

## Harvard Conservation Commission

### Deer management program

Recap as of January, 2021

**\*DRAFT\* (2-20-21)**

**Deer Management Subcommittee mission statement per Oct 2019 presentation to Select Board:**

***"The Deer Management Subcommittee will investigate the available options for monitoring and managing the population of deer in Harvard with the goal of protecting the ecological integrity of its forests. With public education and opportunities for discussion, it will engage townspeople in the development of a plan and set up the necessary structure to safely implement, supervise and evaluate an ongoing deer management program. The goal is to phase in a program starting in the fall of 2019. The Town will pursue the MA Division of Fish and Wildlife's goal for this region of 12-18 deer per square mile."***

### Deer management program Fall, 2020 results

#### Highlights

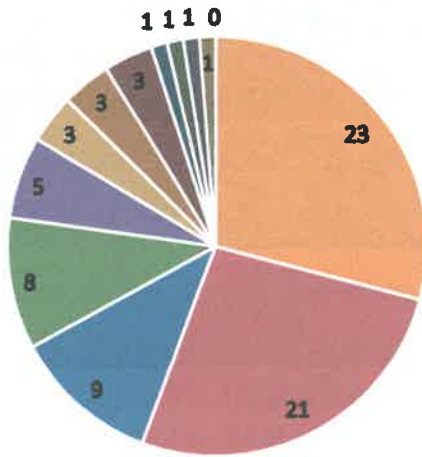
- Season ran from Oct 5 through Dec 31, 2020;
- Archery hunting permitted on five parcels;
- One buck logged as killed on Dec 30;
- 30 hunters enrolled in program (\*CHECK # qualified and # who took test\*)
- 12 (40%) hunters logged any visits or hours in the field;
- Two hunters accounted for 55% of all visits to field (and 58% of hours).

#### Detailed results

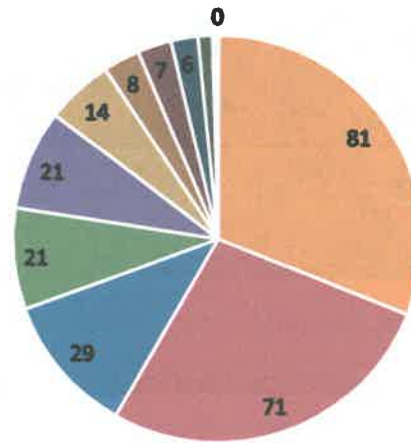
80 visits logged in total over 40 of 70 total available days to hunt (hunting not permitted on Sundays); 12 of 30 hunters logged visits: 23, 21, 9, 8, 5, 3, 3, 3, 1, 1, 1, 1 visits [1 logged visit had blank hunter ID].

261 hours logged in field—237 scouting and hunting or hunting only, 24 scouting only. Total hours by hunter ranged from 81 to 1; average total hours/visit (scouting or hunting) = 2.36.

# visits by participant (total=80 visits)  
[18 participants logged 0 visits]



# hours in field by participant (total=261 hours)  
[18 participants logged 0 hours]



One deer was killed in the season, a buck logged as killed on Dec 30th on Daman/Stephenson—by a hunter who made a single visit during the season.

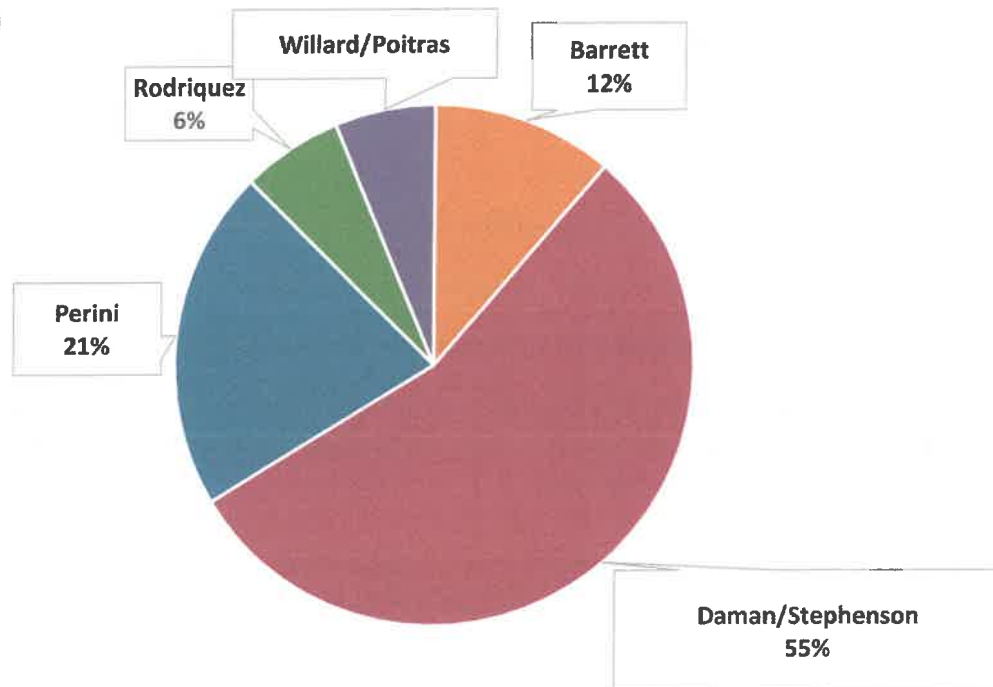
# hours in field and deer killed by 12 active hunters ("yield rate")



Nine hunters visited one site during season, one hunter visited two sites, one visited three, one visited 5.

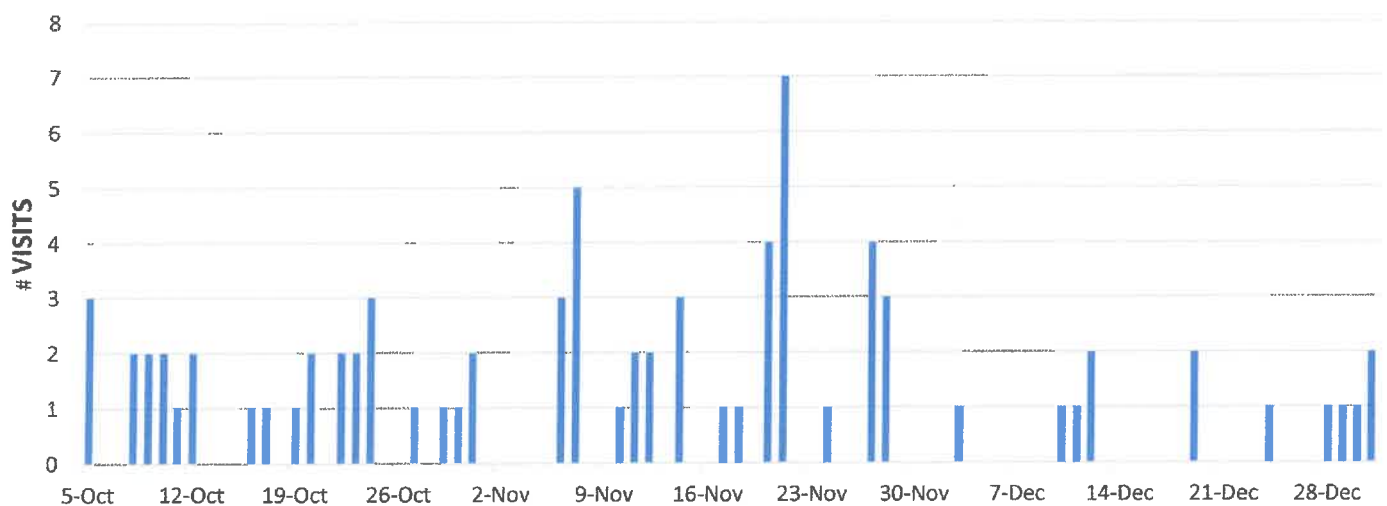
Of 80 total visits, 44 (55%) were to Daman/Stephenson, 17 (21%) to Perini, 9 (11%) to Barrett, and 5 (6%) to each of Rodriquez and Willard/Poitras.

Visits by parcel  
(80 total)



The 80 total visits were distributed over 40 days, out of 70 possible hunting days during season. Zone 10—where Daman/Stephenson is located—opened to hunting on Oct 5<sup>th</sup> while remaining parcels were in Zone 9 which opened on Oct 19<sup>th</sup>.

# visits by date



**Deer sightings:** A total of 12 deer sightings were logged: 8 (67%) at Daman/Stephenson, 2 at Barrett, 1 each at Perini and Rodriguez. Six (50%) were single does, five (42%) were single adult males, and one was 1 buck and 2 does.

**People encountered:** 13 encounters were logged out of the 80 visits (16%). Nine encounters (69%) were single adults, two encounters were two adults, two encounters were adults and children.

**Data notes:**

50% of entries in hunter log were duplicates; all removed for analysis.

One entry listed visit and no date or hunter ID, so was included in counts except for those including hunter or date.

One entry had date of 11/21/20 but time stamp of 10/21; was included as 11/21.

Sixteen entries (20%) had time stamps at least one day after the participant-recorded date—meaning the logged entry was made after the day indicated as in the field and not on the actual date in the field. All of these 16 were one day post field day except one that was 5 days post.

## Deer impact data

### Overview:

- Browse surveys indicate “moderate” deer impact in 3 of 6 surveyed conservation areas and “between moderate and impacted” impact in other 3 areas.
- Pellet count survey is incomplete for 2020 but suggests density below MA goal in one area and above in another.

**Note:** MA goal = 12-18 deer/square mile.

### Pellet count survey conducted by Harvard volunteers in Spring 2020

MA Wildlife results summary (excerpt from July 6, 2020 email communication):

“... Harvard is not over-run by deer like towns to the east with less hunting access, but is near/over statewide goal levels in some areas and within goal levels in others.”

**Grid 127:** 31 deer/square mile, minimum 21, maximum 56 (based on average, minimum and maximum defecation rates) **\*NEED to identify parcel of each grid\***

**Grid 128:** 8 deer/square mile, minimum 5, maximum 14 (based on average, minimum and maximum defecation rates).

**\*NOTE:** MA Wildlife analysis indicates that a minimum of 6 transects surveyed on a single day are necessary to estimate more accurate densities and these data represent 4 and 5 respectively, across multiple dates, so the minimum/maximum are best estimates given limited data.

### Browse surveys conducted by MA Wildlife personnel in August 2017 and May 2019

Deer impact rated on 7-point scale from little-to-no impact to heavily impacted:

(1) Little to no impact—(2) between little and moderate—(3) moderate impact—(4) between moderate and impacted—(5) impacted—(6) between impacted and heavily impacted—(7) heavily impacted

Date	Land	Deer impact	Surrounding area impact
Aug 2017	Great Elms	3 (mod)	Very limited
Aug 2017	Pin Hill/Tully	4 (mod/btwn)	Unknown
Aug 2017	Willard Lane Farnsworth	3 (mod)	Very limited
Aug 2017	Bellevue cemetery*	4 (mod/btwn)	Unknown
Aug 2017	Bolton Flats and small section Oxbow*	3 (mod)	Unknown
May 2019	Kaufman/Russo	4 (mod/btwn)	Very limited
May 2019	Williams Pond	3 (mod)	Very limited

May 2019	Holy Hill/Shaker meadow	4 (mod/btwn)	Very limited
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\*Not Harvard Conservation land

MA Wildlife estimates from browse surveys is a density of 20-35 deer/square mile in Harvard. (\*need to confirm the basis/source of this estimate\*)

**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**OCTOBER 1, 2020**

Chair Don Ritchie called the meeting to order at 7:09pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Paul Willard (arrived at 7:58pm), Wendy Sisson, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Tom Cotton (Deer Management Subcommittee), Jason Cole (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), SusanMary Reddinger (School Committee), Jim Lee, RoseMary Van Dorpe, Stephen Morris, Davida Bagatelle, Bruce Ringwall (GPR, Inc.), Margaret Kusner, Karen Levitt, Daniel Tracey and Peter Dorward

**Holy Hill, Ann Lees Field – Jurisdiction and Maintenance**

SusanMary Reddinger, from the School Committee, stated the Department of Public Works (DPW) currently maintains all of the playing fields and that the School Department does not have the funds to do so. The Parks & Recreation (P&R) Commission was given jurisdiction of the fields at the annual town meeting this year. The Conservation Commission (ConCom) may need to ask P&R to assist in the maintenance of the Ann Lees field.

Wendy Sisson gave an overview of the Holy Hill area and how it was obtained by the Town, which included a Self-Help grant from the State. Part of that grant required a playing field, however the ConCom should not have a role in maintaining a playing field for organized school sports. Ms. Sisson further explained this location is not ideal for a playing of this type due to the proximity to wetland resource areas.

It seemed to those present that the Select Board (SB) has to decide who is going to maintain this field. Don Ritchie stated the SB put out the contract to upgrade the field and should have considered maintenance at that time. Ms. Sisson agreed. Jim Burns also agreed and added at large he is not happy with the field being used as a ball field. Jim Lee suggested the ConCom develop an agreement that the field is to be maintained by whoever is using the field. Mark Shaw thought during the process last year to permit the upgrade of the field maintenance was turned over to the DPW. Liz Allard will review the Determination of Applicability to determine if this was addressed at that time.

Wendy Sisson made a motion to send a letter to the Select Board detailing the issue of maintenance for the Ann Lees field. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

**Deer Management Subcommittee (DMS) – Hunter's Log, Maps with setbacks and parking**

After briefly discussing minor revisions to the Hunter's log, along with maps detailing the setbacks and parking plans the following motion was made.

Wendy Sisson made a motion to approve the Town of Harvard Deer Management Program Parking Maps 2020 Season. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Members of DMS and Davida Bagatelle, chair of the Commission of Disabilities, have been working on regulations that allow for those with disabilities to participate in the hunt. The Commission discussed the purpose of the hunt, which is not to provide a recreational activity on conservation land, but to assist in the management of conservation land. Therefore, it should be determined if American Disability Act requirements would apply.

**Notice of Intent Hearing – Luciano Manganella, 175 Littleton County Road, Harvard#0820-04.** Opened at 7:48pm

**Right of First Refusal – Stone, 19 South Shaker Road**

After a brief discussion Wendy Sisson made a motion to recommend to the Select Board the Town not exercise its right of first refusal for 19 South Shaker Road. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

**Community Preservation Committee FY2022 Application**

After discussing who should be the applicant to fund the Agricultural Preservation Restriction (APR) for Community Harvest Program (CHP), Conservation Commission or Open Space Committee, or both, Wendy Sisson made a motion to submit an application from the Conservation Commission, Open Space Committee and Community Harvest Project in the amount of \$150,000 for the APR to protect CHP from development. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

**Review Revised Site Plan Lot 1 Pinnacle Road (Map 13 Parcel 28.1), DEP#177-681**

Members of the Commission reviewed the revised plan for Lot 1 Pinnacle Road which includes a new house footprint, deck and grading change around the house. The proposed house is still outside the 75' no-structure zone and orientated as previously approved. The garage has been enlarged, but way from the wetland resource area. The proposed deck is also larger, but not any closer to the wetland resource area. After briefly discussing, Jim Burns made a motion to accept the revised plans as a *De Minimus* change that will not require the re-opening of the public hearing. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

**Wetland Enforcement Updates**

- **92 South Shaker Road** – Reviewed site in February, no follow up since then from property owner; Commission agreed to send letter requiring Notice of Intent be filed with 30-days or an enforcement order will be issued
- **225 Bolton Road** - Don Ritchie and Liz Allard reviewed the site earlier this week with the site contractor. Unpermitted work within the 100' wetland buffer zone shall be applied for under a Notice of Intent for the first meeting in November.
- **18 Park Lane** – Work completed under Order of Conditions was never monitored, as Agent was not notified activity was commencing; Commission agreed to send letter to property own asking for an explanation
- **70 Woodside Road** – No actual violation, Agent provided new owners an overview of allowed activities within wetland buffer zones and will provide owners with Living with Wetland brochure
- **Bare Hill Pond Beach** – Site reviewed by Don Ritchie and Liz Allard, no real issue, except for the expansion of the canoe racks. Parks & Recreation Commission is seeking to submit generic Notice of Intent for annual and routine tasks and activities at the beach
- **Lot 6 Shaker Road, Ayer** – Liz Allard and Town Administrator reviewed the site today at which it appears the Town boundary between Harvard and Ayer runs through this property. Ms. Allard requested advice from Town Counsel on how the Commission should proceed. Dan Tracey, an abutter, requested the Commission send a letter requiring the project cease and desist and that erosion controls be removed. It was

explained to Mr. Tracey there would be no action on behalf of the Commission until advice was received from Town Counsel. Ms. Allard further explained all activity currently being conducted is permissible work.

#### **Request for Feed Storage on the Haskell Land**

Ron Duzan has requested the ability to add a feed storage on the Haskell land for the cows that are now residing there as part of a 4H program. Paul Willard is donating the year end corn to Mr. Duzan for the cows, which Mr. Duzan would like to store on the land. Wendy Sisson made a motion to allow a feed storage be added to the Haskell land as requested by Ron Duzan. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

The Commission also discussed the need to complete soil testing on the property to determine what the soil profile of the field. After briefly discussing the Commission agreed to support the testing of the soil by Ron Traver.

#### **Request for an Extension of the Order of Conditions – 45 Pine Ridge Drive, DEP#177-654**

Jim Burns made a motion to issue a three-year extension to the Order of Conditions for 45 Pine Ridge Drive, DEP#177-654. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

#### **Zoning Board of Appeals Request for Comments**

- **45 Pine Ridge Road (Special Permit)**
  - The Commission extended the Order of Conditions for this location earlier this evening; this will be conveyed to the ZBA.
- **Lot 6 (Map 13 Parcel 28.6) and a portion of 214 Littleton Road (Variance)**
  - The applicant has come before the Commission to discuss the proposed development and is aware if a variance is issued the applicant will be required to file a Notice of Intent with the Commission for the wetland crossing along Littleton Road; this too will be conveyed to the ZBA.

#### **Approve Minutes – August 6, 2020**

This item was passed over

#### **Allocation of Funding for Attendance at Fall MACC Conference**

Jim Burns made a motion to allocate \$250.00 for members and staff attendance at the Fall MACC conference. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

#### **Update on Pine Hill Village Stow Road**

There was no available report this evening.

#### **Adjournment**

Jim Burns made a motion to adjourn the meeting at 9:13pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing Minutes  
Luciano Manganella, 175 Littleton County Road, Harvard#0820-04  
October 1, 2020**

The public hearing was opened at 7:30pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Bruce Ringwall (GPR, Inc.)

This hearing was continued from September 3, 2020 for a Notice of Intent filed on behalf of Luciano Manganella for the construction of a single-family dwelling, barn, driveway, culvert replacement and stormwater facilities for the control of stormwater, involving the alteration of an intermittent stream and bordering vegetated wetland and activity within their associated 100' wetland buffer zone at 175 Littleton County Road, Harvard.

The Commission had reviewed the three proposals submitted for the peer review of this application, as well as the application before the Planning Board. Liz Allard noted BSC Group did not include any information in regards to the Planning Board application or the requested driveway inspections. Liz Allard detailed the proposals from Beals & Thomas (B&T) and Comprehensive Environmental Incorporated (CEI), which are comparable in the scope of service to be provided. Ms. Allard stated of the two she preferred the proposal provided by B&T. Bruce Ringwall provided his reasoning for suggesting the Commission accept the proposal from CEI; mainly the cost which appeared to be \$2,260 lower than B&T. Ms. Allard noted she believes the total within the CEI proposal does not include the cost of inspections required during the construction of the driveway, which would put CEI's proposal amount at \$8,340, slightly below B&T at \$8,800.

After a brief debate, Jim Burns made a motion to engage Beals & Thomas for the peer review of the Notice of Intent for 175 Littleton County Road. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

The Commission briefly discussed the comments received from the Board of Health. Liz Allard will follow up with the Natural Heritage and Endangered Species Program in regards to their comments.

Wendy Sisson made a motion to continue the hearing to November 5, 2020 at 7:30pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## **EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated October 1, 2020
- Sewage Disposal System, Ronald Henderson, 108 Pinnacle Road Harvard, MA Job No.: 33413, Plan No.: L-13328, prepared by David E. Ross Associates, Inc., dated 9/29/2020
- Town of Harvard DEER MANAGEMENT PROGRAM PARKING MAPS 2020 Season
- Harvard Town Conservation Land 2020 Hunting Log

DRAFT



**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**OCTOBER 15, 2020**

Acting Chair Wendy Sisson called the meeting to order at 7:09pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Tom Cotton (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Daniel Tracey, Faith Cross and Dan Wolfe (Ross Associates.)

**Request for an Extension of the Order of Conditions – Pine Hill Village, DEP#177-586**

Joanne Ward made a motion to issue a three-year extension to the Order of Conditions for Pine Hill Village, on Stow Road, DEP#177-586. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

**Request for Certificates of Compliance – 62 Old Littleton Road, DEP#177-684 and 68 Still River Road, DEP#177-671**

Mark Shaw made a motion to issue the Certificates of Compliance for 62 Old Littleton Road, DEP#177-684 and 68 Still River Road, DEP#177-671. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

**Approve Minutes – August 6, 2020**

This item was passed over

**Approve Invoice – Nitsch Engineering \$1,240.00**

Joanne Ward made a motion to approve the invoice from Nitsch Engineering in the amount of \$1240.00 for the site inspections at Pine Hill Village. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

**Notice of Intent Hearing - John Kennefick, 277 Stow Road, Harvard#0920-02.** Opened at 7:33pm

**Notice of Intent Hearing, Dennis Quinn, 14 Wilroy Avenue, Harvard#0920-01.** Opened at 7:45pm

**Update on Pine Hill Village Stow Road**

With activity at the site focused on the construction of the homes in the Pine Bank neighborhood, the weekly inspections of the site by Nitsch Engineering have been put on hold. Liz Allard stated her schedule has not provided her with the opportunity to visit the site on a weekly basis; she foresees this being the case for the near future.

**Driveway Easement – 98 Shaker Road**

Liz Allard stated she has not received any updates from the property owner or her representative in regards to the letter sent on September 1, 2020, which requested a response within 30-days. With no response, Jaye Waldron made a motion to turn the matter over to Town Counsel to resolve the driveway easement as provided for in the deed to the property. Joanne Ward

seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

#### **Community Preservation Committee (CPC) Application Update**

Liz Allard stated she had spoken with John Lee a member of the CPC in regards to the joint application to be submitted by the Conservation Commission (ConCom), Open Space Committee and Community Harvest Project (CHP) to further support the purchase of an Agriculture Preservation Restrictions on the CHP land along Prosect Hill Road. Mr. Lee recommended the application simple be submitted by the ConCom, as the application itself is not compatible to having three different applicants. Wendy Sisson requested all supporting material submitted with application last year be re-submitted with the application this year as well.

#### **Holy Hill, Ann Lees Field – Jurisdiction and Maintenance**

The letter to the Select Board detailing the issue of maintenance for the Ann Lees field as discussed at the last meeting has not yet been sent. Wendy Sisson will follow up with Bob O'Shea from the Parks & Recreation Commission in regards to this matter. Mark Shaw stated he reviewed the site and found the work to reestablish the playing diamond to have been done well, but the outfield is not in great shape.

#### **Wetland Enforcement Updates – 92 South Shaker Road and Lot 6 Shaker Road, Ayer**

Liz Allard stated she has spoken with Alice Thayer, of 92 South Shaker Road, to discuss the process of filing a Notice of Intent with the Commission.

In regards to Lot 6 Shaker Road, Liz Allard explained she received a call from the developer, Dan Aho, who stated he was under the impression that the town boundary line between Harvard and Ayer had been resolved and that all activity on Lot 6 is within the Town of Ayer. Ms. Allard had explained to Mr. Aho the information the Commission has in regards to the situation is that it has not been resolved. Dan Tracey, who abuts the Aho property was happy to see a cease-and-desist order for the development. Mr. Tracey informed the Commission this the same developer who has submitted a Notice of Intent with the Town of Ayer to install a water line under Mill Pond and Bennett's Brook.

#### **Deer Management Subcommittee Update – Hunter's Log**

Information in regards to the hunter's log shall be requested from the Subcommittee. The full hunting season for deer opens on Monday. At the first meeting in November the Commission wants to review what was requested at the October 1<sup>st</sup> meeting of the Subcommittee. Liz Allard will follow back up with the Subcommittee to unsure the hunter's log links are being shared with members of the Commission.

#### **Adjournment**

Mark Shaw made a motion to adjourn the meeting at 8:22pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Minutes  
Notice of Intent Hearing  
John Kennefick, 277 Stow Road, Harvard#0920-02  
October 15, 2020**

The public hearing was opened at 7:33pm by Acting Chair Joanne Ward under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Paul Willard, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Wendy Sisson\* and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Notice of Intent filed on behalf of John Kennefick for the construction of a replacement septic system within 100' of a wetland resource area at 277 Stow Road, Harvard.

\* As an abutter Wendy Sisson recused herself from this hearing.

Dan Wolfe, of Ross Associates, Inc., was present to represent the applicant. Mr. Wolfe explained the activity to replace the existing failing septic system is outside the 50' buffer zone. As a Geomat© system there is a minimal amount of fill required. Mark Shaw had attended the site walk and stated the area in which the system will be installed is relatively flat exiting lawn area. Liz Allard recommended making it clear in the Order of Conditions that the 50' buffer zone is the limit in which the lot can be cleared of natural vegetation and the dumping of yard waste should cease between wetland and the 50' wetland buffer zone line.

With no other questions or comments, Mark Shaw made a motion to close the hearing and issue an Order of Conditions with the recommended conditions from Liz Allard. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Minutes  
Notice of Intent Hearing  
Dennis Quinn, 14 Wilroy Avenue, Harvard#0920-01  
October 15, 2020**

The public hearing was opened at 7:45pm by Acting Chair Wendy Sisson under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Notice of Intent filed on behalf of Dennis Quinn for the construction of an addition and deck within 200' of Bare Hill Pond at 14 Wilroy Avenue, Harvard.

Dan Wolfe, of Ross Associates, Inc., was present to represent the applicant. Mr. Wolfe explained the existing deck on the south side of the house will be removed and replaced with a small addition. The existing deck on the east side of the house will be expanded. As discussed at the site walk, a roof recharge trench has been added to contain stormwater runoff. Mark Shaw attended the site walk and stated this is a good size project in regards to the existing house, but not the land, which is very stable.

Members discussed the requested waiver for activity within the 75' buffer zone for the addition and a portion of the proposed deck extension. As the deck will be a structure that will allow water to continue to flow through it and the location of the addition will be within an already disturbed area, Mark Shaw made a motion to allow for a waiver of Chapter 147-17 Setbacks for a structure within 75' of a wetland resource area. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

With no additional questions or comments, Paul Willard made a motion to close the hearing and issue an Order of Conditions with no additional special conditions. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## **EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated October 15, 2020
- Sewage Disposal System, John Kennefick, 277 Stow Road, Harvard, MA, Job No.: 32964, Plan No.: L-14122, prepared by David E. Ross Associates, Inc., dated September 2020
- Site Plan, Dennis Quinn, 14 Wilroy Avenue, Harvard, MA, Job No.: 32697, Plan No.: L-14065, prepared by David E. Ross Associates, Inc., dated 10/15/2020



310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

10.03(3) Presumption Concerning 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.*

A subsurface sewage disposal system that is to be constructed in compliance with the requirements of 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, or more stringent local board of health requirements, shall be presumed to protect the eight interests identified in M.G.L. c. 131, § 40, but only if none of the components of said system is located within the following resource areas:

(a) Coastal.

1. coastal bank;
2. coastal beach;
3. coastal dune;
4. salt marsh.

(b) Inland.

- |                |           |         |
|----------------|-----------|---------|
| 1. wet meadows |           | creek;  |
| 2. marsh       | bordering | river;  |
| 3. swamp       | on any    | stream; |
| 4. bog         |           | pond;   |
|                |           | lake.   |

and only if the soil absorption system of said system is set back at least 50 feet horizontally from the boundary of said areas, as required by 310 CMR 15.211: *Minimum Setback Distances*, or a greater distance as may be required by more stringent local ordinance, by-law or regulation. To protect wildlife habitat within riverfront areas, the soil absorption system shall not be located within 100 feet of the mean annual high-water line unless there is no alternative location on the lot which conforms to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* without requiring a variance as determined by the local Board of Health, with less adverse effects on resource areas.

This presumption, however, shall apply only to impacts of the discharge from a sewage disposal system, and not to the impacts from construction of that system, such as erosion and siltation from the excavation, placement of fill, or removal of vegetation. Impacts from construction shall be minimized by the placement of erosion and sedimentation controls during excavation, limiting the placement of fill, confining the removal of vegetation to that necessary for the footprint of the system, and taking other measures deemed necessary by the issuing authority.

The setback distance specified above shall be determined by measuring from the boundary of the area in question, from the contour at the mean annual flood elevation in inland areas, or from the top of a coastal bank or the contour at the highest spring tide elevation in coastal areas, whichever is further from the water body.

The setback distance specified above shall not be required for the renovation or replacement (but is required for the substantial enlargement) of septic systems constructed prior to the effective date of 310 CMR 10.00, provided no alternative location is available on the lot and such work has been approved by the local board of health or the Department, as required by law. This presumption may be overcome only by credible evidence from a competent source that compliance with 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* or more stringent local requirements will not protect the interests identified in M.G.L. c. 131, § 40.

**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**NOVEMBER 5, 2020**

Chair Don Ritchie called the meeting to order at 7:02pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Tom Cotton (Harvard Conservation Trust and Deer Management Subcommittee), Keith Bilafer, Holly Carmody, Ben Urquhart (Deer Management Subcommittee) and Bob Douglas (Deer Management Subcommittee),

**Approve Municipal Certifications for Conservation Restrictions at 30 and 31 Cruft Lane**  
Tom Cotton, from Harvard Conservation Trust, was present to request the Conservation Commission approve the Municipal Certification for the Conservation Restriction (CR) at 30 and 31 Cruft Lane. Wendy Sisson made a motion to approve the Municipal Certification as requested. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Mark Shaw and Holly Carmody expressed their issue with the clause within the CR that does not allow for dogs to be on the existing trails. Wendy Sisson explained the CR is on private land, therefore it is up to the property owner to allow or disallow certain activities. Ms. Sisson further explained the Conservation Commission is not involved with obtaining this CR, just approving the require Municipal Certification. Mr. Cotton further stated the property owner is under no obligation to allow access to the existing trail. Jim Burns asked if the next owners of the land could change the requirements. It was sated yes they could.

**Memorandum of Understanding (MOU) with Parks & Recreation Commission for the Playing Fields**

Bob O'Shea thanked the Conservation Commission for working with the Parks & Recreation Commission (P&R) on a situation neither were involved with from the start. Mr. O'Shea stated P&R wants the Ann Lees field to be Massachusetts Interscholastic Athletic Association compliant with a 200' fence around the perimeter of the ball field. Wendy Sisson explained the fence would include an addition area of 15' beyond it that would be maintained as a mowed area for the retrieval of balls. Ms. Sisson stated this mowed area would be extremely close to the wetland, which is typically not allowed. Mr. O'Shea stated the mowing of the field is based on the playing schedule, but as to when the 15' area should be mowed can be worked out with Ms. Sisson. With no available funds for a formal fence under the Title 9 guidelines, a temporary fence will be installed for now. Mr. O'Shea stated the boy's baseball field has a formal fence, so if the girl's field does not have one in the near future the P&R will have an issue. Ms. Sisson stated there is no requirement to have an outfield fence. Mr. O'Shea stated it will be ConCom's issue to maintain the field if a permanent fence is not installed. Other aspects of the MOU were discussed. Ms. Sisson and Mr. O'Shea will continue to work out the MOU.

**Planning Board Request for Comments – Scenic Road Consent, 108 Pinnacle Road**

The site plan submitted to the Planning Board is consistent with revised plan the Conservation Commission recently approved as part of the approved Order of Conditions, DEP#177-681. This information will be conveyed to the Planning Board.

**Review Amendments to Chapter 147 Wetland Bylaw Regulations**

Members were reminded to provide any comments on the revisions to Chapter 147 to Liz Allard. The public hearing will be opened on December 3, 2020.

**Request for a Certificate of Compliance – 26 Bolton Road, DEP#177-665**

Jim Burns made a motion to issue the Certificate of Compliance for 26 Bolton Road, DEP#177-665. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Approve use of the Reuben Reed land for Bromfield Baseball Boosters Club, November 21 – December 20, 2020**

Wendy Sisson made a motion to approve the use of the use of the Reuben Reed land for Bromfield Baseball Boosters Club, November 21 – December 20, 2020, for the sale of Christmas trees with the same stipulation as last year. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

**Approve Invoice – Beals & Thomas, \$4,714.23 (Peer Review)**

Jim Burns made a motion to approve the invoice from Beals & Thomas for the peer review of the 175 Littleton County Road application in the amount of \$4,714.23. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

Paul Willard made a motion to approve the allocation of \$55.00 for the attendance of Wendy Sisson at a MACC workshop. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

**Approve Minutes – August 6, 2020**

This item was passed over

**Continuation of a Notice of Intent Hearing – Luciano Manganella, 175 Littleton County Road, DEP#177-692, Harvard#0820-04. Opened at 7:36pm****Deer Management Subcommittee Update**

It appears the issue with hunter's logging-in with the police dispatch has been resolved. Eve Wittenberg requested the data from the hunter log be provided to the Conservation Commission (ConCom) members. Difficulties accessing the log by Liz Allard needs to be resolved, so that she can share the log with the ConCom members.

There has only been one minor interference thus far within the program. Random audits of the hunter's have been conducted. The Deer Management Subcommittee will be hosting a meeting with the Department of Fish & Wildlife on November 19, 2020; time to be determined, as members of ConCom would like to attend, but have a regularly scheduled meeting that evening.

**Driveway Easement – 98 Shaker Road Update**

Prior to engaging Town Counsel in this matter, the Conservation Commission was informed the property owner moved the driveway as required by the deed. Don Ritchie & Liz Allard reviewed the site to find the driveway has in fact been moved. Wendy Sisson and Ms. Allard are working on the signage for the foot of the driveway as previously agreed upon.

**Community Preservation Committee Meeting – November 18, 2020**

Both Don Ritchie and Wendy Sisson stated they could attend the meeting to represent the Conservation Commission on the application for funding toward the Agricultural Preservation Restriction for Community Harvard Project along Prospect Hill Road.

**Wetland Enforcement Updates – 225 Bolton Road and 288 Ayer Road**

A Notice of Intent (NOI) has not been filed as of yet for 225 Bolton Road, nor has there been any communication from the contractor or property owner as to the status of the NOI. Paul Willard made a motion to issue an Enforcement Order to cease & desist any activity within the 100' wetland buffer zone and to file an NOI by December 3, 2020. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

Don Ritchie & Liz Allard reviewed 288 Ayer Road, along with the property owner, where a violation of the Wetland Protection Act and the Wetland Protection Bylaw has occurred. The violation is limited to the clearing of vegetation within 100' of a wetland resource area. The owner has had the area surveyed for the wetland boundary and will allow the areas cleared to revegetate naturally. Mr. Ritchie will monitor the activity at this site.

**Update on Pine Hill Village Stow Road**

Liz Allard stated Steve Ventresca from Nitsch Engineering will be in Town on November 17<sup>th</sup> to review another site, therefore Liz Allard and Don Ritchie will review Pine Hill Village with as well on that day.

**Adjournment**

Paul Willard made a motion to adjourn the meeting at 8:44pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated November 5, 2020
- Conservation Restriction and Easement for 30 and 31 Cruft Lane, undated
- Memorandum of Understanding between the Harvard Parks & Recreation Commission and the Harvard Conservation Commission for Ann Lee's Field, November 5, 2020
- Beals & Thomas Invoice 3241.00-1, 10/30/2020
- Review of Notice of Intent (MassDEP File No. 177-0694) & Special Permit Modification 175 Littleton County Road Harvard, Massachusetts B+T Project No. 3241.00, October 27, 2020

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Minutes**  
**Luciano Manganella, 175 Littleton County Road, DEP#177-694, Harvard#0820-04**  
**November 5, 2020**

The public hearing was opened at 7:36pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from October 1, 2020 for a Notice of Intent for the construction of a single-family dwelling, barn, driveway, culvert replacement and stormwater facilities for the control of stormwater, involving the alteration of an intermittent stream and bordering vegetated wetland and activity within their associated 100' wetland buffer zone at 175 Littleton County Road, Harvard.

Liz Allard reminded the members of the joint meeting for this application with the Planning Board of November 16, 2020. Ms. Allard, along with representatives from GPR, Inc. and Beals & Thomas, met today to go over the initial review of the project. GPR provided revisions to the plan and an amendment to the Notice of Intent application as a limited project, as recommended by Beals & Thomas.

In regards to the fire pond on the property, the hydrant is in good working order, but the pond itself will need to be dredged. The Fire Department will be putting out Request for Proposals within the next few months for this fire pond and others in Town, therefore this application will not include the work to dredge the pond.

As for the wetland restoration area necessary due to the new crossing, Wendy Sisson would recommend a 1:1 replication as opposed to the require 2:1 with the Wetland Bylaw Rules.

Jim Burns made a motion to continue the hearing to November 16, 2020 at 7:30pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent