

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 6, 2020
APPROVED: DECEMBER 3, 2020**

Chair Don Ritchie called the meeting to order at 7:00pm, 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, 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), Sherrill Gould, Faith Cross, Dan Tracey, Gwen Leonard, Neil Gorman (Ross Associates, Inc.), Steve Sears (Ross Associates, Inc.), Jason Cole (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Arthur Allen (EcoTec, Inc.) and Bob Schmidt

Election of Officers for Fiscal Year 2021

After a brief discussion the Commission agreed to discuss this item at a later date.

Driveway Easement for 98 Shaker

Attorney Sherrill Gould was present to represent the property owner at 98 Shaker Road, Debra Murray. Attorney Gould explained the moving of the driveway would require the removal of a portion of an existing stonewall and large trees. Attorney Gould asked the Commission to reconsider the requirement to move the driveway off of the conservation land. Attorney Gould stated in earlier conversations with the Commission that it was agreed not to require the driveway be relocated, as required by the deed, with the agreement to allow no financial responsibility for the driveway or the easement, and allow the Commission to maintain more of the existing field for invasive control. Attorney Gould further explained her client is not willing to exchange land with the Commission. This land exchange would not require the movement of the driveway and provide the Commission with more of the field they are already maintaining. Don Ritchie explained the Commission has become leery over engaging in easements with private property owners. Jaye Waldron believes the exchange of land would limit the number of intrusions on to Ms. Murray's property. Wendy Sisson further explained the reasoning behind the suggested land swap, which would be a minimal section of the field; the mowing that has occurred on Ms. Murray's land has been done as a courtesy to Ms. Murray.

A debate over Ms. Murray and Attorney Gould's intent ended with Attorney Gould attempting to exit the meeting. Ms. Waldron defended the Commission and their intent to exchange the land. Mark Shaw wants to maintain civil communications with the property owner and a sign should be installed detailing access, as previously discussed. Attorney Gould asked if the requirement to move the driveway could be required of the next property owner. The Commission was not in agreement with that request. Attorney Gould stated her client feels the Commission is trying to take her land.

After further discussing the matter, Wendy Sisson made a motion that a letter be sent to Debra Murray explaining the land exchange, clarify the Commission is not trying to take her land, but merely resolve the requirement within the deed to move the driveway off of conservation land, with as minimal impact as possible. The letter shall include a 30-day timeframe for Ms. Murray to respond, otherwise the Commission will turn the matter over to Town Counsel to resolve the matter as detailed within the deed. Jim Burns seconded the motion. The vote was 5-1 in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, nay; Wendy Sisson, aye and Don Ritchie, aye.

Continuation of a Notice of Intent Hearing, Nathan Bailey, 131 Bolton Road, DEP#177-687, Harvard#0620-01,.. Opened at 7:40pm

Notice of Intent Hearing – Steve Ernst, 2 & 4 Wilroy Avenue, Harvard#0720-01. Opened at 7:42pm

Notice of Intent Hearing – Ed Potter, 105 Ayer Road, Harvard#0720-02. Opened at 7:47pm

Update on Activity along Willard Lane

Recent activity along Willard Lane, which included the clearing of an overgrown hedge row on the Haskell Land, was previously approved by the Commission. Liz Allard is working with Theodore Maxant to ensure invasive plants are not further distributed and existing trees are protected.

Discuss Compliant in regards to the regarding of Warren Avenue

Don Richie, Jaye Waldron and Liz Allard visited Warren Avenue to determine the extent of activity within wetland resource areas and/or the associated buffer zone. Work completed by the Department of Public Works (DPW) to temporarily repair damage caused by heavy rains needs to be conducted in association with the Conservation Agent. The Commission agreed a letter should be sent to the Director of DPW explaining that the consistent dumping of rip rap is only a temporary solution to storm water problems that should be properly addressed.

Request to Extend Order of Conditions – Fairway Partners, Trail Ridge, DEP#177-621

Jaye Waldron made a motion to extend the Order of Conditions for Fairway Partners, Trail Ridge, DEP#177-621, for one year. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; Wendy Sisson, aye and Don Ritchie, aye.

Planning Board Request for Comments

- **Cello Partners - 12 Woodchuck Hill Road** – No Comments
- **Maclean d/b/a Chestnut Tree Landscaping – 320 Ayer Road** – Would like confirmation that all activity is outside the 100' and 200' wetland buffer zones and what types of material are being stored on site.

Zoning Board of Appeals Request for Comments

- **Gallagher - 104 Still River Road** – No comments
- **Quinn – 14 Wilroy Avenue** – The applicant will need to file a Notice of Intent for activity within 200' of Bare Hill Pond.

Approve Minutes – June 4, and July 2, 2020

Joanne Ward made a motion to approve the minutes of June 4 as amended and July 2, 2020 as drafted. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; Wendy Sisson, aye and Don Ritchie, aye.

Deer Management Subcommittee – Discuss Number of Qualified Hunters for 2020 and Subcommittee Appointments

A letter provided to the Commission indicated the State recommends twenty-five to thirty hunters for the areas designated for bow hunting within the Town of Harvard. Joanne Ward stated she would like to see a sign in/sign out system established for the hunters to be able to track hunters' locations. Wendy Sisson stated she has a much different opinion on the number of allowed hunters for the 2020 hunting season. Ms. Sisson stated many other programs such as Sudbury Valley Trustees, and the Trustees of the Reservation have a system in place that assigns locations to the hunters. Bob Douglas, chair of the Deer Management Subcommittee (DMS), took offense to requiring the hunters to sign in/ sign out of locations. Eve Wittenberg offered to create an online system for this process. With the goal of managing deer populations it would be key to know where the hunters are located. Jason Cole, a member of the DMS, questioned what

it is the Commission is seeking from this log. The log would allow the Commission to know where hunters are, which could assist with any issues that may arise between hunters and/or the general public. The log would also provide substantial information about what is happening in the forest. Mr. Douglas stated hunters are in touch with each other; they are the original social distancers; and maintain established hunting stands; therefore, he sees no conflicts arising amongst the hunters. Ms. Sisson stated the log would allow residents to know how many hunters are on a given site. Jim Burns stated this is a new program in Town that the Commission is trying to keep things in check for now. Hunters moving from one area to another over the course of a day was discussed. Most Commission members were in agreement with the ability of a hunter to move from one area to another over the course of the day on a trial basis for this season. Mr. Cole stated it would be best if the DMS created the hunter's log. Ms. Wittenberg was agreeable and offered to provide assistance with the design of the log.

Ms. Sisson asked in addition to qualifying, what else does a hunter need to be considered for bow hunting in Harvard. Mr. Douglas stated hunters are encouraged to obtain doe permits. Ms. Wittenberg stated they should be required and not encouraged to take does to assist in the goals of the program. Ms. Sisson suggested there to be twenty qualified hunters with a wait list, as opposed to thirty. Ms. Sisson wanted confirmation that hunters knew the setbacks from existing trails. Mr. Douglas stated they have been informed.

Wendy Sisson made a motion to allow the Deer Management Subcommittee to qualify thirty hunters, approve twenty for the deer hunt during the 2020 season on the approved conservation lands, and wait list the remaining ten hunters. With no second to Ms. Sisson's motion, Mark Shaw made a motion allow the Deer Management Subcommittee to qualify and approve thirty hunters for the deer hunt during the 2020 season on the approved conservation lands. Jaye Waldon seconded the motion. The vote was 4-2 in favor of the motion by roll call vote, Jaye Waldron, aye; Joanne Ward, nay; Jim Burns, aye; Mark Shaw, aye; Wendy Sisson, nay and Don Ritchie, aye.

Subcommittee appointments will be discussed at the next meeting of the Commission.

Master Plan & Open Space & Recreation Plan Strategic Planning for FY2021

Jaye Waldron will review the document for the next meeting.

Update on Pine Hill Village Stow Road

Foundation drains have been routed to the drainage system as previously requested. Heavy rains have caused the slope behind the houses in the Pine Bank neighborhood to wash out; check dams and additional erosion control have been installed. Liz Allard reported an endangered plant, Monkey Flower, found on the site near the intermittent stream, with the online reporting system for Natural Heritage & Endanger Species Program.

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:56pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; Wendy Sisson, 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
Nathan Bailey, 131 Bolton Road,
DEP#177-687, Harvard#0620-01
August 6, 2020**

The public hearing was opened at 7:40pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Whittenburg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Arthur Allen (EcoTec, Inc.) and Bob Schmidt

This hearing was continued from July 16, 2020 for a Notice of Intent filed on behalf of Nathan Bailey for the restoration of disturbed wetland and buffer zone areas, the completion of walkway and patio to provide access to the existing house within the 100' wetland buffer zone at 131 Bolton Road, Harvard.

Liz Allard stated the plan has been revised and submitted as discussed at the previous meeting, therefore there are no outstanding issues with this application. Jim Burns made a motion to close the public hearing and issue an Order of Conditions with the standard special conditions. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion amongst the members eligible to vote by roll call vote Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Minutes
Steve Ernst, 2 & 4 Wilroy Avenue, Harvard#070-01
August 6, 2020**

The public hearing was opened at 7:42pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Whittenburg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Neil Gorman (Ross Associates, Inc.)

This hearing was continued from July 16, 2020 for a Notice of Intent filed on behalf of Steve Ernst for the installation of a new well within 200' of Bare Hill Pond at 2 & 4 Wilroy Avenue, Harvard.

Neil Gorman, from Ross Associates, Inc., was present to represent the applicant. Mr. Gorman reviewed the revised plan which included additional siltation barriers around the well to be abandoned. The pumps for both dwellings have been located on the plan as well. The pump on the Gaw property will be removed, but the pump house itself will remain for use as storage.

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

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Minutes
Ed Potter, 105 Ayer Road, Harvard#0720-02
August 6, 2020**

The public hearing was opened at 7:47pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Whittenburg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Steve Sears (Ross Associates, Inc.)

This hearing is for a Notice of Intent filed on behalf of Ed Potter for the installation of a replacement sewage system and related grading within 100' of a wetland resource area at 105 Ayer Road, Harvard.

Steve Sears, from Ross Associates, Inc., was present to represent the applicant. Mr. Sears detailed the plan to replace an existing septic system within the buffer zone of a bordering vegetated wetland (BVW) adjacent to Bower's Brook and a BVW across Mill Road. A site walk had been previously conducted with limited member attendance. Mark Shaw, who attended the site walk, explained there is an earthen berm between the existing storage/parking area and the slope to the BVW. Wendy Sisson wondered if the Commission should wait to receive comments from the Board of Health before making a final decision. In addition, with such a sensitive site, Ms. Sisson would like more members of the Commission to view the site to be able to further discuss the existing uses on the property.

After a brief discussion including the fact that a Department of Environmental Protection File Number has not been issued, Joanne Ward made a motion to continue the public hearing to August 20, 2020 at 8:00pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by roll call vote Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; Wendy Sisson, aye and Don Ritchie, aye.

An additional site walk was scheduled for Saturday August 8, 2020 at 9:00am.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated August 6, 2020
- Sewage Disposal System, Steve Ernst, #2 Wilroy Avenue, Harvard, MA, Job No.: 31556, Plan No.: L-13689, prepared by David E. Ross Associates, Inc., dated 8/6/20
- Sewage Disposal System, 105 Ayer Road Realty Trust, 105 Ayer Road, Harvard, MA, Job No.: 33216, Plan No.: L-14073, prepared by David E. Ross Associates, Inc., dated June 1, 2020
- Draft Harvard Conservation Commission Meeting Minutes, June 4, 2020, prepared by Liz Allard
- Draft Harvard Conservation Commission Meeting Minutes, July 2, 2020, prepared by Liz Allard