

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY AUGUST 3, 2023 @7:00PM**

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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.

Hildreth Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82061458448?pwd=d0hGbER6VC9YVmFmUjJLNkQdkdnQT09>

Meeting ID: 820 6145 8448

Passcode: 959179

One tap mobile

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+19294362866,,82061458448# US (New York)

Dial by your location

- +1 646 931 3860 US
- +1 929 436 2866 US (New York)
- +1 301 715 8592 US (Washington DC)

Meeting ID: 820 6145 8448

Find your local number: <https://us02web.zoom.us/j/82061458448?pwd=d0hGbER6VC9YVmFmUjJLNkQdkdnQT09>

**New Business:**

1. Appointment of Petri Flint Land Stewardship Subcommittee
2. Discuss Land Stewardship Subcommittee Recommendations for Additional Deer Management Program Lands: Tripp Land, Old Mill Land, Abbot-Reed-Powell Land, Clapp-Scorgie-Smith-Tufts Land, Gravel Pit and Warilla Land
3. Planning Board Request for Comment – Scenic Road Consent, 35 East Bare Hill Road
4. Approve Minutes
5. Approve Invoices

**Public Hearings:**

7:30pm **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

**Old Business:**

1. ZBA Request for Comments – Village at Robin Lane (corner of Ayer & Old Mill Road)
2. Update on Enforcement Order – 320 Ayer Road
3. Update Pine Hill Village Status
4. Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02

**NEXT MEETING: AUGUST 17, 2023**

**RMM**

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.

# TOWN OF HARVARD

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## VOLUNTEER APPLICATION (12/02/2008)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

**Date of Application:** \_\_\_\_\_

**Applicant Information:**

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Home/Work Phone #** \_\_\_\_\_ **Mobile Phone#** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Indicate below which Board(s) or Committee(s) are of interest to you:**

\_\_\_\_\_

**Have you previously been a member of a Board, Committee or Commission** (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:

\_\_\_\_\_

**Do you have any time restrictions?** YES NO

**Are you a registered voter?** YES NO

**Please list your present occupation and employer** (you may also attach your résumé or CV)

\_\_\_\_\_

**Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest?** (If YES, please describe the possible conflict)

\_\_\_\_\_

**Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.**

\_\_\_\_\_

\_\_\_\_\_

EXCERPT FROM THE:  
Land Stewardship Subcommittee Meeting  
07/25/23

Participants: Wendy Sisson, Brian McClain, Petri Flint, Pam Durrant, Peter von Conta, and Bob Douglas by Invitation.

4. Deer Management program (and background context for Petri). Town subcommittee has existed for 5 years and the actual hunting has happened for 3 years. Bob mentioned that the deer cull has resulted in deer movement out of areas where they may have stayed. Hunters are required to hit a small target, the size of a dollar bill.
  - a. Looking at more sites. A small number of additional sites have been added each year. 14 parcels and approx. 500 acres currently in the program.
  - b. Consideration of Tripp land: Conservation restriction held by HCT (Harvard Conservation Trust), wherein the Tripp family expressed desire for hunting only be allowed for management purposes. Houses are to the west of the land, and that portion would be off limits. East of red trail, facing RT. 495 and swamp could be considered as walkers/people would be very unlikely to go there. Bob mentions that this area is ideal and has many deer. This land has the recommendation of LSS. Approved. Policy considerations: Bob: Board of HCT will examine the conservation restriction. LSS recommends to ConCom, who then recommends to HCT. Who holds the restriction makes the final decision.
  - c. Consideration of Stevenson/West Land: Bob also mentioned this land, and Wendy stated that there are no trails or walkers there which could make it a good candidate. Approved.
  - d. Consideration of Old Mill Land: trail has been modified by LSS. Northern end has large wetland along Cold Spring Brook and the trail has been dead-ended on the NE corner. Setback along the RR tracks? Setback from roads is 150'. Consideration of the use of the snowmobile trail during the hunting season. Bob mentioned that all small areas have potential and are worthwhile. Similar to Maxant site in this way, where the first deer of the 2022 season was taken. Consideration of horses on adjacent farm property here in Old Mill. Concern for sensitive sandy soil in that pitch pine/scrub oak part of the site and desire to communicate this to hunters with a limit of one hunter at a time on the site. Approved for a single hunter.
  - e. Noting that if problems arise, areas can be rescinded.
  - f. Consideration of Abbot Reed Powell land: Portion of orchard and wooded pine canopy on the identified free area on map shown. High concentration of dwellings and therefore setbacks. Area is well used and probably too densely utilized. Orchard attracts deer regularly. Bob: area is rich in deer who love the apples. Noting that hikers and hunters can coexist where hunters are close to trails. Required deer stand setbacks are 75' from either side of a trail. Wendy expresses opposition wanting to wait longer before consideration of Powell land

approval due to the number of walkers and dogs. Extend consideration until next year and revisit. Not approved.

- g. Consideration of Clapp-Scorgie-Smith-Tufts Land: Wendy: would be beneficial to hunt here but area heavily utilized by walkers. Needs further exploration and consideration of possibilities on the less utilized Tufts-Smith portions, complying with setbacks. Bob will work with hunters to identify some areas that are outside of setbacks, and look like they have potential. Not approved at this meeting.
- h. Consideration of Harvard Gravel Pit land: Seems ok as there are no walkers in this area, though DPW use would need to be accommodated. Inclusion supported by group.
- i. Consideration of Warilla land (municipal): Land without trails suitable though access could be tight; access point from Stow Rd. is close to a family home who are opposed to seeing hunting activity. Not a concern if access from Daman-Stevenson is utilized. Question for town whether woods road access from Stow Rd. is on private land. Inclusion recommended by group.

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 20, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, 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, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and Paul Willard (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Bob O’Shea (Interim Recreation Director), Bruce Leicher (Bare Hill Pond Watershed Management Committee), John Lee, Peter Dorward, and Bill Johnson

**Update on the Plant Removal at the Bare Hill Pond Beach**

Bob O’Shea, the interim Recreation Director, provided a preliminary overview of the proposal to restore the plantings at the beach that were originally installed as part of the stormwater management project in 2012. The plantings were intended to reduce the amount of blowing sand from getting onto the pavement and into BHP-8. Due to the plantings not being maintained, a safety issue had been created causing a line-of-sight issue for the lifeguards and potential injury to small children. In addition, Mr. O’Shea would like to address additional stormwater runoff that is being created by the accessible ramp from the parking area to the beach that had been installed after 2012. Mr. O’Shea explained the recommended process for maintaining the plantings with the hiring of a landscape company and the Department of Public Works continuing to maintain BHP-8. The Commission recommended the filing of a Notice of Intent as routine maintenance is required and can be captured within an Order of Conditions that is recorded with the deed for future reference. Liz Allard will assist Mr. O’Shea in the application process.

**Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03. Opened at 7:30pm**

**Discuss Potential Change in Associate Member from Paul Willard to John Lee**

After almost 30-years as a member of the Commission Paul Willard has decided to step down from this role. Don Ritchie expressed his sincere gratitude for Paul’s years of service to the Town and the working relationship they have shared over the years as Chair and Vice Chair of the Commission. Other members of the Commission shared their gratitude as well.

With members of the Commission being familiar with John Lee and his background in conservation, Joanne Ward made a motion to recommend to the Select Board the appointment of John Lee as the Associate Member of the Conservation Commission. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

**Discuss Recent Mowing at Eastview Conservation Land on Ayer Road**

Liz Allard stated she has spoken with Wendy Sisson, chair of the Land Stewardship Subcommittee (LSS), and Tim Kilhart, Director of the Department of Public Works, who both agree a management plan is necessary for this location. Ms. Allard has also reached out to Lieutenant Tony Shaw, of the Harvard Fire Department, for information on the clearing the Fire Department has done in the past on this property. Lt. Shaw had stated it has been five or six years since the Fire Department has done any work on the site. Lt. Shaw is not sure they have the ability to take this activity on at this time, but he will look into it for the Commission. Ms. Allard suggested the Garden Club, through Jessie Panek, have involvement as well as

53 they maintain the horse trough on the property. Once all parties who should be involved in creating a  
54 management plan for this location are identified Ms. Allard will coordinate a meeting.

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56 **Overview of:**

- 57 • **Massachusetts Division of Fisheries and Wildlife BioMap**
- 58 • **Massachusetts Handbook for Delineation of Boarding Vegetated Wetlands Revisions**
- 59 • **Massachusetts Inland Wetland Replication Guidelines Revisions**

60 The Department of Environmental Protection press releases for the Massachusetts Handbook for  
61 Delineation of Boarding Vegetated Wetlands Revisions and Massachusetts Inland Wetland Replication  
62 Guidelines Revisions detailing the revisions to both these documents have been provided to the  
63 Commission members. A link to a recent event at which these revisions were presented was also provided  
64 to the Commission members. Additionally, information pertaining to the new BioMap website and an  
65 opportunity for a training session on July 26<sup>th</sup> was provided to the Commission members. Jessie Panek has  
66 signed up for this event.

67  
68 **ZBA Request for Comments – Village at Robin Lane (corner of Ayer & Old Mill Road)**

69 The requested relief from the Wetland Protection Bylaw and Regulations has been reviewed by Liz Allard.  
70 Ms. Allard would suggest the requested relief not be granted with the exception of the filling fee under  
71 the Wetland Protection Bylaw. Ms. Allard suggested the filing fee be reduced but not completely waived  
72 as those fees pay for the mileage to conduct site inspections. Ms. Allard noted the ZBA hearing will open  
73 on August 2<sup>nd</sup> with a formal presentation from the applicant's representative and then continued to a  
74 later date to allow for the complete application to be reviewed by a peer consultant. Ms. Allard will draft  
75 a letter detailing why the Commission would not want to the provisions of the Wetland Protection Bylaw  
76 or its regulations waived for discussion at the next meeting.

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78 **Approve Minutes**

79 Eve Wittenberg made a motion to approve the minutes of May 18, June 1, and July 6, 2023 as amended.  
80 Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim  
81 Burns, aye, Mark Shaw, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

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83 **Approve Invoice**

84 There was no invoice for approval this evening.

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86 **Discuss Strategic Planning Session**

87 Members agreed to meet on August 22<sup>nd</sup> from 6pm – 9pm, with the location to be determined. Any  
88 members wishing to discuss a specific matter can send that request to Liz Allard, who will work with Don  
89 Ritchie and Eve Wittenberg to create an agenda for the meeting.

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91 **Update on Enforcement Order – 320 Ayer Road**

92 Grant McClean, from Chestnut Tree & Landscape, has informed Liz Allard that he has engaged a firm to  
93 locate and map the wetland delineation completed by LEC. Ms. Allard has also spoken with Bruce  
94 Ringwall, of GPR, Inc., who has stated he hopes to have a plan detailing the wetland line and its associated  
95 buffer zones by the second meeting in August.

96  
97 **Pine Hill Village Status Update**

98 Phase 3 has been cleared of trees, with stumps being removed from the ground. Work to remove the  
99 stumps from the site continues. The area is relatively dry with the exception of the low point near  
100 wetland flags MT B26 through MT B29. Ms. Allard has directed Mr. Cricones to be mindful of that area as  
101 it is the closest point to the wetland resource area. Ms. Allard has reminded Mr. Cricones that the  
102 wetland flags in that area need to be re-hung. Since this request has been made multiple times, Ms.  
103 Allard will also inform Mr. Cricones that activity on the site will cease immediately should the flags not be  
104 installed on her next inspection.

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**Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02**

Liz Allard stated the foundation has been installed. There are six additional items to be completed within Phase 1 of this project, ending with the commencement of framing. Once framing begins, Bob Kody, of Envision Homes, will provide a construction sequence for Phase 2 for approval by the Commission. The site itself is in compliance with the Order of Conditions.

**Adjournment**

As his last and final act as a member of the Conservation Commission, Paul Willard made a motion to adjourn the meeting at 7:53pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Paul Willard aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated July 20, 2023
- Town Beach Maintenance Plan, respectfully submitted by the Interim Recreation Director, July 20<sup>th</sup>, 2023
- Requested relief from the Wetland Protection Bylaw (Chapter 119) and the Wetland Protection Bylaw Regulations (Chapter 147) for the Village at Robin Lane

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**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Bare Hill Pond Watershed Management Committee, Harvard#0523-03**  
**July 20, 2023**

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, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

**Members Present:** Don Ritchie, Eve Wittenberg, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek, and Paul Willard (Associate Member)

**Others Present:** Liz Allard (Conservation Agent) and Bruce Leicher (Bare Hill Pond Watershed Management Committee)

This hearing was continued from July 6, 2023 for a Notice of Intent filed by Bare Hill Pond watershed Management Committee 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.

With still no Department of Environmental Protection File Number, Jim Burns made a motion to continue the hearing to August 3, 2023 at 7:30pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Jessie Panek, aye; Paul Willard, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent