviewed the upcoming roundtable discussions scheduled for March. Ms. Waldron asked if the current Open Space and Recreation Plan included a list of ideal uses for the current inventory of conservation land. Liz Allard stated it did not, but this may be a new requirement of the plan and may need to be completed when the plan is updated in 2015.

### **Hermann Orchard Revisited**

Wendy Sisson stated she would like to move forward on the proposal for the Hermann Orchard through the Land Stewardship Subcommittee. Ms. Sisson is seeking the permission of the Commission to start talks with Little Rascals in regards to contracting with them for access to the Hermann Orchard and allow them to use the cleared orchard for grazing sheep. Members in attendance agreed that it is okay for Ms. Sisson to begin discussing the proposal with Little Rascals.

### **Adjournment**

Don Ritchie made a motion to adjourn the meeting at 8:33pm. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/

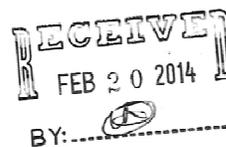
Conservation Agent

## **DOCUMENTS & OTHER EXHIBITS**

### **ZBA Request for Comments**

- Renovation and New Construction of The Elms, 105 Stow Road, Harvard, MA, 75% set, Project No. 13032.00, dated 9.06.2013

## APPENDIX A



Harvard conservation commission

To con com members.

Tonight I ask you to decide if the Herman Orchard returns to agricultural use. My proposal is simple: I will cut and remove all the trees of the south face of the Herman Orchard and reseed to hay. I will also regrade and repair the access road to the orchard only as needed to provide accessibility to small trucks and farm equipment.

The cost to the town of Harvard will be 4500.00 the yearly maintenance cost to the town will be zero. The long term cost is a handshake agreement for the use of the field for 10 years. I will trust the commission to renew the license yearly as it does with other local farmers. The value of this proposal is far greater than the cost as was shown by the quotes Wendy received last week.

The real value here is the return of this property to the beautiful condition that agricultural land provides. The vista of the town center from the top of the hill will be equal to the vista seen from the east view overlook. The deer and turkeys and owls and hawks will populate the area and be seen and enjoyed by a much larger majority of the public. The farm road will help the public enjoy the piece of remote land by allowing walkers a much more comfortable hike. Fire safety would also benefit from a passable road available to fire vehicles. The road could be gated if general public vehicle access is not wanted. I would do the gate installation at no cost.

A couple of general thoughts. The property has been out of production for more than 15 years and no significant management care has been done. Now the property is unmaintainable. The property is in the town land book as agricultural land and was purchased for that purpose. The town of Harvard is a "right to farm" town. Agriculture is a prized part of Harvard culture. On the way in to the property there is a barway to Sean Maglaughlin's orchard. It has a big no trespassing sign. To me this means people invade his orchard because of its agricultural beauty or a very poor walking surface of the lane. Either way I take care of this problem. To demonstrate the difference between habitat and agriculture maintained field, look at the old watt farm and then look across the road to The Rice property in still river. night and day difference.

About Mark and I. My son Mark and I are lifelong residents of Harvard. We both work at and operate Toreku tractor. Part of our business has become Hay farming. We both enjoy the sunshine and exercise we get from farming. It also gets us out to run our equipment and learn about methods of operation that we can pass on to our customers. I am a 35 year member of the fire dept. and have lead the clearing effort of the eastveiw property. I volunteered to clear that property many years ago when the town purchased it and with the help of the HFD. it has steadily gotten better. You folks use this view as your trademark. I also have been a member of the Harvard Snowmobile club since 1974 and its president since 2007. Our sole purpose is maintaining winter use trails around town for all forms of recreation.

Time is of the essence because the month of march is the only time frame I can work with. My business becomes too busy after that to do this project. Also spring seeding will be best for this sight as

the slope will make it to dry for seed germination in the summertime. I would also like to harvest a crop of hay this fall. March is also before the typical spring rains. The sight will be stable before then. I proposed this project a year ago and followed up in December of this year.

In closing The town of Harvard is my home. Hermans orchard is my back yard and I dream it will be beautiful again. My pledge to you folks is to make that happen.

Tony Shaw

Mark Shaw