

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY JUNE 15, 2023 @7:00PM**

Pursuant to Chapter 2 of the Acts of 2023, An Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/84378682788?pwd=VVJValBnSDY4TWFS2p4L0pHSGNmUT09>

Meeting ID: 843 7868 2788

Passcode: 227568

One tap mobile

+13017158592,,84378682788# US (Washington DC)

+13052241968,,84378682788# US

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)

Meeting ID: 843 7868 2788

Find your local number: <https://us02web.zoom.us/u/kd9v9wFc6S>

New Business:

1. Discuss Strategic Planning Session
2. Land Stewardship Re-appointments – Jim Burns & Brian McClain
3. Approve Minutes
4. Approve Invoices
 - Beals & Thomas, \$5886.25 (March & May)
 - Blue Seal Feeds & Needs, \$611.92 (Haskell Land seed)

Public Hearings:

- 7:25pm **Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03**, for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake & Pond General Environmental Impact Report to control phosphorus and invasive plant species
- 7:30pm **Request for Determination of Applicability Hearing – Saulo Stewart, 99 Depot Road, Harvard#0523-05**, for the replacement of an existing deck within the 100' wetland buffer zone

Old Business:

1. Review Proposed Chapter 125-35 Open Space Residential Development Bylaw
2. Review Deer Management Annual Process and Procedures
3. Update on Enforcement Order – 320 Ayer Road
4. Pine Hill Village Status Update

NEXT MEETING: JULY 6, 2023

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The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

DRAFT
HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 16, 2023

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Don Ritchie, Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward and John Iacomini (Associate Member)

Others Present: Liz Allard (Conservation Agent), Wendy Sisson (Land Stewardship Subcommittee), Rainer Park, Dan Carr (Stamski & McNary), John Osborne (Harvard Press), Mary Ann Boynton, Benjamin Thompson and Dave Crossman (B&C Associates)

Land Stewardship Subcommittee (LSS) Update

- Joanne Ward made a motion to appoint Jim Gorss to the Land Stewardship Subcommittee with a term to expire 6/30/2025. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.
- 2023 CISMA Small Grant for Roadside Japanese Knotweed (JKW) – Two locations have been identified for treatment in the late summer of 2023 at a cost of \$1650 from Vegetation Control Services. The two locations are along Stow Road before Codman Hill Road, and by the entrance of the gravel pit, which abuts the Perini land. The process will need to be pursued for a number of years to control it. The goal is to show the Town how roadside JKW can be controlled before it infiltrates Harvard on a scale that cannot be controlled. LSS will be asking for quote for phragmites between the dam and Still River Road. The Conservation Agent will assist in the application process necessary to permit this activity around wetland resource areas. As part of the grant public education will be provided in way of an article in the Harvard Press.
- Community Preservation Committee Application Update – Invasive funding was not provided this year due to the overwhelming number of applications for funding. Moving forward the Commission will need to coordinate with the Open Space Committee when they are seeking funding. \$26,000 is the annual allotment for projects that fall under the category of open space.
- Reuben Reed Land - LSS is seeking to engage the Harvard Garden Club assistance for a design for this land in Town Center, while maintaining the area for the Christmas tree sale.

Available Training

- MACC Annual Environmental Conference- February 28 to March 9, 2023
 - Joanne Ward made a motion to allocate \$150.00 for Wendy Sisson to attend the conference. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.
- State Ethics Training – March 14, 2023 6-8pm
- MMA Webinar – [Strategies for facilitating Municipal Meetings](#)

Violation of the Order of Conditions – 175 Littleton County Road, DEP#177-694, Harvard#0820-04

Liz Allard detailed the wetland violation under the Town’s Wetland Protection Bylaw, which does not allow for structure within 75-feet of a wetland resource area. In this case two stonewalls have been installed along the driveway access to the property. Ms. Allard suggested issuing a fine of \$900; \$300/per Order of Conditions currently on the property. The Commission needs to determine if the they would

53 allow the stonewalls to be permitted. There is approximately 20-feet of the stone wall that is within 75-
54 foot wetland buffer zone. Ms. Allard further suggested it be removed as it is not a necessary structure.
55 Eve Wittenberg made a motion issue an enforcement order requiring the portion of the stonewall within
56 the 75-foot buffer zone be removed and the issuance of a \$900.00 fine. Paul Willard seconded the
57 motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward,
58 aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

59
60 **Notice of Intent Hearing – Rainer Park, 7 Peninsula Road, Harvard#0223-01.** Opened at 7:40pm.

61
62 **Annual Appointments – Jaye Waldron, Jim Burns, Mark Shaw & John Iacomini**

63 Don Ritchie reminded those who up for re-appointment that they need to provide their intensions to Julie
64 Doucet in the Select Board office by early March.

65
66 **Approve Minutes**

67 Jaye Waldron made a motion to accept the minutes of October 20, 2022 as amended. Eve Wittenberg
68 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye;
69 Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

70
71 **Approve Invoices**

72 There were no invoices this evening

73
74 **Annual Review & Recommended Amendments of the Memorandum of Understanding (MOU) for Ann
75 Lee Field with Parks & Recreation Commission**

76 The Parks & Recreation (P&R) Commission will be meeting on March 6th to further discuss recommended
77 amendments to the MOU for the Ann Lees Field. The Commission will review the suggested amendments
78 from P&R at the March 16, 2023 meeting and invite P&R to attend the April 6, 2023 to further discuss.

79
80 **Proposed Amendments to the Code of the Town of Harvard Chapter 39 Firearms and Explosives to
81 include Hunting and Trapping**

82 Liz Allard stated she had spoken with Police Chief Babu who was in agreement with the recommended
83 changes to Chapter 39 of the Code of the Town of Harvard and agreed to submit the warrant article with
84 support from the Commission. Liz Allard noted the removal of language that contradicted the intent of
85 the bylaw that was added in error. John Iacomini suggested in addition to the fines in section 39-3
86 language pertaining to the issuance of State fines should be included; member agreed.

87
88 Jaye Waldron made a motion to accept the amendments to Chapter 39 of the Code of the Town of
89 Harvard for submittal to the Select Board to be included on the warrant for the Spring Town Meeting by
90 the Harvard Police Department. Eve Wittenberg seconded the motion. The vote was unanimously in
91 favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard,
92 abstained; and Don Ritchie, aye.

93
94 **Climate Action Plan Natural Resources Priority Actions to Implement Update**

95 Liz Allard attended the February 9, 2023 meeting of the Climate Initiative Committee (CIC), which was the
96 Climate Action Plan (CAP) Implementation Meeting with Lead Committees and Liaisons. There appears to
97 be some confusion as to who is the lead on the implementation of the action items. CIC had intended
98 specific Boards/Commission would be the lead on all of the action items under the six focus areas; with
99 the Conservation Commission taking the lead on Natural Resources, along with the Planning Board. Ms.
100 Allard had explained to the CIC that neither she, nor the Commission, has the ability to complete the
101 necessary follow through with other Boards/Commissions such as the Agricultural Commission. Members
102 of the Commission agreed additional clarification would be necessary from both the CIC and the Select
103 Board as to how this process will unfold.

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Pine Hill Village Update

Don Ritchie and Liz Allard met with Steve Ventresca, of Nitsch Engineering, today as part of the review of the as-built plans for Phase 2 of the development. While on site the process of filling five-gallon buckets with the silt from the constructed wetland to be deposited in a waste pile at the top of the hill was observed. It was suggested machinery be used to accomplish this task.

Adjournment

Eve Wittenberg made a motion to adjourn the meeting at 8:30 pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated February 16, 2023
- Undated photo of the stonewalls at 175 Littleton County Road
- Presentation Plan in Harvard, Massachusetts, 7 Peninsula Road, Job No. SM-6915, prepared by Stamski and McNary, February 16, 2023
- Sewage Disposal Plan Rainer Park 7 Peninsula Road, Harvard, MA Map 13 Parcel 26, Job No. SM-6915, prepared by Stamski and McNary, January 12, 2023

**Harvard Conservation Commission
Notice of Intent Hearing
Rainer Park, 7 Peninsula Road, Harvard#0223-01
February 16, 2023**

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, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022.

Members Present: Don Ritchie, Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward and John Iacomini (Associate Member)

Others Present: Liz Allard (Conservation Agent) Rainer Park, Dan Carr (Stamski & McNary) and Mary Ann Boynton

This hearing is for a Notice of Intent filed on behalf of Rainer Park or the replacement of a single-family home, removal of excess pavement, replacement septic system, and removal of barn within the 100' wetland buffer zone and 200' of Bare Hill Pond 7 Peninsula Road, Harvard

Daniel Carr, of Stamski & McNary, explained the proposed plan that calls for the replacement of the existing dwelling with new dwelling, rehabbing the existing garage, removing the existing lean-to, barn and storage trailer, along with the replacement of the septic system. As proposed, the re-development will reduce the impervious surface by 715 square feet and includes a green roof that will be pervious. The entire site drains off to the pond. As requested an infiltration trench has been added at the foot of the turn-around on the driveway. The application includes a waiver request to remove barn and shed due to its location within the buffer zone. In addition, any tree within 20' of the proposed dwelling is recommended to be removed. Plantings have been proposed to balance the removal of vegetation. Don Ritchie explained the Fire Department is going to burn this house as part of a training exercise; about a dozen trees need to be removed in order to conduct this training. Mr. Ritchie feels the number of trees the Fire Department wants to remove for this activity is sufficient. The trees marked with blue tape are the ones to be removed for the new structure; for the burn, less than ten trees will be removed. When asked if the other trees to be removed, are either dead, dying or healthy trees Mr. Ritchie stated healthy. Rainer Park stated there are some close to the house that are staying. Jaye Waldron asked why trees within 20' of the house. Mr. Carr stated trees that close cause a safety concern. Jaye Waldron was concerned with removing trees just because they are within 20' of house, when they are healthy as a tree 30' away could fall and hit the house. Eve Wittenberg, asked how the driveway would be resurfaced. Mr. Carr stated eventually it will be repaved at which time the erosion control will be expanded. Mr. Ritchie asked if the turn-around was really necessary and asked that be looked. As for the trees to be removed they will be tagged for further review by the Commission members.

With no file number received from the Department of Environmental Protection, concerns with the number of trees to be removed and the request to remove the turn-around on the driveway, Eve Wittenberg made a motion to continue the hearing to March 2, 2023 at 7:45pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

Town of Harvard
Conservation Commission
13 Ayer Road
Harvard, MA 01451
Liz AllardInvoice number 3241.02-5
Date 03/31/2023Project **3241.02**
Peer Review Services
203 Ayer Road
Harvard, MA

FOR PROFESSIONAL SERVICES RENDERED: this period through March 31, 2023

Professional services to assist the Town of Harvard Planning Board (the Board) and Conservation Commission (the Commission) with the review of the two Special Permit Applications, a Site Plan Approval Application, and a Notice of Intent for the proposed commercial development at 203 Ayer Road, Harvard, Massachusetts. During this period we advanced our review of revised materials on behalf of the Planning Board, coordinated with the Applicant and Town, and participated in a working session.

Professional Fees

	Hours	Amount
Senior Professional Staff I	0.50	130.00
Senior Professional Staff III	0.25	51.25
Senior Professional Staff V	10.00	1,747.50
Senior Professional Staff VI	0.50	77.50
Administrative Staff I	2.00	160.00
Professional Fees Subtotal	13.25	2,166.25

Invoice total **2,166.25**By: Stacy H. Minihane
Stacy H. Minihane
Principal

Town of Harvard
 Conservation Commission
 13 Ayer Road
 Harvard, MA 01451
 Liz Allard

 Invoice number 3241.02-7
 Date 06/02/2023

 Project **3241.02**
Peer Review Services
203 Ayer Road
Harvard, MA

FOR PROFESSIONAL SERVICES RENDERED: this period through June 02, 2023

Professional services to assist the Town of Harvard Planning Board (the Board) and Conservation Commission (the Commission) with the review of the two Special Permit Applications, a Site Plan Approval Application, and a Notice of Intent for the proposed commercial development at 203 Ayer Road, Harvard, Massachusetts. During this period we conducted a supplemental review and attended the May 18th Commission hearing. We also reviewed final Applicant responses and provided a final summary email as to comment status.

Professional Fees	Hours	Amount
Senior Professional Staff I	0.25	65.00
Senior Professional Staff II	0.50	117.50
Senior Professional Staff III	5.00	1,025.00
Senior Professional Staff V	7.50	1,312.50
Senior Professional Staff VI	6.75	1,080.00
Administrative Staff I	1.50	120.00
Professional Fees Subtotal	21.50	3,720.00
	Invoice total	3,720.00

 By: Stacy H. Minihane
 Stacy H. Minihane
 Principal

DERRY, NH

Customer Invoice

Invoice No.: 269-9295
 Invoice Date: 06/08/2023
 Receipt No.: 536104
 Terms: C.O.D.

Bill To:

6905 TOWN OF HARVARD
 13 AYER ROAD
 ATT: LIZ ALLARD
 HARVARD, MA 01451
 USA

Remit To:

BLUE SEAL FEEDS & NEEDS
 3 MARTIN STREET
 DERRY, NH 03038
 (603) 432-9546

Line	Qty	Size	Tx	Sch / Dpt	LegacyKey	Description	Price	Total
1	8.00	BAG		07	N0701877	BUCKWHEAT 50#	89.99	611.92
							SubTotal:	611.92
							Sales Tax:	0.00
							Invoice Total:	611.92

Thank You for Shopping at Blue Seal-Derry!
 Store hours: Monday - Friday 8 am-6 pm, Saturday 8 am-5 pm, Sunday 9 am-2 pm.

Received By: _____

Harvard Conservation Commission
Policies and Procedures for Deer Management Subcommittee

DRAFT FOR DISCUSSION PURPOSES

May 30, 2023

These policies and procedures outline the mechanisms by which the Deer Management Subcommittee (DMS) operates within the Conservation Commission (Con Com):

1. **Meetings:** a regularly-scheduling meeting date and time will be established; agendas and minutes will follow MA Open Meeting Law Regulations, 940 CMR 29.00.
2. **Communications:**
 - a. All communications with Con Com shall be conveyed to the Conservation Agent;
 - b. All communications with other Town of Harvard committees, subcommittees, commissions, staff, and officials shall be copied to the Conservation Agent;
 - c. Weekly reports on program shall be provided electronically between the start and end dates of state-permitted hunting in zones 9 and 10, including deer harvested, deer shot and not recovered, and parcels for both; and copy of complete hunter log data to date.
3. **Record-keeping:** all information collected by DMS, including but not limited to information on individuals participating in DMS-sponsored programs, shall be provided to the Conservation Agent for storage electronically on town-maintained computer servers and/or in hard copy in town files. This information includes but is not limited to:
 - a. The annual deer hunt logs;
 - b. Hunt participants' information including: name, address, date of birth, phone number (cell and/or land line), copy of MA hunting license, archery deer season stamp, and antlerless deer permit(s), license plate number for vehicle to be parked at any parcels included in program, date of qualification test for Harvard program; and
 - c. All program records from qualification testing including requirements for qualification, dates and results of all tests conducted and person certifying results.
4. **Equipment:** all equipment purchased by the Con Com for use in Deer management program shall be stored at the Con Com town office when not in use by the DMS.
5. **Hunter qualification testing:**
 - a. A member of the DMS and the Rangemaster of the club at which testing occurs shall be present at all qualifying tests;
 - b. Each participant shall have a poundage-pull check on each of their bows; and
 - c. Participants shall be required to hit a six-inch round target at 25 yards with at least three of five arrows;
 - d. All testing results shall be recorded including date, name of DMS member and rangemaster, location of testing, name of participant, poundage pulls, and target attempts and hits.
6. **Annual Checklist (first developed for 2022; see attachment A):** shall be updated no later than March 31st of each year; all tasks assigned to DMS will be confirmed completed by date indicated via communication with Conservation Agent.

7. **Mission:** DMS will report to the Con Com annually on progress toward the stated mission of the subcommittee, specifically addressing:
 - a. Investigating options for monitoring and managing the population of deer in Harvard with the goal of protecting the ecological integrity of its forests;
 - b. Engaging townspeople in the development of a plan;
 - c. Setting up the necessary structure to safely implement, supervise, and evaluate an ongoing deer management program;
 - d. Pursuing the MA Fish and Wildlife (now MassWildlife) goal for this region of 12-18 deer per square mile.