

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 1, 2020
APPROVED: MARCH 4, 2021**

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 Manganello, 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