

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
OCTOBER 1, 2015  
APPROVED: OCTOBER 15, 2015**

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 and Joanne Ward

**Others Present:** Liz Allard (LUB Admin), Ken Kasabian, Eve Wittenberg and Cathy Corning

**Executive Session**

Jim Breslauer made a motion to go into Executive Session to discuss the possible purchase of real property, the public discussion of which could have detrimental effects on the negotiating position, only to return to the public meeting once completed. Joanne Ward seconded the motion. A roll call vote was taken: Jim Breslauer, aye, Charlie Gorss, aye, Joanne Ward, aye, Wendy Sisson, aye; Don Ritchie, aye.

**Approve Minutes**

Wendy Sisson made a motion to approve the minutes of September 3, 2015 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

**Approve Invoices**

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

- Mark J. Lanza \$244.50
- Steve Daman \$3700

Jim Breslauer made a motion to approve the above-mentioned invoices for inclusion on the next bill warrant. Joanne Ward 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 8:07pm**

**Update on Remediation for Prospect Hill Road, DEP#177-638**

Eve Wittenberg and Cathy Corning, the owners of the property being developed on Prospect Hill Road, were present to discuss the plan to stabilize the site prior to winter. Ms. Wittenberg explained the current plan is to evaluate the site on Tuesday of next week after the predicted rain events to determine if the pasture area is suitable for seeding. Erosion that occurred as a result of the rain event this week was discussed; additional erosion controls were installed along the 100' wetland buffer zone line on the east side of the wetland. The east side of the property slopes towards the wetland and is experiencing the most difficulty in stabilizing; it was suggested contour plowing of the seed be done in order to achieve stabilization. It was also suggested additional seeding of the savannah zone be held off until Monday as to avoid having to re-seed due to washout from the predicted rain. The ultimate goal is to stabilize the pasture and savannah area before winter to avoid having to install jute matting.

Don Ritchie and Jim Breslauer have both viewed the site; each has expressed concern with the sparseness of the savannah zone. There are 25 trees remaining in the savannah zone (50' to 100' wetland buffer zone); any existing understory has been completely removed in this area. Mr. Ritchie stated the owners may need to plant additional trees within the savannah in the spring. Mr. Breslauer asked what the current plan is for the savannah. Ms. Wittenberg explained a landscape architect surveyed the entire area for them and tagged all trees toxic to horses (oak, cherry and walnut), which were removed. The landscape architect was concerned with the survival of trees that were not healthy, so those were removed as well. Ms. Wittenberg stated the

area did not have a lot of understory there initially to preserve. Currently there is no intent to bring in more trees. Wendy Sisson stated that although she has not reviewed the site it was her impression during the hearing process that more woody vegetation would remain in the savannah zone. Although a tree canopy creates a cooling effect for stormwater prior to entering the wetland, woody shrubs help absorb nutrients and aid in slowing water from rushing into the wetland. Ms. Wittenberg noted that it has always been their intention to be able to maintain the savannah as an area that would be mowed periodically to avoid invasive plant species from entering the pasture. Mr. Breslauer stated he would like more trees proposed for the savannah zone. Members recommended a proposal which includes the addition of more woody vegetation and trees be created over the winter with review and approval of the Commission.

The Commission thanked Ms. Wittenberg and Ms. Corning for continuing to work on a solution to stabilize the area and protect the wetland on the site.

#### **Village Nursery School Request for Sponsorship of CPC Application**

After a brief discussion of the request by Village Nursery School to endorse the Community Preservation Committee application for funding in fiscal year 2017, Wendy Sisson made a motion not to endorse the application. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

#### **Land Stewardship Subcommittee Invasive Plan Management Proposals – Herman Orchard**

Wendy Sisson had drafted an agreement letter between the Commission and William Park Farm, which she will circulate for comments. The agreement shall be reviewed by Town Counsel. This agreement allows for access to the Herman Orchard by the Commission's contractor for clearing of the orchard through William Park Farm. In exchange, William Park Farm will be given a license to graze sheep on the Herman land.

Ms. Sisson explained the three proposals she obtained for the work to clearing the orchard did not actually depict the actual number of trees on site. Adjustments have been made to those proposals, with Heritage Fields coming in as the lowest cost at \$34,900. Jim Breslauer made a motion to accept the proposal from Heritage Fields for the clearing of the Herman Orchard as described in the proposal dated 12/9/14. Charlie Gorss seconded the motion. The vote was unanimously in favor of the motion.

Jim Breslauer made a motion that the Commission enter into agreement with Sean McLaughlin of William Park Farm, as detailed in the letter dated October 1, 2015, as amended and approved by Town Counsel. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

#### **Discuss Conservation Land Fee Schedule for Licenses**

Wendy Sisson reported the Town of Lincoln currently charges \$35/acre for row crops and \$30/acre for hay and pasture for the use of conservation land for these activities. The Commission will need to further investigate previous practices of Commission for the licensing of conservation land before voting on a fee schedule.

#### **Master Plan Steering Committee Update**

Jaye Waldron was not present to update Commission on the activity of the Master Plan Steering Committee.

#### **Request for Certificate of Compliance – 12 Peninsula Road, DEP#177-559**

Liz Allard stated she has reviewed the site at 12 Peninsula Road for compliance with the Order of Conditions and has found the location to be compliant and recommends the issuance of a Certificate of Compliance. Wendy Sisson made a motion to issue a Certificate of Compliance for 12 Peninsula Road, DEP#177-559. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

### **Turner Lane Association Request for Contribution to Snow Plowing of Turner Lane**

Liz Allard had previously distributed a letter received from the Turner Lane Association requesting the Commission contribute to the snow plowing of Turner Lane, which is a private road and has access to conservation land along it. Wendy Sisson stated typically the complaints she hears about this location are in regards to ATV and snowmobile use. Ms. Sisson is not aware of the location being used as parking for the activities stated in the letter (snowshoeing and cross country skiing). The Commission discussed the implications of entering into such an agreement as it pertains to procurement of services and the conflict of the tree warden being the individual who would be completing the snow plowing. Funds available to the Commission for such an expense are limited as well. Jim Breslauer made a motion to decline the requested contribution; to remind the Turner Land Association that the Commission contributes annually to the association through the road assessment; that State and local provisions would not consider Christian Bilodeau as a sole source provider for snow removal along Turner Lane; and the Commission have the funds to allocate for such a service. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

### **Protection around the Black Pond Conservation Land**

Wendy Sisson had previously mentioned concern with the large track of land that sits above the Black Pond conservation land. Ms. Sisson has since learned the Littleton Conservation Trust holds a conservation restriction (CR) on the property. Ms. Sisson would be curious to learn what the CR says about the use of the unmarked trail on the west side of the pond. Liz Allard will review the file and report back to the Commission at the next meeting.

Ms. Sisson stated a nature walk of the area has been scheduled for Sunday November 15<sup>th</sup> at 1:00pm.

### **Erosion Control Bylaw**

Liz Allard had previously distributed a draft of the proposed erosion control bylaw for the members to review. Ms. Allard has received comments from others, which she will need to incorporate into the document. If the members have any comments they should be sent to Ms. Allard. This item will be further discussed at the next meeting.

### **Update to the Gift of Land - 100 Shaker Road**

Liz Allard stated she has heard from Town Counsel, Mark Lanza in regards to obtaining the proper documentation from the seller's attorney stating she is able to sign on their behalf. Attorney Lanza reviewed the records for the property and have found there are no easements in existence for the driveway to Lot 2 that crosses over Lot 1. The Commission will also be seeking an easement off of the existing driveway on Lot 2 to be able to access the field for maintenance. Attorney Lanza has stated a sketch of the proposed easement from Lot 2 onto Lot 1 is suitable for the Purchase and Sale (P&S) agreement and the assignment of that agreement, but an easement plan drawn by a land surveyor will be needed before the closing.

This information will be conveyed to George Watkins and Faith Cross, who have been previously informed, that the Commission would be seeking this plan prior to signing a the assignment of the P&S.

### **Adjournment**

Jim Breslauer made a motion at 8:53pm to adjourn the meeting. Joanne Ward 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  
October 1, 2015**

The public hearing was opened at 7:30pm 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 and Joanne Ward

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

This hearing was continued from September 17, 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.

The applicant, who had been present earlier this evening, requested the hearing be continued to the November 5, 2015 meeting of the Commission. Jim Breslauer made a motion to continue the hearing to November 5, 2015 at 7:30pm in the Hapgood Room at 7 Fairbank Street. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent