

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY OCTOBER 14, 2021 @7:00PM**

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, 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.

TOHpro1 Account is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82202087301?pwd=eGh5WmVwR0VlcXFVbDhuTVU4ZExoZz09>

Meeting ID: 822 0208 7301

Passcode: 779524

One tap mobile

+13017158592,,82202087301# US (Washington DC)

+13126266799,,82202087301# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

Meeting ID: 822 0208 7301

Find your local number: <https://us02web.zoom.us/j/k58sZvWMA>

New Business:

1. Executive Session with the Open Space Committee pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position only to return to the open session of the public meeting (7:00pm)
2. Update from Deer Management Subcommittee (7:30pm)
3. Right of First Refusal – 39 Glenview Drive
4. Land Stewardship Subcommittee Updates
 - Invasives
 - Stone & Haskell Land Hay
5. Request for Certificates of Compliance
 - DPW – Slough Road, DEP#177-673
 - Richard – 203 Stow Road, Harvard#1006-1 (ratify)
 - McRoberts – 162 Stow Road, DEP#177-501
6. Enforcement Order – 315 Ayer Road (ratify)
7. Support of Town Meeting Warrant Articles
8. Meeting Protocols
 - Attendance
 - Agenda Items and Times
9. Confirmation of Spotted Lanternfly in Massachusetts
10. Approve Minutes
11. Approve Invoice – Nitsch Engineer, \$1,240.00

Old Business:

1. Community Preservation Committee Application FY2023 – Still River Woods
2. The Commission's Position on the Stone Land, Old Mill Road
3. Wetland Violation – 96 Ayer Road
4. Review Request for Determination of Applicability Requirements
5. Pine Hill Village Update

NEXT MEETING: NOVEMBER 4, 2021

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.



Community Preservation Committee – Town of Harvard
Request for Funding for FY2023

APPLICANT:

Your Organization: Open Space Committee

Application Date: 9/14/21

Contact Name: Jim Lee

Phone No.: 508-284-6182

Email: jlee8893@gmail.com

PROJECT:

Project Title: Still River Woods

Requested Amount: \$150K over fy2019-23

Purpose (Check all that apply):

- Open Space
- Historic Preservation
- Affordable Housing
- Recreation

Summary Description of Project:

To purchase a 23 Acre parcel of open space and protect it in perpetuity through a Conservation Restriction.
See attached for project history and details.

Does the project require approval by another organization (e.g., Board of Health, Historical Commission, Mass Department of Environmental Protection, etc.)?

If so, please explain: _____

- Has a copy of this application been submitted to the Harvard Climate Resilience Working Group to assess its climate impact?

Please note whether the project has been endorsed by any of the following:

- Harvard Conservation Commission (Open Space Projects)
- Harvard Historical Commission (Historic Preservation Projects)
- Harvard Municipal Affordable Housing Trust (Affordable Housing Projects)
- Parks & Recreation Commission (Recreation Projects)

How will this project benefit the community?

This parcel has been identified as one of the most important parcels of open space to protect by the OSC and HCT. The 23 Acre parcel abuts 200 Acres of Conservation Land, and another 65 Acres of protected land in a CR. The combination of protected open space provides wildlife corridors, trails for humans, and provides a buffer to Bare Hill Pond.

Total Project Cost: To be negotiated If this is larger than the request, please note other funding sources: See attached.

Do you have any other funds available? If so, can they be used for this project? Why or why not?

See attached.

Please submit this form electronically, along with any supporting documents you wish to attach, by 4:00 PM on Thursday, October 21, 2021 to Julie Doucet in the Harvard Select Board office at jdoucet@harvard.ma.us.

Thank you for helping to preserve our community!

Still River Woods – CPC Application

Project History

The project's goal is to protect the Still River Woods by purchase as Town Conservation Land with a Conservation Restriction (CR) held by HCT. The 23 Acre parcel abuts 200 Acres of Conservation Land, and another 65 Acres of protected land in a CR. The combination of protected open space provides wildlife corridors, trails for humans, and provides a buffer to Bare Hill Pond.



The Town voted to approve \$100,000 in CPA funds and \$100,000 in capital expenditure in 2019. These funds were supplemented by private donations and grants, and a purchase offer was submitted by HCT to the owner. The owner rejected the offer as inadequate.

Project Funding

Because of importance of this parcel to complement existing Conservation Land, an additional \$50,000 in CPA funds is being requested, bringing the Town's commitment to \$250,000.

ToH CPIC fy2020	\$100,000 (approved)
ToH CPA fy2020	\$100,000 (approved)
ToH CPA fy2023	<u>\$ 50,000</u> (requested)
ToH Total	\$250,000

The remainder of the funding will be privately raised by HCT.

Law Office of Thomas A. Gibbons, PC.

Thomas A. Gibbons, Esq.
tgibbons@tgibbonslaw.com
Licensed to practice in MA & NH

www.tgibbonslaw.com
21 Park Street
Ayer, MA 01432
Telephone: (978)772-2284
Facsimile: (978)772-0802

Kyle J. Croteau, Esq.
kcroteau@tgibbonslaw.com
Licensed to practice in MA

Dana L. Skehan, Esq.
dskehan@tgibbonslaw.com
Licensed to practice in MA

September 14, 2021

VIA IN HAND

Board of Selectmen
Town of Harvard
13 Ayer Road
Harvard, MA 01451

VIA IN HAND

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

VIA CERTIFIED MAIL

Department of Conservation and Recreation
Jim Montgomery, Commissioner
Attn: State Forester
251 Causeway Street, Suite 90
Boston, MA 02114

RE: NOTICE OF INTENT TO SELL LAND under Massachusetts General Laws Chapter 61B, §9 specifically selling a portion of land located at 39 Glenview Drive, Harvard, Massachusetts, identified as the Town of Harvard Assessor's "*Parcel ID 5/77*".

To Whom It May Concern:

Please be advised that this office represents Daniel F. Ferguson and Anne T. Ferguson. This letter is to serve as notice that Daniel F. Ferguson and Anne T. Ferguson of 39 Glenview Drive, Harvard, Massachusetts 01451, and who can be reached through the care of the Law Office of Thomas A. Gibbons, P.C. at (978) 772-2284, intends to sell a portion of land situated at 39 Glenview Drive, Harvard, Massachusetts for conversion to residential use and construction of a single family home thereon. Specifically, the land to be sold is shown as Lot 2 on a plan entitled "Plan of Land in Harvard, Mass. Prepared for Daniel F. & Anne T. Ferguson" dated June 2021, recorded in the Worcester South Registry of Deeds in Plan Book 958, Page 74. (See Exhibit A.) Lot 2 contains 4.08 acres of land more or less, according to said plan and is a portion of the land shown on Assessor's Map

VIA IN HAND

Board of Assessors
Town of Harvard
13 Ayer Road
Harvard, MA 01451

VIA IN HAND

Planning Board
Town of Harvard
13 Ayer Road
Harvard, MA 01451

RECEIVED
SEP 14 2021

BOARD OF ASSESSORS
TOWN OF HARVARD

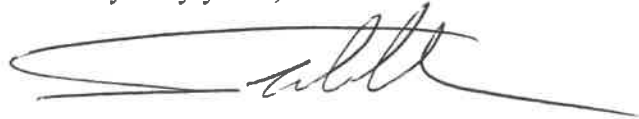
5, Parcel 77. This parcel is a portion of the premises described in a deed to Daniel F. Ferguson and Anne T. Ferguson recorded at the Worcester South Registry of Deeds in Book 47402, Page 44. (See Exhibit B.) A copy of the Classified Forest-Agricultural or Horticultural-Recreational Land Tax Lien is recorded at the Worcester South Registry of Deeds in Book 51880, Page 246. (See Exhibit C.)

The Fergusons have received a bona fide offer to purchase this parcel, which is documented in the attached certified copy of a purchase and sale agreement between Daniel F. Ferguson and Anne T. Ferguson and Christine Ofsthun for the amount of \$350,000.00. (See Exhibit D.)

Pursuant to Massachusetts General Laws Chapter 61B, Section 9, the Town of Harvard has one hundred twenty (120) days from the date of the mailing of this Notice in which to provide Daniel F. Ferguson and Anne T. Ferguson written notice of its intent to exercise its rights of first refusal option to meet the bona fide offer to purchase the above-referenced property. Mr. and Mrs. Ferguson respectfully request that if the Town of Harvard, acting by and through its Board of Selectmen, decides that it will not exercise its option, and that decision is made prior to the expiration of the one hundred twenty (120) day option period, that it please notify the Law Office of Thomas Gibbons, on behalf of Mr. and Mrs. Ferguson, of said decision so that the parties may complete the conversion in a more expeditious fashion.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at the above address and phone number.

Very truly yours,

A handwritten signature in black ink, appearing to read 'TAG', with a long, sweeping horizontal line extending to the right.

Thomas A. Gibbons, Esq.

TAG/df
Enclosures
cc: Client

Exhibit B



Bk: 47402 Pg: 44
Page: 1 of 3 05/19/2011 11:29 AM

QUITCLAIM DEED

FEDERAL HOME LOAN MORTGAGE CORPORATION, a corporation organized and existing under the laws of the United States of America of 8050 Jones Branch Drive, Mailstop A62, McLean, VA 22102,

For consideration paid **TWO HUNDRED EIGHTY NINE THOUSAND FOUR HUNDRED AND THIRTY AND 00/100 (\$289,430.00) DOLLARS**

grants to **Daniel F. Ferguson and Anne T. Ferguson**

of 22 Glenview Drive, Harvard, MA 01451

With **Quitclaim Covenants** the following described premises:

Property Address: 39 Glenview Drive, Harvard, MA 01451

A certain parcel of land situated eighty (80) feet, more or less, northwesterly of the circle at the end of Glenview Drive, in Harvard, Worcester County, Massachusetts, bounded and described as follows:

Beginning at the southeasterly corner of the lot at the northeasterly corner of lot 8, said lot being shown on Plan No. 3152 by Perkis Co.,
Thence N. 71° 01' 02" W. by the wall, thirty eight and 05/100 (38.05) feet;
Thence N. 70° 35' 31" W. by the wall three hundred fifteen and 38/100 (315.38) feet to a drill hole in the corner of the wall;
Thence N. 4° degrees 18' 14" E by the wall, one hundred twenty four and 58/100 (124.58) feet;
Thence N. 70° 14' 19" W four hundred sixty six and 85/100 (466.85) feet to the brook at land of Leslie A. Davis, the last four courses being lot 8;
Thence N. 2 ° 4' 20" W by the brook, thirty-five (35) feet;
Thence S. 73° 39' 33" E four hundred sixty four and 51/100 (464.51) feet;
Thence S 71° degrees 2' 17" E two hundred seventeen and 33/100 (217.33) feet;
Thence S 69° 15' 11" E two hundred seventy eight and 12/100 (178.12) feet to the point of beginning. The last five courses being by land of Leslie A. Davis.

Being the parcel of land shown on plan No. M-1091 by Charles A. Perkins, Co. Inc. Clinton Mass. Entitled "Land in Harvard, Mass. Surveyed for Dianne E. Whilkey, October 1966" recorded plan book 305, plan 44.

ALSO:

A certain parcel of land situated in said Harvard, shown as Lot No. 8 on plan entitled "Shaker Glenn, subdivision of land in Harvard, Mass. Surveyed by George V. Moore, scale of 1 inch= 40 feet, October 1965, by Charles A. Perkins CO., Engineers and Surveyors, Clinton, Mass., Plan No. 3152." Said parcel is further bounded and described as follows:
Beginning at the northeasterly corner of Lot No. 7 as shown on the above described plan in the southeasterly corner of Lot No. 8;
Thence running N. 74° 4' 39" W six hundred ninety four and 85/100 (694.85) feet by said Lot 7 to the center of a brook at land of Earl Stone;
Thence turning and running N. 2 ° 4' 20" W by the center of said Brook to the corner of land of Leslie A. Davis;
Thence running S 70° 14' 19" E four hundred sixty six and 85/100 (466.85) feet by said Davis land to a corner at a stone wall;

39 Glenview Drive Harvard MA 01450

Thence running S 4° 18' 15" W one hundred twenty four and 58/100 (124.58) feet along a stone wall by said Davis land to a drill hole in the corner of said stone wall;

Thence continuing along the said stone wall S 70° 35' 31" W three hundred fifty and 38/100 (315.38) feet by said Davis land to another stone wall;

Thence continuing from last named stone wall S 70° 35" E by said Davis land thirty-eight and 05/100 (38.05) feet to an easement granted to the Town of Harvard;

Thence running S 16° 30' 31" W by the southwesterly side of said easement seventy nine and 51/100 (70.51) feet to a turn around;

Thence running in a curve to the left in a westerly, southwesterly and southerly direction on said curve on an arc of one hundred fifty and 44/100 (150.44) feet, on a radius of seventy (70) feet, to the point of beginning.

The above mentioned plan was also recorded with the Worcester District Registry of Deeds, Plan Book 297, Plan 31.

Subject to rights re poles and wires as in instrument recorded with said Deeds in Book 4651, Page 217.

Meaning and intending to describe the same premises conveyed in Deed dated November 14, 2005 and recorded with the Worcester County Registry of Deeds in Book 38261, Page 51.

Also a parcel of land situated westerly of Glenview Drive in said Harvard, bounded and described as follows:

Beginning at a point at the southeasterly corner of the premises described, said point being located N 72° 58' 30" W and distant five hundred sixty-three and 16/100 (563.16) feet from a concrete bound on the westerly side of Glenview Drive, thence N 72° 58' 30" W by Lot 6-A shown on a plan hereinafter referred to, ninety (90) feet to the center of a brook at land now or formerly of Earl Stone; thence N 2° 04' 20" W by said Stone land and by said brook two hundred ten (210) feet to a point at the southwesterly corner of Lot 8 shown on a plan hereinafter referred to; thence S 74° 04' 39" E by said Lot 8, five hundred ninety four and 85/100 (594.85) feet to a point at lot 7-B on a plan hereinafter referred to; thence S 86° 48' 16" W by Lot 7-B, four hundred eighty-two and 75/100 (482.75) feet to a point; thence S. 2° 04' 20" E by Lot 7-B, one hundred (100) feet to the point of beginning.

Being Lot 7-A shown on Plan No. M-1278 entitled "Land in Harvard, Mass. surveyed for Dianne E. Wilkey: by Charles A. Perkins Co., Inc. Civil Engineers & Surveyors, Clinton, Mass. dated Jan. 1969, recorded Plan Book 324, Plan 93.

Being a portion of the same premises described in Deed recorded with the Worcester County Registry of Deeds in Book 9354, Page 66.

For title reference see Foreclosure Deed dated July 26, 2010 and recorded August 11, 2010 with the Worcester County Registry of Deeds in Book 46149 Page 140 and 147

THE SELLER IS EXEMPT FROM PAYING THE MASSACHUSETTS STATE EXCISE STAMP TAX BY VIRTUE OF 12 UNITED STATES CODE 1452.

This conveyance is in the ordinary course of business and does not constitute a transfer of all or substantially all of the corporate assets of Federal Home Loan Mortgage Corporation in Massachusetts.

WITNESS the execution and the corporate seal of said corporation this 16th day of May 2011

FEDERAL HOME LOAN MORTGAGE CORPORATION


By: Thomas J. Walsh
As Its Attorney In Fact

For authority see Power of Attorney filed with the Worcester (Southern District) County Registry District of the Land Court as Document No. 72671 See the Vote filed with said Land Court as Document No. 72672

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

May 16, 2011

On this 16th day of May, 2011, before me, the undersigned notary public, personally appeared Thomas J. Walsh, as Attorney In Fact for Federal Home Loan Mortgage Corporation, proved to me through satisfactory evidence of identification, which was personal knowledge to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily as his free act and deed and the free act and deed of Federal Home Loan Mortgage Corporation, before me,



Notary Public: Kristin M. Reynolds
My Commission Expires: October 20, 2017



ATTEST: WORC. Anthony J. Vigliotti, Register

Exhibit C



Bk: 51880 Pg: 246
Page: 1 of 1 12/23/2013 09:05 AM WD

The Commonwealth of Massachusetts
Harvard

Name of City or Town

Office of the Board of Assessors

Classified Forest-Agricultural or Horticultural-Recreational Land Tax Lien

The Board of Assessors in the city/town of Harvard hereby states it has accepted and approved the application of Daniel & Anne Ferguson

owner(s) of the real property described below, for the valuation, assessment and taxation of that property as classified forest agricultural or horticultural recreational land under the provisions of General Laws Chapter 61 61A 61B . This classification is effective as of January 1, 2014 for the fiscal year beginning July 1, 2014.

DESCRIPTION OF PROPERTY

(The description must be sufficiently accurate to identify the property. In the case of registered land, the Certificate of Title Number and the Registry Volume and Page must be given.)

Assessors Map 5 Block 77 is 39 Glenview Drive, deed reference is Book 47402 Page 44,
total of 8.14 acres of which 6 acres are classified as Chapter 61B Recreational

This statement made on the 19th day of December, 2013 constitutes a lien upon the property as provided in General Laws Chapter 61, § 2 61A, § 9 61B, § 6 .

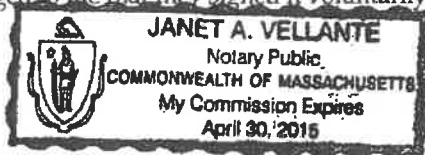
[Signature]
[Signature]
[Signature]
Board of Assessors

The Commonwealth of Massachusetts

Worcester

ss.

On this 19th day of Dec., 2013, before me, the undersigned notary public, personally appeared Joseph Theriault, Debra George, Don Graham, as Board of Assessors for the city/town of Harvard, proved to me through satisfactory evidence of identification, which were personally known to be the persons whose names are signed on the preceding document in my presence, and acknowledged to me that they signed it voluntarily for its stated purpose.



[Signature]
Notary Public

My commission expires _____

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

ATTEST: WORC. Anthony J. Vigliotti, Register

Seal

STANDARD FORM LAND PURCHASE AND SALE AGREEMENT

CERTIFIED TO BE A TRUE COPY

BY Anne Ferguson

20th 08:20:21 4:57 PM EDT
This XX day of June, 2021

From the Office of: Thomas A. Gibbons
21 Park St, Ayer, MA 01432
Ofc: 978-772-2284 fax: 978-772-0226

1. **PARTIES AND MAILING ADDRESSES** Daniel F. Ferguson and Anne T. Ferguson of 39 Glenview Drive, Harvard, MA 01451, hereinafter called the SELLER, agrees to SELL and Christine Ofsthun of Littleton, Ma, hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises. Lot 2, 39 Glenview Drive, Harvard, MA 01451
2. **DESCRIPTION** A lot containing 177,724.8 sq. ft. +/- of land presently known and numbered as Lot 2, 39 Glenview Drive, , Harvard, MA 01451 being a portion of the premise in the deed to the Seller dated May 16, 2011 and recorded with the Worcester South District Registry of Deeds in Book 47402, Page 44 (the "Premises").
3. **TITLE DEED** Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:
 - (a) Provisions of existing building and zoning laws;
 - (b) Such taxes for the then current year as are not due and payable on the date of the delivery of such deed;
 - (c) Any liens for municipal betterments assessed after the date of closing;
 - (d) Easements, restrictions and reservations of record, if any, provided the same do not interfere with the use of the property for single family dwelling purposes.;
4. **PLANS** If said deed refers to a plan necessary to be recorded therewith the SELLER shall deliver such plan with the deed in form adequate for recording or registration.
5. **REGISTERED TITLE** In addition to the foregoing, if the title to said premises is registered, said deed shall be in form sufficient for issuance of a Certificate of Title of said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable such Certificate of Title to be issued.
6. **PURCHASE PRICE** The agreed purchase price for said premises is Three Hundred Fifty Thousand dollars (\$350,000.00), of which

\$ 500.00		has been paid as a deposit with the accepted offer and
\$ 17,000.00		has been paid as a deposit upon execution of the Purchase and
\$ 332,500.00		Sale Agreement
		are to be paid at the time of delivery of the deed in cash, or by
		certified, cashier's, treasurer's or bank check(s).
\$ 350,000.00	TOTAL	
7. **TIME FOR PERFORMANCE; DELIVERY OF DEED** Such deed is to be delivered at 1:00 p.m., on the 13th day of October, 2021, at the Worcester South Registry of Deeds, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement. Closing can occur remotely or at buyer's attorney's office upon 3 days' notice.
8. **POSSESSION AND CONDITION OF PREMISES** Full possession of said premises FREE OF all tenants and occupants is to be delivered at the time of the delivery of the deed, said premises to be then in compliance with provisions of any instrument referred to in clause 4 hereof.
9. **EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM** If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of the delivery of the deed the premises do not conform with the provisions hereof, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto, unless the SELLER elects to use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written

notice thereof to the BUYER at or before the time for performance hereunder, and there upon the time for performance hereof shall be extended for a period of thirty days.

10. **FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM, etc.**

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.
11. **BUYER'S ELECTION TO ACCEPT TITLE**

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.
12. **ACCEPTANCE OF DEED**

The acceptance of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after the delivery of said deed.
13. **USE OF MONEY TO CLEAR TITLE**

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.
14. **ADJUSTMENTS**

Taxes for the then current fiscal year, shall be apportioned, as of the day of performance of this agreement and the net amount thereof shall be added to or deducted from, as the case may be, the purchase price payable by the BUYER at the time of delivery of the deed. .
15. **ADJUSTMENT OF UNASSESSED AND ABATED TAXES**

If the amount of said taxes is not known at the time of the delivery of the deed, they shall be apportioned on the basis of the taxes assessed for the preceding fiscal year, with a reapportionment as soon as the new tax rate and valuation can be ascertained; and, if the taxes which are to be apportioned shall thereafter be reduced by abatement, the amount of such abatement, less the reasonable cost of obtaining the same, shall be apportioned between the parties, provided that neither party shall be obligated to institute or prosecute proceedings for an abatement unless herein otherwise agreed.
16. **BROKER'S FEE**

A Broker's fee for professional services is due from the SELLER to the MRM Associates, but only if, as, and when the SELLER receives the full purchase price pursuant to this Agreement, and the BUYER accepts and records the SELLER'S deed but not otherwise and regardless of the reason for failing to close hereunder. MRM Associates shall pay a co-broker fee to Cowley Associates Real Estate.
17. **BROKER(S) WARRANTY**

The Broker(s) named herein MRM Associates and Cowley Associates Real Estate warrant(s) that the Broker(s) is (are) duly licensed as such by the Commonwealth of Massachusetts.
18. **DEPOSIT**

All deposits made hereunder shall be held in escrow by MRM Associates as escrow agent subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, the escrow agent may retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER.

19. **BUYER'S DEFAULT; DAMAGES** If the BUYER shall fail to fulfill the BUYER'S agreement herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the Seller's sole remedy at law and in equity. Seller and Buyer hereby agree that this liquidated damages provision provides a reasonable forecast, at the time of the signing of this Agreement, of Seller's losses, which are difficult to determine, that could result if Buyer does not consummate the purchase on the closing date provided for herein, including without limitation any losses which could result from Seller's inability to resell the premises for the same agreed purchase price due to any number of any presently undeterminable factors, whether or not any such losses are actually incurred by Seller. The Buyer and Seller have carefully reviewed this default provisions of the Purchase and Sale Agreement prior to entering the Agreement, with the benefit of qualified legal counsel of their choosing, and hereby acknowledge that this is a fair and reasonable liquidated damages clause and not a penalty.
20. **RELEASE BY HUSBAND OR WIFE** The SELLER'S spouse hereby agrees to join in said deed and to release and convey all statutory and other rights and interests in said premises.
21. **BROKER AS PARTY** The Broker(s) named herein join(s) in this agreement and become(s) a party hereto, insofar as any provisions of this agreement expressly apply to the Broker(s), and to any amendments or modifications of such provisions to which the Broker(s) agree(s) in writing.
22. **LIABILITY OF TRUSTEE, SHAREHOLDER, BENEFICIARY, etc.** If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.
23. **WARRANTIES AND REPRESENTATIONS** The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER or the Broker(s): None
24. **MORTGAGE CONTINGENCY CLAUSE** Not Applicable. Cash purchase.
25. **CONSTRUCTION OF AGREEMENT** This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and ensures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be cancelled, modified or amended only by a written instrument executed by both the SELLER and the BUYER. If two or more persons are named herein as BUYER their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.
26. **ADDITIONAL PROVISIONS** The initialed riders, if any, attached hereto, are incorporated herein by reference.
- Any matter of practice arising under or relating to this agreement which is the subject of a title standard or a practice standard of the Massachusetts Real Estate Bar Association at the time for delivery of the deed shall be covered by said title standard or practice standard to the extent applicable.

Christine Ofsthun is a Massachusetts licensed real estate agent.

This sale is subject to the Town of Harvard releasing Chapter 61B lien in a timely fashion.

NOTICE: This is a legal document that creates binding obligations. If not understood, consult an attorney.

Authenti
Anne T. Ferguson 08/20/2021 9:43 PM
8/20/2021 9:43:58 PM EDT

SELLER

BUYER

Authenti
Daniel F. Ferguson 08/20/2021 7:07 PM
8/20/2021 7:07:35 PM EDT

SELLER
Date
Date

Christine Ojsthum doloop verified
08/20/21 4:57 PM EDT
MICH-Z9AM-4COB-WZRB

BUYER
Date
Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 9 – Enforcement Order

N/A

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Code of the Town of Harvard – Chapter 119 Wetland Protection Bylaw

A. Violation Information

This Enforcement Order is issued by:

Town of Harvard
Conservation Commission (Issuing Authority)

October 5, 2021
Date

To:

Tracy DeWolf Yellow Boots Realty Trust
Name of Violator
62 Patterson Road Shirley, MA 01464
Address

1. Location of Violation:

Yellow Boots Realty Trust
Property Owner (if different)
351 Ayer Road
Street Address
Harvard
City/Town
Map 2
Assessors Map/Plat Number

01451
Zip Code
Parcel 5
Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Activity within a wetland resource area and/or its 100' buffer zone, including but not limited to the removal of natural vegetation and the addition of fill

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).



WPA Form 9 – Enforcement Order

N/A

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Code of the Town of Harvard – Chapter 119 Wetland Protection Bylaw

B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name _____ Dated _____

File Number _____ Condition number(s) _____

The Order of Conditions expired on (date): _____ Date _____

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

C. Order

The issuing authority hereby orders the following (check all that apply):

The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before November 5, 2021
Date

for the following:

The area in which unauthorized activity has occurred. Once received the Commission will determine a course of action, which may include the filing of a Notice of Intent

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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C. Order (cont.)

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

_____ Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Liz Allard, Conservation Agent

Name

978-456-4100 ext 321

Phone Number

Monday - Thursday 8:00am - 5:00pm

Hours/Days Available

Issued by:

Town of Harvard

Conservation Commission

Conservation Commission signatures required on following page.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

Liz Allard
Signature

Liz Allard - Conservation Agent
Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

7020 1290 0000 2510 8287
Signature of delivery person or certified mail number

DRAFT
HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 3, 2021

Chair Don Ritchie called the meeting to order at 7:02pm, 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 (7:15pm), Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns (7:20pm) and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Carol Hoffman, Jason Cole, Rebecca Dilthey, Stevie Carvalio (Farland Corp.), Bruce Ringwall (GPR, Inc.), Gigi Saltonstall (G2 Collaborative), Kristiina Sorensen and Pat Nato (G2 Collaborative).

Discuss Haskell Land Management

Wendy Sisson explained she and Rob Traver had a good meeting Natural Resources Conservation Services (NRCS) recently, at which advice was provided on how funding can be applied for by a private farmer to restore areas such that as the Haskell land. Ms. Sisson and Mr. Traver sought advice from NRCS about growing pasture grasses where Paul Willard had been growing squash & pumpkins. NRCS has suggested the existing cover crop of buckwheat should be tilled in at end of the year and then plant a winter rye or oat in the fall. This provides a good base for whatever you are planning on growing.

Ms. Sisson explained the current licensee of the Haskell land, Rob Duzan, has sold the cows and fencing; his plans for the future are not clear. Mr. Traver will plant the buckwheat; Ms. Sisson is recommending the Commission pay the \$400.00 for the seed. Mr. Traver would also like funding for gas to run the tractor. Ms. Sisson stated this could be a pilot project to demonstrate sustainability of crop land. In addition, pollinator type plants could be planted along the edge of the field.

Ms. Sisson stated to date the Commission has not received the license fee of \$350.00 from Mr. Duzan; due to the expenses Mr. Duzan was not using the entire field, Ms. Sisson is requesting the annual license fee be reduced to \$125.00. Mr. Traver is willing to take on the license for FY2022, which would allow for funding from NRCS; NRCS will not provide funding to a municipality. Paul Willard made mention of another proposal on the table. Ms. Sisson explained the Land Stewardship Subcommittee has spent a considerable amount of time to work with NRCS is get to this point to now pivot in a different direction would end up losing the momentum toward rehabbing field. NRCS has recommended that it is best to get the organics into the soil this year and determine its best use next year. Mr. Willard stated buckwheat not good for honey bees, stating there are other options to the buckwheat.

After a discussing and clarifying that the recommended amount is \$400.00 and not the previously mentioned \$350.00, Wendy Sisson made a motion to allocate \$400.00 for seed, other than buckwheat, for the Haskell land, and gas for the equipment to prepare and plant the Haskell field. Jim Burns seconded the motion. The vote was 5-1 in favor of the motion by a roll call, Paul Willard, nay; Wendy Sisson, aye, Jaye Waldron, aye; Jim Burns, aye; and Don Ritchie, aye.

Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, DEP#177-704, Harvard#0321-04. Opened at 7:27pm

Request for Determination of Applicability Hearing –Rebecca Dilthey, 124 Depot Road Harvard#0521-01. Opened at 7:30pm

56 **Continuation of a Notice of Intent Hearing - of Alma Gregory & Kristiina Sorensen, 23**
57 **Peninsula Road, DEP#177-703, Harvard#0421-03. Opened at 7:45pm**
58

59 **Discuss Letter Received from Jason Cole re: Deer Management Report**

60 Eve Wittenberg expressed her feels in regards to how Jason Cole has treated her as a member
61 of the Commission, how his action towards her have been inappropriate and it needs to stop.
62 Wendy Sisson has drafted a response letter to Mr. Cole's letter, which has not yet been seen by
63 all of the Commission members. Ms. Sisson explained the report provided by Ms. Wittenberg to
64 the Commission earlier this year was her interpterion of the hunter's log data. The Commission
65 did not accept Ms. Wittenberg's report, which still remains as a draft document for the
66 Commission's information. In her letter Ms. Sisson explains the discrepancies in deer pellets
67 surveys. Ms. Sisson stated the point is the Commission supports Ms. Wittenberg as a member of
68 the Commission. Ms. Sisson also in turn thanked Mr. Cole for all of the research he has done for
69 deer management. Joanne Ward thinks the letter drafted by Ms. Sisson is very good and
70 explains the situation well. Jim Burns made a motion to send the response letter Jason Cole as
71 drafted by Wendy Sisson. Joanne Ward seconded the motion. The vote was unanimously in favor
72 of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne
73 Ward, aye; and Don Ritchie, aye.

74
75 Jason Cole stated he was sorry for the drama. Mr. Cole noted the relationship between the
76 Commission and Deer Management Subcommittee is not well, which he hopes he has not added
77 to that. In regard to the spreadsheet and the numbers that he believes have been altered, Mr.
78 Cole feels by not including data and changing numbers crosses the line for a Commission
79 member. Mr. Cole hopes things can approve all around.

80
81 Jaye Waldron asked if the Commission would be receiving a report from the Deer Management
82 Subcommittee (DMS) similar to the one prepared by Ms. Wittenberg. As Mr. Cole is no longer a
83 member of DMS he was unable to answer that question.

84
85 **Request for a Certificate of Compliance – 94 Tahanto Trail, Harvard#1112-03**

86 Jim Burns made a motion to issue a Certificate of Compliance for 94 Tahanto Trail,
87 Harvard#1112-03. Jaye Waldron seconded the motion. The vote was unanimously in favor of
88 the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward,
89 aye; Jim Burns, aye; and Don Ritchie, aye.

90
91 **Approve Minutes**

92 Paul Willard made a motion to approve the minutes of January 7, 2021 as amended. Jim Burns
93 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul
94 Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and
95 Don Ritchie, aye.

96
97 **Pump Bike Track Proposal – Pond Road**

98 With so many unanswered questions about the proposed pump bike track along Pond Road,
99 Wendy Sisson wondered why the Commission the only group in Town that has concerns. Ms.
100 Sisson believes a proposal such as this deserves some Town discussion. Don Ritchie had
101 reviewed the site with Bob O'Shea, chair of the Parks & Recreation Commission, and determine
102 the proposal is not within the jurisdiction of the Town. Mr. O'Shea has offered to swap the Stone
103 land on Old Mill Road with the land on Pond Road with the Commission for this track. Ms. Sisson
104 thinks that may be suitable, but when the discussion of swapping land for other purposes it did
105 not go well with the Town a few years ago. Jim Burns thinks there are better places in Town in
106 which the pump track could be located and perhaps not the Stone land. Mr. Burns, an avid bike
107 rider himself, is very familiar with these types of facilities, adding that it should be located in a
108 place where an ambulance can get in and a helicopter can land.

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110 **Wetland Violations:**

- 111 • 96 Ayer Road – Awaiting Request for Determination of Applicability

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- 71 Lancaster County Road – Awaiting Request for Determination of Applicability
- 232 Still River Road – The Conservation Agent has received communication from the land owner and has spoken with State Forester, Laura Dooley, who will conduct a site inspection tomorrow or Monday, with a follow-up with the Agent.
- 28 Shaker Road – Awaiting Notice of Intent
- 193 Old Littleton Road –Awaiting Request for Determination of Applicability
- Peninsula Road – Conservation Agent has not had an opportunity to investigate this violation as of yet

Update on Pine Hill Village Stow Road

The requested as-built plan to-date has been received; Don Ritchie will review the plan for accuracy. Wendy Sisson noted Japanese knotweed has been located on the site near the entrance and should be addressed before it takes over the entire site.

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:42pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call; Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated May 20, 2021

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Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Department of Public Works,
Old Mill Road, DEP#177-704, Harvard#0321-04
June 3, 2021

The public hearing was opened at 7:27pm 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, Jaye Waldron, Joanne Ward, Jim Burns and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from May 20, 2021 for a Notice of Intent filed on behalf of Harvard's Department of Public Works to replace traffic safety features and minor patching along the substructure within the resource area and its 100' riverfront area at the bridge crossing of Bower's Brook between 6 and 22 Old Mill Road, Harvard.

The Department of Environmental Protection file number has been received with no comments.

Jaye Waldron made a motion to close the hearing and issue a standard Order of Conditions. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

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**Harvard Conservation Commission
Request for Determination of Applicability
Rebecca Dilthey, 124 Depot Road Harvard#0521-01
June 3, 2021**

230 The public hearing was opened at 7:30pm by Chair Don Ritchie under MGL Chapter 131 §40
231 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection
232 Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions
233 of the Open Meeting Law, MGL Chapter 30A §20.
234

235 **Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Eve
236 Wittenberg (Associate Member)
237

238 **Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Rebecca Dilthey and
239 Stevie Carvalho (Farland Corp.),
240

241 This hearing is for a Request for Determination of Applicability filed on behalf of Rebecca Dilthey
242 for the expansion of an existing deck within the 100' buffer zone of a wetland resource at 124
243 Depot Road, Harvard.
244

245 Stevie Carvalho, from Farland Corp., stated the existing deck will be expanded to bringing in line
246 with the existing corner of the house by expanding it by ten feet; the deck depth will also be
247 expanded by four feet, bringing it closer to the wetland resource area. The area in which the
248 activity is proposed is existing lawn. The Commission conducted a site walk earlier this week at
249 which they noticed extensive wetness within the lawn area, which may indicate the wetland may
250 actually extend into the lawn area. The Commission requested additional soil borings be
251 conducted within the lawn area between wetland flags 7 and 14.
252

253 Paul Willard made a motion to continue the hearing to June 17, 2021 at 7:30pm. Jaye Waldron
254 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard
255 aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don
256 Ritchie, aye.
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258 Respectfully submitted,
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261 Liz Allard
262 Land Use Administrator/
263 Conservation Agent
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280 Harvard Conservation Commission
281 Continuation of a Notice of Intent Hearing
282 Alma Gregory & Kristiina Sorensen,
283 23 Peninsula Road, DEP#177-703, Harvard#0421-03
284 June 3, 2021
285

286 The public hearing was opened at 7:45pm by Chair Don Ritchie under MGL Chapter 131 §40
287 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection
288 Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions
289 of the Open Meeting Law, MGL Chapter 30A §20.
290

291 **Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim
292 Burns and Eve Wittenberg (Associate Member)
293

294 **Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Carol Hoffman, Bruce
295 Ringwall (GPR, Inc.), Gigi Saltonstall (G2 Collaborative), Kristiina Sorensen and Pat Nato (G2
296 Collaborative).
297

298 This hearing was continued from May 20, 2020 on a Notice of Intent filed on behalf of Alma
299 Gregory & Kristiina Sorensen for the replacement of existing steps and railings with new stairs
300 and deck platform, the addition of boulder steps, stone pavers, landscape walls, new landscaping
301 throughout, extension of an existing shed, removal of nine trees and replacing the existing dock
302 with a bigger prefab pier structure 23 Peninsula Road, Harvard.
303

304 Bruce Ringwall, of GRP, Inc., stated revisions made to the plan include the agreement on the
305 trees that are allowed to be removed as shown on the Site Preparation plan prepared by G2
306 Collaborative. The erosion control has been revised and a note added to the plan to remove
307 debris behind the shed. Notes on the G2 Collaborative plan, including language about pruning at
308 water's edge, were reviewed, along with the comments from the Department of Environmental
309 Protection. The trimming of the maple tree will be reviewed at the same time the vista pruning is
310 reviewed. Wendy Sisson suggested not using hay scented fern as it tends to take over,
311 especially in site like this. Gigi Saltonstall stated it could be swapped out with another fern.
312

313 Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the
314 added special condition that the removal of the lower limb of the 18" maple tree shall be
315 determined by the Conservation Agent and/or a member of the Commission. Jim Burns
316 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy
317 Sisson, aye, Jaye Waldron, aye; Jim Burns, aye; Joanne Ward, aye; and Don Ritchie, aye.
318
319

320 Respectfully submitted,
321

322
323 Liz Allard
324 Land Use Administrator/
325 Conservation Agent

DRAFT
HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JULY 15, 2021

Chair Don Ritchie called the meeting to order at 7:06pm, virtually pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, 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 at 9:05pm), 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), Bruce Ringwall (GRP, Inc.), Lou Russo, Laurie Stamatatos, Greg LeBlanc, Sarah & Daniel Wegner, Martin Feehan (Deer & Moose Biologist – Mass Wildlife), Bob Douglas (Deer Management Subcommittee), Greg Arthur, Dan Tracey, Tom Cotton (Deer Management Subcommittee), Scott Patterson, Joe Pulido (Deer Management Subcommittee), David Pinard and Sue McCarthy

Review Order of Conditions with New Owners

As required by the Order of Conditions the following individuals were present to confirmed they have received a copy of the Order of Conditions and understand there are wetland resource areas on their property and the limits they impose.

- 204 Ayer Road, DEP#177-699 – Scott Patterson
- 51½ Old Shirley Road, DEP#177-691 - Sarah & Danial Wegner

Informal Discussion – 203 Ayer Road

Bruce Ringwall, of GPR, Inc., detailed the wetlands that have increased in size since the construction of Harvard Green in the late 1990's, with the drainage from Harvard Green contributing to the creation of an isolated wetland on the property. Mr. Ringwall would like the Commission to grant a waiver to allow for the filling the isolated wetland, with replication elsewhere on the site. The isolated wetland contains a majority of facultative vegetation with very little obligate plants; the area is an isolated wetland mostly due to the soils. Mr. Ringwall detailed the soil types and the areas in which the replication is proposed.

Mr. Ringwall further explained the property owner is under a signed agreement for a proposed indoor badminton complex; two other uses are interested in building on the property as well. Feedback from the Commission included to look at ways to reduce the amount of parking; and where would the existing drainage from Harvard Green go? Mr. Ringwall stated stormwater runoff would be directed to treatment facilities within the parking island, recharge under the parking lot, and in other areas on the property.

The isolated wetland is 23,700 square feet in area. Mr. Ringwall is requesting 25,200 square feet of replicated area, which would not meet the required 1:1.5 rate required by the Wetland Protection Bylaw. Mr. Ringwall addressed concerns with stormwater stating Harvard Green had been designed to handle this site as well, but since stormwater standards have changed since the 1990's the proposal would be for all new drainage that will not cause additional water to be discharge directly into the existing wetland along Ayer Road.

The Commission requested a replication area that would meet the standard and be adjacent to the existing wetland along Ayer Road, as opposed to the wetlands located further back on the site. Mr. Ringwall explained the purpose of replicating further back on the site were that preliminary discussions with the Chair and Conservation Agent indicated that setbacks created by the newly replicated wetland would be enforced, meaning the proposed structure could not be within 75' of the replicated wetland.

53 **Request for Determination of Applicability Hearing – Gerard LeBlanc, 71 Lancaster County Road,**
54 **Harvard#0621-03. Opened at 7:45pm**

55
56 **Deer Management Subcommittee Scouting Results & Recommended Properties for 2021**

57 Tom Cotton stated the Subcommittee scouted 13 parcels, as recommended by the Land Stewardship
58 Subcommittee (LSS), and have determined there are ten parcels they would like to add for 2021 hunting
59 season. Wendy Sisson clarified that LSS did not recommend all of the parcels. Mr. Cotton noted DMS may
60 have added some additional sites as well. Ms. Sisson would question some of the recommended sites
61 such as Sprague, which has had opposition to being used for this activity; and the Williams land and
62 Prospect Hill area are heavily used as well; prefer to move slower on the addition of parcels that are used
63 heavily by hikers. Mr. Cotton stated the maps provided detail the hunters being be 300' from any trail;
64 hunters are self-disciplined and are going to be where they are not seen or heard.

65
66 The request to move from five areas to fifteen was discussed. Although only one deer was harvested
67 through this program last year, a total of 69 deer were harvested throughout Town. As this program is
68 still in its pilot stage highly used area, such as Prospect Hill and Maxant, which abuts the soccer fields,
69 should not be making the list just yet; a case can be made for more remote areas. It was suggested the
70 number of lands be doubled this year as opposed to the recommended tripled; it is a matter of buy-in
71 from the Town before including areas that a popular. The Commission will review information for further
72 discussion as the next meeting. The distribution of the hunters will be discussed at that time as well.

73
74 Dan Tracey wanted to make a comment in regards to the 69 deer harvested in Harvard last year. With
75 most hunting taking place on private land, he thinks there is plenty of hunting and deer being harvested in
76 Harvard. Mr. Tracey agrees with the need to eliminate any parcels that are well traveled or has resident
77 areas that impinge on the conservation property. In regard to trail usage even 300' from a trail, removing
78 the deer may be horrifying for trail users to see. Martin Feehan, the State Deer & Moose stated you have
79 more success by providing more pressure on the deer by distributing the hunters more through out Town.

80
81 **Haskell Land, Willard Lane, Update**

82 As previously reported the Haskell land is in transition as the Land Stewardship Subcommittee works with
83 Natural Resource Conservation Service (NRCS) for funding to plant native grasses and a pollinator strip in
84 the back portion of the site. Also, as previously stated, Rob Traver, a member of the Land Stewardship
85 Subcommittee, has offered to be the farmer for the site to have an individual assigned to it will make the
86 Commission eligible for NRCS funding. Since Mr. Traver will not be maintaining the land for a product, but
87 more as to assist the Commission, therefore Wendy Sisson is proposing the license fee be like that of
88 William's land in which is \$1.00 annually.

89
90 After a brief discussion, Wendy Sisson made a motion to license the Haskell land to Rob Traver for the FY
91 2022 season at a cost of \$1.00. Paul Willard seconded the motion. The vote was unanimously in favor of
92 the motion by a roll call, Paul Willard, aye; Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark
93 Shaw, aye; and Don Ritchie, aye.

94
95 **Update of the Determination of Harvard Land Use for Preservation and Recreation Meeting**

96 This meeting was arranged by the Chair of the Select Board in an attempt to bring together interested
97 parties in order to determine what to do about the need for recreation land. Don Ritchie, as well as
98 Wendy Sisson attended this meeting. The Select Board will seek more input from others. Mr. Ritchie is
99 not sure where this is going. Ms. Sisson had suggested during the meeting that the Select Board needs to
100 get involved so that it is not a dynamic between Parks & Recreation (P&R) Commission and the
101 Conservation Commission to resolve P&R's need for land. The Select Board in conjunction with P&R need
102 to determine what are the needs and make a plan.

103
104

105 **Stone Land, Old Mill Road, Update**

106 The Commission reviewed the Stone land earlier this week in preparation for this discussion. Don Ritchie
107 would not have an objection to a Memorandum of Understanding between the Commission and Parks &
108 Recreation Commission for this land. Paul Willard stated the land is marginal as a hay field, with other
109 agricultural use probably not so good. Mark Shaw stated in its current state the land is not good for hay
110 and may need to be turned and re-seeded to make it so. If another use is allowed it should be done in a
111 manner where it could easily be turned back into agricultural use. Ms. Sisson agrees, as does the Land
112 Stewardship Subcommittee. Since the Commission will be looking for uses that would allow it to be
113 maintained as conservation land, a regulation soccer field would not be acceptable. In addition, the deed
114 stipulates there is to be no parking or permanent structures. Joanne Ward feels the abutting property
115 with the pond could create a liability to the Town if the land was to be used for recreational purposes.
116 Eve Wittenberg worried the lines may get blurry and that it should be up to the Select Board to determine
117 whether or not conservation land is going to be used for other uses. Ms. Sisson stated it is not a Select Board
118 decision on how conservation land is used. Jim Burns stated he came away from the site visit with clarity
119 as to why the fields on Devens are not being used; just because the Commission has a piece of land that is
120 not being utilized does not mean its up for grabs for recreation; he would like to see it left as is, with
121 future agricultural use. Ms. Ward agreed with Mr. Burns as she has become familiar with the fields in
122 Devens too.

123
124 **Discuss Proposed Land Use Boards Matrix for FY2023**

125 The Director of Community & Economic Development, Chris Ryan, created the proposed land use boards
126 matrix in order to resolve staffing issues as they pertain to conservation and sustainability. In the draft
127 matrix new positions include a Director of Conservation & Sustainability, and three part-time
128 administrative assistant positions – Planning & Zoning, Conservation and Sustainability. The Director of
129 Conservation would supervise the existing Board of Health clerk, and the administrative assistant for
130 conservation and sustainability. In addition, this position would provide staff support to the Conservation
131 Commission, Open Space Committee, Bare Hill Pond Watershed Management Committee, Sustainability
132 Commission and Harvard Energy Advisory Committee.

133
134 Liz Allard stated she has sought the advice of Marie Sobalvarro, Human Resource Director, on the
135 appropriate process. Ms. Sobalvarro has indicated the first item is to determine reasoning behind the
136 reorganization, and then to obtain buy-in from all of the Boards/Commissions/Committees involved. Job
137 descriptions will need to be created and submitted to the Personnel Board for grading. Ms. Allard noted
138 that although it had been previously determine that the Commissions application fees was no longer able
139 to supplement a portion of her salary, it may be able to support the part-time conservation administrative
140 assistant salary. In addition, funding through green communities and the municipal vulnerability
141 preparedness may be available for the part-time sustainability administrative assistant as well as the
142 Director position. As drafted the four hours/week of administrative assistance provided by the Board of
143 Health (BOH) clerk to the Land Use Administrator would be returned to the BOH. Ms. Allard clarified that
144 supervised staff, as well as the Director, will provide staff support for the five
145 Boards/Commissions/Committees listed above.

146
147 Wendy Sisson stated as drafted this matrix does not resolve the Commission's issue of only having a part-
148 time Conservation Agent; this role would still be a shared role with Sustainability. In addition, there is a
149 risk of including Sustainability with the Conservation Agent that those with more qualifications will
150 outcompete current staff for the position. With Ms. Sisson's term ending next June there will be a need
151 for a full-time Conservation Agent to pick up the Land Stewardship activities. The Commission sent a
152 letter earlier this year to the Select Board explaining their pending situation. Ms. Sisson truly believes if
153 the proposed matrix moves forward as-is the Commission would really be on the losing end.

154

155 After discussing the matter a while longer, the Commission agreed Don Ritchie would follow-up with Erin
156 McBee, the Commission’s liaison to the Select Board, to determine where they are with their support of a
157 full-time Conservation Agent. Options expressed this evening will be shared with Mr. Ryan as well.
158

159 **Approve Minutes**

160 This item was passed over this evening
161

162 **Approve Invoices**

163 Jaye Waldron made a motion to approve the invoices for the annual assessment from the Turner Lane
164 Association in the amount of \$250.00 from the conservation fund. Joanne Ward seconded the motion.
165 The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Joanne Ward, aye; Jaye
166 Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.
167

168 **Wetland Violations:**

- 169 • 96 Ayer Road – Request for Determination of Applicability pending
 - 170 • 232 Still River Road – No new information
 - 171 • 28 Shaker Road – Notice of Intent pending
 - 172 • Peninsula Road – Violation yet determined
- 173

174 **Update on Pine Hill Village Stow Road**

175 Don Ritchie has reviewed the interim as-built plan and found the information provided to be with
176 acceptable tolerances. Wendy Sisson asked that Steve Ventresca, from Nitsch Engineering, be requested
177 to review the site as we are at a conjecture here. Ms. Sisson would like Nitsch’s input as to where the
178 developer is at in the process. Ms. Sisson is very concerned about how all of the stormwater features are
179 going to work when the developer is not proceeding with the recommendations made by either the
180 Commission or its consultant.
181

182 **Adjournment**

183 Wendy Sisson made a motion to adjourn the meeting at 9:48pm. Jim Burns seconded the motion. The
184 vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Joanne Ward, aye, Jaye
185 Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.
186

187 Respectfully submitted,

188
189 Liz Allard,
190 Land Use Administrator/
191 Conservation Agent
192

193 **EXHIBITS & OTHER DOCUMENTS**

- 195 • Conservation Commission Agenda, dated July 15, 2021
 - 196 • Commercial Development Conservation Commission Conceptual Plan 203 Ayer Road Harvard,
197 MA, prepared for Lou Russo, JOB 211009, prepared by GPR, Inc., July 2021
 - 198 • Town of Harvard Proposed Land Use Boards Reorganization
- 199
200
201
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206

**Harvard Conservation Commission
Request for Determination of Applicability
Gerard LeBlanc, 71 Lancaster County Road, Harvard#0621-03
July 15, 2021**

The public hearing was opened at 7:45pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

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

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Laurie Stamatatos and Greg LeBlanc

This hearing is for a Request for Determination of Applicability filed on behalf of Gerard LeBlanc for a previously installed deck within the 100' buffer zone of a wetland resource area at 71 Lancaster County Road, Harvard.

The property owners, Laurie Stamatatos and Greg LeBlanc, explained that they had no idea they had wetlands on the property. Ms. Stamatatos and Mr. LeBlanc took an opportunity to construct the deck when a family member has offered to do so during the pandemic. The Commission conducted a site walk earlier this week and found there to be no issues with the deck location as it was constructed in an area that was previously lawn.

Joanne Ward made a motion to close the hearing and issue a Negative #3 Determination of Applicability with no additional conditions. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent



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Chris Tracey
 Town of Harvard
 Zoning Board of Appeals
 13 Ayer Road
 Harvard, MA 01451

September 18, 2021
 Project No: 12808.
 Invoice No: 74138

Project 12808. 40B - Pine Hill Village
Professional Services from August 1, 2021 to August 28, 2021

Task 002 Construction Administration 50%
 Fee

Total Fee 24,800.00

Percent Complete

85.00

Total Earned

21,080.00

Previous Fee Billing

19,840.00

Current Fee Billing

1,240.00

Total Fee

1,240.00

Total this Task

\$1,240.00

Total this Invoice

\$1,240.00

