

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 17, 2015
APPROVED: JANUARY 7, 2016**

Vice Chairman Don Ritchie called the meeting to order at 7:00pm in the Hapgood Room at 7 Fairbank Street under MGL Chapter 131 §40 The Wetland Protection Act and The Code of the Town of Harvard Chapter 119 the Wetland Protection Bylaw

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

Others Present: Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.), Scott Smyers (Oxbow Assoc.), Ken Kasabian, Aaron Kasabian, Ingeborg Hegemann (BSC Group)

Historical Commission Request to remove trees around Shaker Herb House

Liz Allard explained to the members that she had been contacted by the Chairman of the Harvard Historical Commission (HHC) in regards to tree clearing around the Shaker Herb House on Shaker Road. The parcel the House is located on is conservation land and contains a wetland. Ms. Allard has reviewed the trees that are being requested to be removed and find that some are supporting wildlife habitat and/or are not threats to human safety and therefore should not be removed. Ms. Allard has explained to the Chairman of the HHC that at a minimum a Request for Determination of Applicability will need to be filed. The Chairman of HHC requested a site walk to be able to further discuss the removal of the trees. A site walk was scheduled for January 5, 2016 at 11:00am.

Request from Bromfield Cross-Country Team to use the Stone Field for Events & Practices

Liz Allard had previously distributed a request from Marisa Steel, the coach for the boy's cross-country team at the Bromfield school, to use the Stone field for practices and events during the spring and fall seasons. Ms. Steele's request was for both the girls and boys cross-country teams. There are anywhere between 2 to 4 home meets, each between 3:30pm and 5:00pm on Thursday afternoons during the months of September and October. Total number of runners at each event is usually under 50. In addition, they teams are requesting use of the field for practices up to three times a season. Practices are held Monday through Thursday from 3:00pm to 5:00pm.

Wendy Sisson suggested in the spring the site be reviewed to determine if there are any areas of concern that should be avoided. Ms. Sisson stated she had no issue with the request to mow and use the perimeter of the Stone land as detailed above. Jim Breslauer made a motion allowing the Bromfield Cross-country team to use the perimeter of the Stone land on Mill Road as part of the cross-country course during practices and events for the 2016 season, with the following conditions:

- The Commission is to be notified 48 hours in advance when the mowing of the perimeter of the Stone land is to be completed
- A schedule of practices and events shall be submitted to the Conservation Commission prior to the start of the cross-country season

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

Approve Minutes

Jim Breslauer made a motion to approve the minutes of November 5 and 19, 2015 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Request to Extend the Order of Conditions – Evans, 14 Park Lane, DEP#177-613

Liz Allard stated the Commission has received a request to extend the Order of Conditions for the installation of a septic system at 14 Park Lane from the current owners, Scott and Allison Evans. Wendy Sisson made a motion to issue a three year extension to the Evans for the Order of

Conditions, DEP#177-613. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Request for Determination of Applicability Hearing – The Home Scout, LLC, 12 West Bare Hill Road, Harvard#1215-01. Opened at 7:15pm

Request for Determination of Applicability Hearing – Anthony & Jennifer Slavin, 21 Depot Road, Harvard1115-01. Opened at 7:31pm

Approve Invoice

Liz Allard stated the following invoice have been received for inclusion on the next bill warrant:

- Mark Lanza \$379.50

Joanne Ward made a motion to approve the above mentioned invoice for inclusion on the next bill warrant. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Continuation of a Notice of Intent Hearing - Kenneth Kasabian, Lot B Poor Farm Road (Map 9 Parcel 4.2.1), DEP#177-643, Harvard#0715-02. Opened at 7:35pm

Review Invasive Plant Management Proposal – Murphy, 55 Wes Bare Hill Road

Scott Smyers, of Oxbow Associates, was present to discuss the proposal for invasive plant management at 55 West Bare Hill Road under the Determination of Applicability, Harvard#0114-02. Mr. Smyers stated the wetland has been delineated and is shown on the revised plan. The proposal calls for the work to be conducted in the winter, with the use of machinery for about 50% of the work, with the remaining 50% being done by hand. Mr. Smyers stated monitoring would be two-fold with both Oxbow Associates and Bransfield Tree Company; Oxbow will monitor the re-vegetation and the potential for additional vegetation or removal of other invasives; Bransfield will monitoring the invasives for treatment.

Don Ritchie asked how many trees would be removed. Mr. Smyers stated any tree that is dead and/or dying will be removed. Wendy Sisson believes that would be all the trees. Ms. Sisson explained that as a part of the ongoing invasive plant management project on conservation land, invasives are cut and left to die rather than cleared off site. The area in the proposal is so infected the entire area would be cleared out by this proposal. Mr. Smyers believes once the invasives are gone and the dead/dying trees are removed that things are going to bounce back.

The Commission recommended the proposal be revised to include hand work to take place in the resource area and its 50' buffer zone and that the trees to be removed are marked and reviewed by the Commission or its agent before removal. In addition, the types of herbicides to be used should be included in the proposal.

Annual Town Meeting 2016 Warrant Articles

Liz Allard informed the members that monetary warrant articles for the annual town meeting in April are due January 14th. Members briefly discussed land purchase opportunities currently available and whether or not to ask for a lump sum of money for the Conservation Fund or asking for funding of a specific project. Members agreed to finalize a decision at the January 7th meeting.

Open Space and Recreation Plan Map Updates

Liz Allard had previously distributed a proposal from Montachusett Regional Planning Commission for updating the maps within the Open Space and Recreation Plan. With the use of free GIS hours from MRPC, the proposal is for \$932.20 for the open space maps. Wendy Sisson made a motion to approve the allocation of \$932.20 for the updating of the maps required under the open space plan. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Master Plan Steering Committee (MPSC) Update

Jaye Waldron stated the MPSC is seeking to include the recommendations in regards to Devens from Burns & McDonnell (B&M) into the final Master Plan. This would require extending the contract with B&M. However the MPSC no longer has any funds available to them as the remaining money sunset on June 30, 2015. The chair of the MPSC is looking into ways to have additional funds allocated for not only the extension of the contract with B&M, but to complete the Master Plan by February.

Land Stewardship Subcommittee Update

Wendy Sisson stated the Land Stewardship Subcommittee has gained new individuals interested in helping out with trail work. Those interested in using chainsaws to clear trails have been informed of the need to complete and submit a waiver to the Commission.

Ms. Sisson recently submitted the bi-annual report to the Community Preservation Committee in regards to the invasive plant management project. Ms. Sisson will send it to the members of the Commission.

Encroachment of Bare Hill Wildlife Sanctuary

Liz Allard stated she reviewed the site abutting the Bare Hill Wildlife Sanctuary and can report the fencing has been removed from the conservation land. Mr. Robinson was planning on attending this evening, but was unable to at the last minute. The Commission agreed a letter should be sent thanking the Robinson's for taking down the fence, reminding them there is to be no more dumping of yard waste on the conservation land, and that the area will be monitored in the spring to determine if any additional remediation is necessary.

Update to the Gifts of Land

Liz Allard gave the Commission the following updates to current gifts of land:

- 100 Shaker Road – Attorney Lanza is completing the final title search. The donation of funds has been made to the conservation fund for this transaction
- Brown Road – Attorney Lanza is reviewing the proposed deed and completing the title search. Transaction should be complete by the end of January.
- Bolton Road – Attorney Lanza is completing the title search. The removal of the land from forestry hit a snag when the assessor's put the remaining land into agricultural instead of forestry. Once this error is correct Mr. Case will proceed with the final transaction of the land
- Stone Cutter's Path – The homeowners association has voted to gift the land to the Town. Ms. Allard will have Attorney Lanza proceed with the appropriate documentation

Erosion Control Bylaw

Liz Allard had previously distributed a revised erosion control bylaw which included both Jaye Waldron and Jim Breslauer comments. Members agreed to block off an hour to review at the January 7th meeting.

Beaver Solutions

Liz Allard stated she contacted Mike Callahan after the Thanksgiving holiday, but has not heard back as of yet to arrange a date for him to come to Harvard and view the sites in need of a solution. Ms. Allard will continue to try to connect with Mr. Callahan.

Approve Invoice

Liz Allard stated the following invoice have been received for inclusion on the next bill warrant:

- BSC Group, Inc. \$2880.00

Jim Breslauer made a motion to approve the above mentioned invoices for inclusion on the next bill warrant. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Jim Breslauer made a motion at 9:34pm to adjourn the meeting. 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
Request for Determination of Applicability Hearing Meeting Minutes
The Home Scout, LLC, 112 West Bare Hill Road, Harvard#1215-01
December 17, 2015**

The public hearing was opened at 7:15pm by Vice Chairman Don Ritchie under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin) and Dan Wolfe (Ross Assoc.)

This hearing is for a Request for Determination of Applicability filed on behalf of The Homescout, LLC, for the demolition of an existing structure, improvements to the existing driveway, which will include the removal of trees, all within the 100' wetland buffer zone at 112 West Bare Hill Road, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant. Mr. Wolfe stated the existing house is to be removed and replaced with a new structure completely outside the wetland buffer zone. The existing driveway will be used to connect to the proposed new structure. The existing driveway will have improvements including grading of about one foot. Mr. Wolfe stated the re-grading of the driveway will require the removal of trees. Mr. Wolfe noted there will be no activity within 80' of the resource area.

Don Ritchie suggested instead of the grading along the driveway, some type of retaining wall be installed. Mr. Wolfe would advise against installing a low retaining wall that could create a dangerous situation. Mr. Wolfe believes the proposed layout is much better for the location. Wendy Sisson stated the Commission is not seeking anything major, just a small one-foot retaining wall to aid in the slowing of runoff and to prevent yard creep from happening within the wetland buffer zone. After a brief discussion, Mr. Wolfe agreed to include a retaining wall along the edge of the driveway.

Jim Breslauer made a motion to close the hearing and issue a Negative #3 Determination of Applicability to include the condition of no dumping of yard waste or other material within the 50' buffer zone. 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
Request for Determination of Applicability Hearing Meeting Minutes
Anthony & Jennifer Slavin, 21 Depot Road, Harvard#1115-01
December 17, 2015

The public hearing was opened at 7:31pm by Vice Chairman Don Ritchie under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin)

This hearing is for a Request for Determination of Applicability filed on behalf of Anthony & Jennifer Slavin for the installation of a garden shed within the 100' wetland buffer zone at 21 Depot Road, Harvard.

Liz Allard explained the applicant's, Anthony and Jennifer Slavin, would like to install a shed at about 85' from the wetland resource area on their property. This location is where the previous owner proposed a garage. With no questions or comments, Wendy Sisson made a motion to close the hearing and issue a Negative #2 Determination of Applicability. Jim Breslauer 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
Kenneth Kasabian. Lot B Poor Farm Road (Map 9 Parcel 4.2.1)
DEP#177-643, Harvard#0715-02
December 17, 2015

The public hearing was opened at 7:35pm by Vice Chairman Don Ritchie under the Massachusetts Wetland Protection Act, Ch. 131 §40 and the Harvard Wetland Protection Bylaw, Chapter 119 of the Code of the Town of Harvard in the Hapgood Room at 7 Fairbank Street

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

Others Present: Liz Allard (LUB Admin), Scott Smyers (Oxbow Assoc.), Ken Kasabian, Aaron Kasabian, Ingeborg Hegemann (BSC Group)

This hearing was continued from November 19, 2015 for a Notice of Intent filed on behalf of Kenneth Kasabian for the construction of a single family dwelling with sections of the proposed driveway and grading for the septic system within the 100 wetland buffer zone on Lot B Poor Farm Road (Map 9 Parcel 4.2.1), Harvard.

Scott Smyers, of Oxbow Associates, was present to represent the applicant, Ken Kasabian, who was also present. Mr. Smyers stated the wetland line has been revised as a result of a site evaluation by BSC Group (consultant for the Commission). Mr. Smyers stated, the isolated area on the property, which Oxbow Associates has maintained as a non-jurisdictional area, does not function any differently then the surrounding upland area. The applicant's engineer, Hancock Associates, responded this afternoon to the December 3rd letter from BSC Group, along with a revised site plan.

Ingeborg Hegemann, of BSC Group, was present to discuss the review prepared by Gillian Davies, also of BSC Group. Ms. Hegemann stated the applicant has made statements to the effect of the cart path and its use over the past 50+ years. Wendy Sisson asked if using it only seasonally makes a difference. Ms. Hegemann stated it did not, it is the fact it no longer functions as a wetland (no hydric soil or wetland vegetation). Evidence presented in the letter dated December 2, 2015 from Oxbow Associates shows the cart path has been there longer then the Wetland Protection Act or its associated regulations. Jim Breslauer asked if the area was repeatedly covered with woodchips would that make a difference. Ken Kasabian stated he trained horses there and people would plow up the soil, so there was a need to add the wood chips.

Oxbow Associates has submitted information indicating the isolated area, designated by wetland flags #1A- 4A, does not function as a vernal pool. Ms. Hegemann stated there needs to be a ground water interchange to present as well to consider the area as an isolated land subject to flooding. Don Ritchie asked about it being dry this year. Mr. Smyers stated he had visited the site on two different occasions, late-winter to early spring and on May 13, 2015. On the first visit, in late winter to early spring, Mr. Smyers stated the area was holding 6-16 inches of water, but was then dry upon return on May 13th. Information on observation hole data may shed some light on the isolated area. Mr. Breslauer asked about soil samples in the depression. Mr. Smyers stated there were hydric soils found in the center of the depression, but not on the outside of it. Ms. Sisson stated she would not consider 2015 to be a typical year as it pertains to precipitation.

Ms. Hegemann stated the Commission should review the proposed wetland replication area to determine if it is the best location for it. Ms. Hegemann added the Wetland Protection Bylaw is very detailed on replication. Ms. Sisson would prefer to see a replication area closer to the site in which it was filled.

Liz Allard noted that wetland flag A2 was still not properly located on the plan as revised by the site visit on November 4, 2015. Ms. Allard stated the engineer review requested more details of the measures proposed to prevent wetland disturbance during the construction of the driveway. No new information on that has been submitted. Ms. Allard questioned the need for a waiver to construct a driveway within 75' of a wetland boundary. Mr. Smyers noted the waiver had been submitted the first time the Commission was on the site. The waiver was located in the file, but was lacking appropriate information for the Commission to make a determination. Additional information will need to be provided to determine the proposed access is the area with the least disturbance to buffer and/or resource area.

Ms. Hegemann asked if the Commission had received a response from the Natural Heritage and Endangered Species Program. Ms. Allard stated they had and NHESP had no comments.

Ms. Sisson asked for better clarification to the statement within the December 3, 2015 review letter in regards to the bordering land subject to flooding (BLSF) elevation of 250 and the proposed house elevation at 253. Ms. Hegemann stated all work is outside the floodplain (BLSF), therefore the project will not have any impacts on the BLSF. Ms. Sisson asked when the floodplains elevations taken. Ms. Hegemann stated July 4, 2011. Ms. Sisson stated the floodplain is very variable in this location; she has seen the area completely flooded. Ms. Hegemann detailed the process by which elevations are evaluated and changed, concluding that at times available information is not always on track with existing conditions.

Going back to the matter of the cart path, Mr. Ritchie stated he has been driving by for years and has seen the woodchips there. Jim Breslauer stated he was seeking out the Town Forest when he first moved to Town in the early 2000s and thought this property was it, at that time he did not see any woodchips. Mr. Myers continued to assert the cart path has been there and has been maintained as one for decades. Ms. Sisson stated there needs to be a determination of the history of the cart path.

With additional information still required, Wendy Sisson made a motion to continue the hearing to January 7, 2015 at 8:00pm. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

DOCUMENTS & OTHER EXHIBITS

Request for Determination of Applicability Hearing – The Home Scout, LLC, 12 West Bare Hill Road, Harvard#1215-01

- Sewage Disposal System Plan, The Homescout, LLC, 112 West Bare Hill Road, Harvard MA, prepared by David E. Ross Associates, Inc., Job No. 30596, Plan No. L-12684, dated 12/2/2015

Continuation of a Notice of Intent Hearing - Kenneth Kasabian, Lot B Poor Farm Road (Map 9 Parcel 4.2.1), DEP#177-643, Harvard#0715-02

- Notice of Intent Plan for Poor Farm Road, Kenneth Kasabian, 97 Poor Farm Road, Layout/Grading & Utilities Plan, prepared by Hancock Associates, DWG:18509NI.dwg, Project No. 18509, dated 12/16/15
- Letter from Oxbow Associates, RE: Response to Peer Review (BSC Group) Lot B, Poor Farm Road, Harvard, MA, dated December 2, 2015
- Letter from BSC Group, RE: Peer Review – Engineering and Stormwater Management, 97 Poor Farm Road, Harvard, Massachusetts, dated December 3, 2015
- Letter from BSC Group, RE: Peer Review – wetland resources, 97 Poor Farm Road, Harvard, Massachusetts, dated November 24, 2015

Review Invasive Plant Management Proposal – Murphy, 55 West Bare Hill Road

- Letter from Oxbow Associates, Re: Invasive Plant Control Program, 55 West Bare Hill Road, Harvard, MA, dated December 18, 2015