

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 6, 2020
APPROVED: FEBRUARY 20, 2020**

Chair Don Ritchie called the meeting to order at 7:06pm in the Town Hall, 13 Ayer Road, Harvard 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 (departed @ 9:06pm), Wendy Sisson, Jim Burns, Mark Shaw (arrived 8:27pm) and Derek Beard (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Theresa Hoggins, Steve Morris, Audrey Ball, Orville Dodson, Eve Wittenberg, Bob Douglas (Deer Management Subcommittee) and Jason Cole (Deer Management Subcommittee)

Potential Wetland Violation – 92 South Shaker Road

The Commission had recently been alerted to a potential wetland violation at 92 South Shaker Road involving the installation of fencing and cultivation potentially within a wetland resource area and its associated buffer zone. The site has not been reviewed by anyone on the Commission or the Agent. Jim Burns stated the site has had some form of fencing for some time now. Wendy Sisson suggested a site visit be scheduled, but at this time of year there is no a major concern as disturbance would be the installation of the fence and the tilling of the soil.

Steve Morris stated the site has had heavy activity to clean up the area as of late. Mr. Morris also asked if the Commission has concerns with the large amount of water and chemicals used to grow marijuana. Paul Willard stated that it is no different then any other agricultural use. The use of chemicals, including herbicides and pesticides, is regulated by the Mass Department of Agricultural. It is not up to the Commission to regulate what is being cultivated on the site, but to ensure the Wetland Protection Act and Harvard's Wetland Protection Bylaw are not being violated. It was noted that the cultivation of marijuana is not considered an agricultural use by the State; therefore it does not afford the same exemptions other agricultural uses do.

A site walk was scheduled for February 18, 2020 at 12:30pm.

Conservation Restriction Request – Shaker Mill Pond, Shaker Road, Ayer

After a brief discussion in regards to the potential of accepting a conservation restriction in the Town of Ayer the members agreed they have no interest in doing so.

National Grid Removal of line from Cobb Land #2

Audrey Ball and Orville Dodson, who reside at 85 and 87 Oak Hill Road respectively, were present to discuss National Grid's requirement to move deteriorating power lines and poles off a parcel of conservation land that abuts 85 Oak Hill Road. National Grid would move the poles and line to the common driveway for 85 and 87 Oak Hill Road. National Grid has indicated they are unable to rebuild the line in its current location because the line constitutes a trespass over land that is not owned by Ms. Ball or Mr. Dodson. Ms. Ball stated there has always been an easement across the Cobb land, but the language of the easement was not transcribed in the deed when the property was transferred to the Town.

The Commission recommended Ms. Ball and Mr. Dodson retain someone to complete a title search of the property in regards to the easement.

Deer Management Request for Funding and Update

Bob Douglas, the chair of the Deer Management Subcommittee(DMS) and Jason Cole, a member of the DMS, were present to update the Commission on the training to conduct pellet counts. The DMS met this evening and agreed to engage David Stainbrook, the Deer and Moose

Biologist for the State of Massachusetts, who will not only conduct the pellet count training, but will conduct browse studies as well for free. Another option to assist in estimating the abundance of deer would be a camera study. DMS likes this idea and would like Commission to consider funding that type of study. DMS also discussed the idea of having the chosen hunters complete a service project on the trails each year. Wendy Sisson thought this was unnecessary, as the Commission is already getting a service from the hunters by culling the deer population. Don Ritchie disagreed and saw no different then what the Harvard Snowmobile Club does, who assists in maintaining trails along the snowmobile route. A discussion was had in regards to monitoring hunted and non-hunted location for comparison purposes, including vegetation browse or lack there of. The Commission and the DMS members present agreed upon establishing a control area to be used for comparison purposes.

Request for a Certificate of Compliance – 119 Tahanto Trail, DEP#177-567

Wendy Sisson made a motion to issue the Certificate of Compliance for 119 Tahanto Trail, DEP#177-567. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Jim Burns made a motion to approve the minutes of December 5 and 19, 2019 and January 16 and 30, 2020 as amended. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Approve Invoice

Jim Burns made a motion to approve the invoice for Nitsch Engineering in the amount of \$2480.00 for the monitoring of Pine Hill Village. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Allocate Funding to Attend Mass Association of Conservation Commissioners (MACC) Annual Conference

Paul Willard made a motion to allocate \$250.00 for Commission member's attendance at the MACC annual conference. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Environmental Notification Form – Carlson Orchards, 115 Oak Hill Road

The Commission had no comments in regards to this notification.

Review Final Monitoring Report for 2015 Enforcement Order at 55 West Bare Hill Road, Harvard#0114-02

The members agreed the site should be viewed in the spring to be able to determine the health and growth of the vegetation.

Allocation of Funding – Holy Hill Boardwalk

This item is no longer necessary

2019 Annual Report

Wendy Sisson made a motion to accept the 2019 annual report of the Conservation Commission as amended this evening. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Discuss Fees for the use of the Haskell Land for Livestock

Liz Allard will provide Wendy Sisson with the spreadsheet detailing the existing fees paid by others for use of agricultural lands under the management of the Commission.

Update on Fiscal Year 2021 Community Preservation Act Funding Requests

The Commission has not yet received official word as to the recommendations the Community Preservation Committee will be making to Town Meeting in the spring. Once this information is

determined the Commission should communicate with Community Harvest Project, who was a co-applicant on one of the two applications submitted by the Commission.

Update Pine Hill Village

Liz Allard stated the outstanding monthly and rain event reports were received last week after notification to the developer that he was in violation of the Order of Conditions and failure to submit those reports in a timely manner could result in a stop-work order.

Revised Driveway Easement for 98 Shaker Road

At the request of the chair, Liz Allard has drafted a letter to Attorney Gould stating the revised deed shall be received by February 20th or the Commission will engage Town Counsel to resolve the matter at the expense of her client.

Jim Burns stated he has spoken with Faith Cross, one of the donors of the funding used to purchase the land, who wants the agreement to move the driveway for 98 Shaker Road off of the conservation land upon transfer to a new owner upheld. Wendy Sisson stated access to the conservation land is best utilized from where the existing driveway crosses onto the conservation land. Ms. Sisson advocated for maintaining this easement as it is, but the new owner of 98 Shaker Road should move the driveway off of the conservation land. Upon further discussion Mr. Burns agreed to follow up with Ms. Cross on the matter. Liz Allard will provide Mr. Burns additional material in regards to this matter.

Accepting Precipitation Frequency Statistics prepared by the Northeast Regional Climate Center at Cornell University

Don Ritchie has provided Liz Allard with suggested revisions to Chapter 147 Wetland Protection Bylaw Rules. These revisions along with others for Chapter 147 will be discussed at the February 20th meeting.

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:08pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated February 6, 2020
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, December 5, 2019, prepared by Liz Allard
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, December 19, 2019, prepared by Liz Allard
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, January 16, 2020, prepared by Liz Allard
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, January 30, 2020, prepared by Liz Allard
- Nitsch Engineering, Invoice No. 67120, dated January 16, 2020
- Massachusetts Association of Conservation Commissions, Invoice# 200006124 and 200006125, dated 2/3/2020