

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY NOVEMBER 4, 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.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/85042179079?pwd=WVdSbG1CTnZhNmV2bGJwSWFmVFFQdz09>

Meeting ID: 850 4217 9079

Passcode: 534705

One tap mobile

+19294362866,,85042179079# US (New York)

+13017158592,,85042179079# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 850 4217 9079

Find your local number: <https://us02web.zoom.us/j/85042179079?pwd=WVdSbG1CTnZhNmV2bGJwSWFmVFFQdz09>

New Business:

1. Update from Deer Management Subcommittee (7:00pm)
2. Open Space Committee – Mapping Recreational Lands (7:30pm)
3. Select Board Request for Comments – Code of Conduct
4. Bromfield Baseball Booster Club Request to Use the Reuben Reed Land for Christmas Tree Fundraiser
5. Discuss Meeting Format – In-person, Virtual or Hybrid
6. Approve Minutes
7. Approve Invoice – Nitsch Engineer, \$1,240.00

Old Business:

1. The Commission's Position on the Stone Land, Old Mill Road
2. Review Request for Determination of Applicability Requirements
3. Pine Hill Village Update

NEXT MEETING: NOVEMBER 18, 2021

TOWN OF HARVARD
CODE OF CONDUCT
FOR TOWN ELECTED AND APPOINTED OFFICIALS

I. PURPOSE

The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

II. APPLICABILITY

This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all of their actions and communications whether spoken or written including but not limited to all electronic communications including social media.

III. CODE OF CONDUCT

All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith at all times having regard to their responsibilities, the interests of the Town and the welfare of its residents.

The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Administrator or Town Staff.

Moreover, all elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.

Further, all elected and appointed officials of the Town must assume the following responsibilities:

A. Conduct Generally and in Relation to the Community

- Be well informed concerning the local and state duties of a board/committee member.
- Never purport to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally or financially from your board/committee position.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Demonstrate respect for the public that you serve.
- Safeguard confidential information.
- Conduct yourself so as to maintain public confidence in our local government.

- Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
 - Anti-harassment and Anti-discrimination Policy
 - Anti-fraud Policy
- Comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law
 - Procurement Laws
 - The Ethics/Conflict of Interest Statute (G.L. c.268A).

B. Conduct in Relation to other elected and appointed officials

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion, but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairman should you for any reason be unable or unwilling to continue to serve. Formal notice to resign from a board/committee requires written notification to the Town Clerk.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on quasi-judicial matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- Make decisions only after all facts on a question have been presented and discussed.

C. Conduct in Relation to the Town Administrator

- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Administrator full responsibility for discharging his or her disposition and/ or solutions.
- Refrain from giving orders or directions to the Town Administrator for action as an individual board/committee member.

- Refrain from providing information to the Town Administrator that you would not be willing to share with other board/committee members.

D. Conduct in Relation to Town Staff

- Treat all staff as professionals and respect the abilities, experience, and dignity of each individual.
- Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Administrator.
- Never publicly criticize an individual employee or a department. Concerns about staff performance should only be made to the Town Administrator through private communication.
- Officials who interact with Town staff must do so in a respectful manner and understand employees should not be expected to take direction from any individual official on any matter.

IV. DISTRIBUTION AND EDUCATION

The Town Clerk shall provide a copy of this policy, the Town's Anti-Harassment and Anti-Discrimination policy and the Anti-fraud policy to all elected and appointed officials upon its issuance and upon the subsequent appointment or re-appointment of any individual.

Each individual shall sign a statement that they have read this policy and will comply with all requirements set forth in this policy. In the event that any member declines to sign the form, that fact shall be noted by the Town Clerk on the form.

V. ENFORCEMENT

A. Generally

In addition to any other remedies or enforcement options available under the law, each board/ committee may vote to censure any elected member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.

If any elected or appointed official is accused of violating the Town's Anti-Harassment and Anti-Discrimination Policy, the Town Administrator shall refer the matter for investigation to the contact named in the Anti-harassment and Anti-Discrimination policy or a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Administrator shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator. The Town Administrator shall share the reported findings and recommendations with the elected official's board/ committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.

If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board/committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon request of the Town Administrator/Manager or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Administrator.

The Town Administrator shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the

matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.

Use of Reuben Reed Conservation Land for Christmas Tree Sale Fundraiser

Cohen, Paul <pcohen@chelmsfordma.gov>

Thu 10/21/21 4:59 PM

To: Liz Allard <lallard@harvard-ma.gov>

Liz,

The Bromfield Baseball Boosters Club is seeking the use of the Reuben Reed conservation land in the town center for its annual Christmas tree sale fundraiser.

The dates of the sale this year would be from Friday, November 26 through Sunday, December 12.

The property would be restored to its natural condition upon the completion of the use of the property.

Thank you for your assistance with obtaining Conservation Commission approval.

Paul Cohen
978-808-9401 (wireless)

Upper Town Hall Hybrid Meeting Instructions

1. Turn on the projector. It takes a few minutes to warm up and turn on.
2. Collect microphones from the control room, one for each board/committee member and any guests. **Anyone speaking MUST speak into a microphone to be heard on Zoom.**
3. Log into laptop.
4. Log into the zoom account & start/join the meeting.
5. On the zoom menu bar at the bottom of the window, on the microphone button (mute/unmute) there is a pop up menu. Select "Digital Audio Interface (Cam Link 4K)."
6. On the zoom menu bar at the bottom of the window, on the video button (Stop Video/Start Video) there is a pop up menu. Select "Cam Link 4K."
7. On the touch panel to the right of the stage, select "Large Meeting Room" and then the green record button to start auto recording.
8. At the close of the meeting, end the zoom meeting.
9. On the touch panel, stop the recording. If the recording is not stopped, it will become too large and crash the computer.
10. Turn off the projector.
11. Return the microphones to their charger.

Please Note: Any other devices in the room that are also in the zoom meeting, should be muted, both the microphone and the speaker volume. If not, there will be feedback. You will be able to hear all remote zoom participants through the speakers in the room. Participants will be able to hear you as you speak into the microphones on the table.

Last updated 10.29.21

DRAFT
HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MAY 20, 2021

Chair Don Ritchie called the meeting to order at 7:03pm, 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, 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), Bob Douglas (Deer Management Subcommittee), Marty Green (Harvard Press), Michele Girard (Nashua-Squannacook-Nissitissit Wild & Scenic Rivers Stewardship Council), Bruce Ringwall (GPR, Inc.), Gigi Saltonstall (G2 Collaborative) and Patricia Nato (G2 Collaborative)

Executive Session - Nashua-Squannacook-Nissitissit Wild & Scenic Rivers Stewardship Council

Paul Willard made a motion to go into executive session with the representative from Nashua-Squannacook-Nissitissit Wild & Scenic Rivers Stewardship Council, 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. Wendy Sisson 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.

At the end of the executive session Jaye Waldron made a motion to return to the open session of the public meeting. Joanne Ward 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.

Wendy Sisson made a motion to provide a letter of support stating the Harvard Conservation Commission is willing to hold the conservation restriction and/or fee interest for land in Harvard as part of the Nashua-Squannacook-Nissitissit Wild & Scenic Rivers Stewardship Council effort to obtain funding under the Federal Forest Legacy Program. Joanne Ward 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.

Pump Bike Track Proposal – Pond Road

Don Ritchie has discussed the proposal with Bob O'Shea, chair of the Parks & Recreation Commission, who indicated there would be no cutting of trees necessary, but some fill will be required to mark out the track. Wendy Sisson asked if there are any wetlands or is the proposed area within 200' of Bare Hill Pond. Don Ritchie stated the site is within 200' of Bare Hill Pond however, the proposed activity will not be. Ms. Sisson wants to know if there are any alternative locations being discussed. The proposal also includes a trail to the area from the beach. Proponents will need to determine if the use is allowed within the wellhead protection zones.

Jim Burns stated these types of facilities can be built to accommodate any location; the proposal fits in this location and could be converted back to it original condition should the activity cease to have interest in the future. Jaye Waldron is concerned with the access to the area from a trail at the beach as it may cause erosion. Ms. Sisson explained the trail would be installed in a serpentine pattern to assist with minimizing erosion. The soil brought in is to be compacted and

57 would not be beneficial to the root systems of the trees in that location. Ms. Sisson would like to
58 have a discussion about this proposal as a Town with an actual proposal in order to provide
59 feedback. The Commission would like to conduct a site visit with the proponents and determine if
60 there are any other locations being considered.

61
62 **Continuation of a Notice of Intent Hearing – Harvard Department of Public Works,**
63 **Harvard#0321-04.** Opened at 7:28pm

64
65 **Continuation of a Request for Determination of Applicability Hearing – B&C Associates,**
66 **Inc., 169 Littleton County Road, Harvard#0121-03.** Opened at 7:31pm

67
68 **Approve Minutes**

69 Bob Douglas stated he was surprised of the nature of the January 7, 2021 minutes as there was
70 a large portion of the meeting discussing matters of the Deer Management Subcommittee (DMS)
71 without any representation of the DMS. Mr. Douglas added statements made during that
72 discussion were false. Mr. Douglas wants the language about the DMS mission not being in-line
73 with the Commission removed from the minutes as that was not said. The Commission agreed to
74 further review these minutes for discussion at the next meeting.

75
76 Paul Willard made a motion to approve the minutes of April 1, 2021 as amended. Jaye Waldron
77 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul
78 Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark
79 Shaw, aye; and Don Ritchie, aye.

80
81 **Recommendations to the Board of Selectmen Re: Interested Volunteer**

82 Wendy Sisson made a motion that after interviewing all of the potential candidates the
83 Commission would recommend to the Select Board the re-appointment of the existing
84 Conservation Commission members and associate member. Eve Wittenberg wanted to comment
85 on the letter received by Jason Cole; Ms. Wittenberg stands by the report she submitted to the
86 Commission regarding the 2020 deer hunt on conservation land as being accurate and presented
87 with the best of intention. Jaye Waldron seconded the motion. The vote was unanimously in
88 favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye;
89 Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

90
91 **Continuation of the Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw**
92 **Regulations.** Opened at 8:00pm

93
94 **Update on Pine Hill Village Stow Road**

95 As previously discussed, Peter Cricones has been informed to not conduct any additional site
96 work until the Commission received the requested as-built.

97
98 **Continuation of a Notice of Intent Hearing - of Alma Gregory & Kristiina Sorensen, 23**
99 **Peninsula Road, Harvard#0421-03.** Opened at 8:10pm

100
101 **Wetland Violations:**

- 102 • 96 Ayer Road – Awaiting Request for Determination of Applicability
- 103 • 129 Poor Farm Road – Fill has been removed
- 104 • 14 Park Lane – Liz Allard has spoken with the property owner and resident, as well as sent a
105 letter to both that included the Living with Wetlands brochure
- 106 • 71 Lancaster County Road – A letter has been sent requesting the property owner's
107 attendance at June 3, 2021 meeting
- 108 • 232 Still River Road – Liz Allard stated an area on the property has been clear cut that
109 appears to be wetlands. The new owner is trying to maintain his Chapter 61A status while
110 working on a cutting plan. There is a forest management plan in place, however a forest
111 cutting plan has not been filed for the activity that has taken place. Ms. Allard has spoken

- 112 with State Forester, Laura Dooley, who will conduct a site inspection tomorrow or Monday
113 and will follow back up with her.
114 • 28 Shaker Road – Awaiting Notice of Intent
115 • 193 Old Littleton Road – New owner installed fencing for dogs; recommend he file a Request
116 for Determination of Applicability; Commission agreed
117 • 25 Clinton Shore Drive – Good, but just needs a bit more pea stone to be excellent
118 • Peninsula Road – Installation of stone along road edge to assist with erosion into the stream
119 from the road; a letter will be sent to the property owners at 10 Peninsula Road
120

121 **Adjournment**

122 Jim Bums made a motion to adjourn the meeting at 8:58pm. Paul Willard seconded the motion.
123 The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson,
124 aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Bums, aye; and Don Ritchie,
125 aye.
126

127 Respectfully submitted,
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130 Liz Allard,
131 Land Use Administrator/
132 Conservation Agent
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134 **EXHIBITS & OTHER DOCUMENTS**
135

- 136 • Conservation Commission Agenda, dated May 20, 2021
- 137 • Residential Development Notice of Intent Site Plan, 23 Peninsula Road, Harvard, MA,
138 Job 16057A, April 2021
- 139 • G2 Collaborative, Landscape Architecture, 23 Peninsula Road, Harvard, MA 01451, G2
140 Project #:2009, L1.1 Site Preparation, L1.2 Layout + Materials, L1.3 Grading and I1.4
141 Plantings, 4/22/2021
- 142 • 23 Peninsula Road Proposed tree removal
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Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Department of Public Works,
Old Mill Road, Harvard#0321-04
May 20, 2021

The public hearing was opened at 7:28pm 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, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing was continued from April 15, 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.

Still without comments and a file number from the Department of Environmental Protection, Jim Burns made a motion to continue the hearing to June 3, 2021 at 7:25pm. Joanne Ward 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

223
224 **Harvard Conservation Commission**
225 **Continuation of a Request for Determination of Applicability**
226 **B&C Associates, Inc. 169 Littleton County Road, Harvard#0121-03**
227 **May 20, 2021**
228

229 The public hearing was opened at 7:31pm by Chair Don Ritchie under MGL Chapter 131 §40
230 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection
231 Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions
232 of the Open Meeting Law, MGL Chapter 30A §20.
233

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

237 **Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Dave Crossman
238 (B&C Associates)
239

240 This hearing was continued from April 15, 2021 for a Request for Determination of Applicability
241 filed by B&C Associates for the removal and management of invasive plant species within the
242 100' buffer zone of a wetland resource area at 169 Littleton County Road, Harvard.
243

244 Dave Crossman has provided a revised the management plan, which includes a detailed plan for
245 each of the four locations to be managed. In area 1 the Tree of Heaven is to be controlled, which
246 will take a number of years complete. Area 2 is to be maintained as a wet meadow, with mowing
247 once a season to assist with keeping woody vegetation out of the area. Area 3, is closer Littleton
248 County Road, is buffer zone work only. Area 4 is toward the house and along the edge of the
249 common driveway, the invasives will be removed in area 7-feet off of the pavement. Mr.
250 Crossman will be monitoring the project, with Dave Ericson conducting the activity.
251

252 After briefly discussing additional conditions, Wendy Sisson made a motion to allow for a waiver
253 of the 0-foot and 50-foot setbacks for purpose of invasive plant management. Joanne Ward
254 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul
255 Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark
256 Shaw, aye; and Don Ritchie, aye.
257

258 Joanne Ward made a motion to close the hearing and issue a Negative #3, with the following
259 conditions:

- 260 1) Anyone working under this Determination shall provided written confirmation of receipt
261 and knowledge of the Invasive Species Management Plan, dated May 20, 2021;
- 262 2) Each time activity is to be completed on the property the Conservation Agent shall be
263 provide 24 hours notification of said activity; and
- 264 3) Failure to comply with this Determination or the Invasive Species Management Plan shall
265 result in fines as detailed within Chpater 119 Wetland Protection Bylaw

266 Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll
267 call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns,
268 aye; Mark Shaw, aye; and Don Ritchie, aye.
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270 Respectfully submitted,
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273 Liz Allard
274 Land Use Administrator/
275 Conservation Agent
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**Harvard Conservation Commission
Continuation of the Revisions to Code of Harvard
Chapter 147 Harvard Wetland Bylaw Regulations
April 15, 2021**

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The public hearing was opened at 8:00pm 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, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing was continued from April 15, 2021.

Wendy Sisson detailed her recommended changes regarding vegetation removal with no defined process as to how to replace unauthorized removal. Jaye Waldron had formatting and spelling edits she can share with Liz Allard. Ms. Sisson recommended the fee for disturbance within the buffer zone should not include a maximum; all agreed.

Paul Willard made a motion to approve the revisions to Chapter 147 Wetland Protection Regulations as amended this evening. Jim Burns seconded the motion. The vote was 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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Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Alma Gregory & Kristiina Sorensen,
23 Peninsula Road, Harvard#0421-03
May 20, 2021

The public hearing was opened at 8:10pm 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, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Bruce Ringwall (GPR, Inc.), Gigi Saltonstall (G2 Collaborative) and Patricia Nato (G2 Collaborative)

This hearing was continued from May 6, 2020 on a Notice of Intent filed on behalf of Alma Gregory & Kristilina Sorensen for the replacement of existing steps and railings with new stairs and deck platform, the addition of boulder steps, stone pavers, landscape walls, new landscaping throughout, extension of an existing shed, removal of nine trees and replacing the existing dock with a bigger prefab pier structure 23 Peninsula Road, Harvard.

Bruce Ringwall, of GPR, Inc., explained the results of the additional site walk in order to define the trees to be removed. Mr. Ringwall stated along the 275' of lake front the applicant is requesting relief in an area of approximately 110'. The left-side of waterfront is fully wooded, with a 6" pine to remain; on right side as, you face the water, there are two dead pines that will also remain; the maple at the edge of the pond, the applicant would like to remove horizontal branch about 8' above the waterline; 10" maple out over the water and is hollow is to be removed; a 4" and 3" birch, along with a 10" maple and 4" black birch are requested to be removed as well. The request to remove the trees has been reduced from nine to five trees.

Joanne Ward asked about the understory below the trees; is it to be taken out or trimmed down? The goal is to maintain a good upper canopy and a lower vegetated area along the edge of the pond. The vegetated buffer along the ponds edge will be maintained, but the applicant would like to take that understory down to have a better view of the pond. The application indicates this understory will be cut to a four-foot level, but the intent is not to create a maintained hedge row. G2 Collaborative will work with the landscapers to create a staggered look. The area in question contains a couple small white pine, with the majority of the vegetation being sweet pepperbush. Gigi Saltonstall, of G2 Collaborative, stated the area also contains a lot of greenbrier leaf which makes it look more filled in than it is; once removed the area will look similar to the area to the left.

Jaye Waldron still has the issue with the definition of the vista pruning and how it is being applied on this site. Mr. Ringwall explained that the Wetland Protection Act regulations states without filing you can do vista pruning, but a Notice of Intent (NOI) has been filed which requests pruning beyond that allowed within the regulations for vista pruning. Mr. Ringwall further explained tree removal is not vista pruning and that what Ms. Waldron is reading from is what you can do without filing an NOI. Ms. Waldron argued that they are trying to vista prune under the guise of an NOI.

Wendy Sisson asked that the erosion control be placed at the edge of the natural lawn; Ms. Saltonstall stated that is where it is intended. With the re-vegetation of the existing lawn and improvement of other areas, such as behind the existing shed, Ms. Sisson is agreeable to some of the trees being removed. Ms. Sisson suggests the removal of vegetation be completed in two

391 step – invasive first and then a review of the site by the Conservation Agent and Ms. Sisson to
392 look at how the understory will be pruned. Ms. Saltonstall indicated the understory will be pruned
393 by hand cutting. Ms. Saltonstall further explained the plan is to plant additional species in that
394 area as well. The existing small pines in that area will be replaced with a different type of shrub.
395 Ms. Sisson suggested a special condition allowing for the trimming of the understory to a 3-4-foot
396 height to be reviewed by the Conservation Agent annually.

397
398 As for the expansion of the shed, the necessary water and electric lines will be run within the
399 newly created vegetated area as opposed to further out into the wooded area. The debris pile
400 shall be removed and area left to re-vegetate naturally. Ms. Saltonstall stated they could plant
401 some ferns to give it a little help. Ms. Sisson requested hay scented fern not be used as they tend
402 to spread and natural vegetation will be outcompeted. The proposed stepping stones into the
403 pond will assist with erosion from wave action. The NOI narrative will be revised to reflect the
404 details agreed upon during the hearing process.

405
406 With no Department of Environmental Protection file number and revisions required to the NOI
407 and plans, Jim Burns made a motion to continue the hearing to June 3, 2021 at 7:45pm. Paul
408 Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul
409 Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark
410 Shaw, aye; and Don Ritchie, aye.

411
412
413 Respectfully submitted,

414
415
416 Liz Allard
417 Land Use Administrator/
418 Conservation Agent

DRAFT
HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 5, 2021

Chair Don Ritchie called the meeting to order at 7:20pm, 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, Wendy Sisson, Joanne Ward (arrived at 7:50pm), Mark Shaw and Eve Wittenberg (Associate Member) (departed at 7:45pm)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Jim & Lorelei Galeski, Bruce Ringwall (GRP, Inc.), Lou Russo, Martin Feehan (State Wildlife Deer & Moose Biologist), Bob Douglas (Deer Management Subcommittee), Dan Tracey, Tom Cotton (Deer Management Subcommittee), Don Osmer, Stu Sklar, Jen Sundeen, Matt Marro, MaryAnn DiPinto (Three Oaks Environmental) and Kelvin Wiebe

Election of Officers for Fiscal Year 2022

This item was passed over this evening.

Deer Management Subcommittee Scouting Results & Recommended Properties for 2021

As reported on at the July 15th meeting the Deer Management Subcommittee (DMS) is request the addition of the following locations for the 2021 Deer Management Program: Blomfelt, Dunlap, Great Elms, Herman Orchard, Maxant, Prospect Hill, Shaker Spring House, Sprague, Vesenka and the Williams lands. Wendy Sisson, chair of the Land Stewardship Subcommittee (LSS), stated LSS recommended the Gillette land as well. The DMS did not include Gillette over concerns of hunters trespassing on to the adjacent Harvard Conservation Trust land (Horse Meadow Knoll (HMK)). Ms. Sisson would still recommend Gillette as it is densely populated with deer and would be further from people on the HMK trails than on other sites; the site can be accessed from Sherry Rd without accessing through HMK. Ms. Sisson is concerned with allowing the program to take place on Prospect Hill, Sprague and Williams lands as they are heavily used by people. Ms. Sisson was not looking to argue about where the best hunting is, but to move forward with an objective that is a long-term approach. With the program only in its second year it would be acceptable to omit areas where people have expressed concern. Eve Wittenberg expressed concern with tripling the program, stating that it is premature since the program is not well established. Dan Tracey expressed his concern by suggesting the program be limit to a few new parcels. Mr. Tracey added there are still a large number of people in Harvard uncomfortable with hunting on conservation land, and even though hunting is allowed there are still a lot people who would avoid using trails knowing hunting is taking place in those areas, the Commission should be sensitive to that. Don Osmer stated hunting in Town is well established; the more areas open to hunting the better the harvest that will be achieved; there has not been any negative interaction in years past. Jennifer Sundeen expressed that with the current state of things there are many people out using the trails, potential with children, who may interact with this program in a negative way. Martin Feehan, the State Wildlife Deer & Moose Biologist, stated as increase deer pressure impacts Harvard having more areas served by the program is a plus.

After discussing the recommended areas, Wendy Sisson made a motion to increase the number of conservation lands to be served by the Deer Management Program from five areas to 13. The complete list of conservation lands include:

Herman Orchard

53	Rodrigues*	59	Blomfelt Land
54	Damon/Stephenson*	60	Shaker Springs
55	Dunlap	61	Gillette
56	Willard /Poitras*	62	Vesenka
57	Maxant	63	Perini*
58	Great Elms	64	Barrett*

65 * 2020 Approved Conservation Land

66 Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Paul
67 Willard, aye; Wendy Sisson, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

68
69 The DMS will return at a later date to discuss the distribution of hunters for the 2021 program.

70
71 **Notice of Intent Hearing – James Galeski, 28 Shaker Road, Harvard#0721-01.** Opened at 7:45pm

72
73 **Notice of Intent Hearing – Wheeler Realty Trust, 203 Ayer Road, Harvard#0721-02.** Opened at 8:01pm

74
75 **Requests for the use of conservation land:**

76 • **Harvard Conservation Trust Annual Run for the Hills Event, October 31, 2021**
77 Wendy Sisson made a motion to approve the use of the Prospect Hill Conservation Area for the
78 Harvard Conservation Trust annual Run for the Hills Event on October 31, 2021. Joanne Ward
79 seconded the motion. The vote was unanimously in favor of the motion by roll call vote, Paul Willard,
80 aye; Wendy Sisson, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

81 • **The Commission’s Position on the Stone land, Old Mill Road**
82 Wendy Sisson stated she understands the appeal of the Stone land as it is connected to Harvard Park
83 and the existing trails could be used to access the area, however any talk about swapping the Stone
84 land with the Parks & Recreation parcels on Pond Road should be off the table as the idea of
85 swapping land has not been well received by residents in the past. The Stone land could have
86 additional uses other than official playing fields, as the State does not allow for active recreation on
87 conservation land. A practice field could be considered, but anything that would require bulldozing to
88 develop the land would not be amenable as it would then be difficult to revert the land back to an
89 agricultural field. Joanne Ward agreed with Ms. Sisson, and added that having a pond on the abutting
90 private land could set the Town up for litigation should an injury occur on the private land. In
91 addition, how would the required maintenance of a regulation soccer field affect that private pond.
92 Paul Willard questioned whether or not the non-written wishes of previous owner matter to anyone?
93 Ms. Sisson stated the deed does allow for recreation, but no paved parking or buildings. Ms. Sisson
94 will provide a written statement for review at the September 2nd meeting.

95 • **Wetland Crossing for Trail near Bower’s Spring, Bolton**
96 Wendy Sisson explained the request received from the Town of Bolton to upgrade boardwalks on the
97 Bower’s Spring side of the Bare Hill Wildlife Sanctuary. Ms. Sisson stated the improvements to the
98 boardwalks will be in Harvard, but not necessarily completed in the way in which the Land
99 Stewardship Subcommittee would install a boardwalk. Ms. Sisson is seeking the Commission’s
100 opinion on the matter. Members agreed to review additional material and discuss at the September
101 2nd meeting.

102
103 **Request for a Certificate of Compliance – 5 Haskell Lane, DEP#177-668**
104 Paul Willard made a motion to issue a Certificate of Compliance for 5 Haskell Lane, DEP#177-668. Joanne
105 Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard,
106 aye; Wendy Sisson, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

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111 **Approve Minutes**
112 Joanne Ward made a motion to approve the minutes of April 15, June 17 and July 1, 2021 as amended.
113 Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul
114 Willard, aye; Wendy Sisson, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.
115

116 **Discuss Proposed Land Use Boards Matrix for FY2023**

117 This item was passed over this evening.
118

119 **Wetland and Other Violations:**

- 120 • 20 White Lane – This item was not on the original agenda, but has been before the Commission
121 previously as an encroachment on to conservation land. Liz Allard explained she had been alerted
122 that work at 20 White Lane was continuing to encroach onto conservation land. A review of the site
123 indicated that previous attempts to resolve the issue had been ignored, including requiring the
124 property owner to provide the Commission with a certified plot plan to assist in developing a plan to
125 remediate the encroachment. After discussing, Wendy Sisson made a motion to send a certified
126 letter to the property owner requesting the certified plot plan be provided within a set time frame or
127 the matter will be handed over to Town Counsel to resolve. The vote was 3-1 in favor of the motion
128 by a roll call, Paul Willard, aye; Wendy Sisson, aye; Joanne Ward, aye; Mark Shaw, nay; and Don
129 Ritchie, aye.
- 130 • 96 Ayer Road – With the Request for Determination of Applicability (RDA) still not filled for the
131 installation of a shed within the buffer zone of a resource area, Wendy Sisson made a motion to issue
132 an Enforcement Order to file the RDA within 30-days. Paul Willard seconded the motion. The vote
133 was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Joanne
134 Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.
- 135 • 232 Still River Road – No new information
- 136 • Peninsula Road – A letter has not yet been sent to the property owner at 10 Peninsula Road.

137
138 **Update on Pine Hill Village Stow Road**

139 Don Ritchie and Liz Allard were onsite with Steve Ventresca, of Nitsch Engineering, this past Tuesday. A
140 number of concerns with the progress of the site were reviewed including the pooling of water at the
141 outflow of the constructed wetland. Mr. Ventresca noted the plunge pool at the outlet appears not to be
142 deep enough to provide proper storage during times of heavy rain events. A full report will be provided
143 by Nitsch Engineering in the coming weeks. In the meantime, Mr. Cricones has been reminded that any
144 dewatering on the site requires prior approval from the Commission, as he has made mention of
145 dewatering the constructed wetland to begin planting. Mr. Cricones has also been advised that it is to
146 soon to begin the planting of the constructed wetland as it still is serving as a sedimentation basin for the
147 entire site.
148

149 **Adjournment**

150 Wendy Sisson made a motion to adjourn the meeting at 9:48pm. Jim Burns seconded the motion. The
151 vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Joanne Ward, aye; Mark
152 Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.
153

154 Respectfully submitted,

155

156

157 Liz Allard,

158 Land Use Administrator/

159 Conservation Agent
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162

Harvard Conservation Commission
Notice of Intent Hearing
James Galeski, 28 Shaker Road
DEP#177-706, Harvard#0721-01
August 5, 2021

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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, Wendy Sisson, Joanne Ward and Mark Shaw

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), James & Lorelei Galeski and MaryAnn DiPinto (Three Oaks Environmental).

This hearing is for a Notice of Intent filed on behalf of James & Lorelei Galeski for the restoration of the 100' wetland buffer zone and wetland resource area with loam and seeding, plantings and stormwater control at 28 Shaker Road, Harvard.

MaryAnn DiPinto explained the site had been logged, causing the area to become heavily vegetated with wetland plant species. Ms. DiPinto has delineated an existing isolated wetland between the existing slope and ledge outcropping, along with the delineation for the bordering vegetated wetland. Ms. DiPinto recommends the seeding of the top of the slope and plant with wood vegetation to break up the area between the existing lawn and the slope. Ms. DiPinto would further recommend the planting of additional woody vegetation in and around the isolated wetland, along with the removal of the invasive glossy buckthorn.

Wendy Sisson would like to evaluate the wetland delineation, as well as the runoff from the top of the slope. In addition, Ms. Sisson request a management plan be created for the invasive plant(s). Mr. Willard agreed additional time to review the site and other material would be necessary in order to make a final decision on this application.

After a few clarifying questions from Jim Galeski, Wendy Sisson made a motion to continue the hearing to September 2, 2021 at 7:30pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing
Wheeler Realty Trust, 203 Ayer Road, Harvard#0721-02
August 5, 2021**

The public hearing was opened at 8:01pm 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, Wendy Sisson, Joanne Ward and Mark Shaw

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Bruce Ringwall (GRP, Inc.), Lou Russo and Matt Marro.

This hearing is for a Notice of Intent filed on behalf of Wheeler-Realty Trust for the filling of a freshwater wetland with proposed replication adjacent to an existing bordering vegetated wetland located on the site at 203 Ayer Road, Harvard.

Bruce Ringwall detailed the existing site stating fill from the construction of Route 2 had been left on the site that later was used as an agricultural field. When Harvard Green was developed the agricultural activity on the site ceased. In 2021 a stock pile of material from another development was located on the site, which assisted in creating the existing isolated wetland. The existing wetland in the north corner of the property along Ayer Road was delineated in 1996 and ties into drainage under Gebo Lane. Matt Marro found this wetland to be consistent with the delineation done in 1996, but in turn located the new isolated wetland under the Town's Wetland Protection Bylaw. Mr. Marro has determined the isolated wetland is based on the disturbance of the area that is close to ground water. Mr. Ringwall is seeking the Commission's permission to fill the isolated wetland with replication near an existing wetland at the back of the property. With part of the property already under contract and others interested in developing the remaining area, Mr. Ringwall is only seeking to fill and replicate the wetland under this Notice of Intent. Knowing how this application will proceed will allow for further development to be designed for the property.

Don Ritchie found it unusual to request the filling and replication of a wetland without an actual plan for development. Mr. Ringwall reminded the Commission preliminary plans for the site were discussed at their previous meeting. Mr. Ritchie stated the isolated wetland might be hydrological connected to the existing wetland adjacent to Ayer Road; which would be in an area that will be covered in pavement. Mr. Ringwall stated drainage to be addressed by this development would not inference with ground water. The applicant would like to get this part of the project underway this year in order to begin building by spring of 2022.

Paul Willard asked what the current replication requirement is under the Town's Wetland Protection Bylaw and are there any limits on the amount of fill. Replication is required at a 1:1.5 ratio and there are no limits on fill. Mr. Willard stated he could not approve the application until he knows what is going to happen on the site. Wendy Sisson is concerned with the conceptual plan showing a fully developed site as though it was a perfect upland site with no water issues at all; there is too much impervious surface for the site; does not like the idea of underground detention of Stormwater; overall the applicant is trying to fit too much on this site; if the wetland was to be filled, she would like to see it replicated adjacent to the wetland along Ayer Road.

Mr. Ringwall took offense to the statement the applicant is developing the entire site; the Protective (Zoning) Bylaw requirements are being met with only 25% of site being developed with buildings and parking. As for drainage, a variety of drainage types were previously shown to the Commission, none of

269 which would be under buildings or parking areas; storage of Stormwater would be under the parking
270 areas, but not treatment. Existing ground water will not be blocked by this development; leveling the site
271 will still allow for drainage to work; open space will be provided on the site as required.
272

273 Mark Shaw has given the site and project some thought; overall small area of commercial development,
274 by a developer who has provided quality development in Town, therefore this should be a project that
275 should be allow by the Commission. Joanne Ward stated the site has some issues; Mr. Shaw makes good
276 point about being part of the commercial district; as long as all of the issues are addressed then perhaps it
277 should be allowed; drainage will need to be considered; the Commission permitted other sites in Town
278 with more concerns than this. Mr. Ritchie repeated he is not sure if the Commission should approve the
279 filling of a wetland until we know what the development of site will be. Mr. Willard asked if excess water
280 will flow out of the culvert under Gebo Lane. Mr. Ringwall stated under the State's Stormwater
281 Regulations a development cannot create greater rate of runoff off a site post construction.
282

283 Ms. Ward asked if the increase in rain events is being taken into consideration. Mr. Ringwall stated
284 rainfall data developed by Northeast Climate Research Center at Cornell University are being used. Liz
285 Allard initially would have recommended a condition that would not allow for the replication to begin
286 until such time that an Order of Conditions was issued for the development of the property. Ms. Allard
287 reached out to both the Department of Environmental Protection (DEP) and the Massachusetts
288 Association of Conservation Commissioners (MACC) for their advice on this application. The MACC
289 helpline provided a number of suggestions from its Board of Directors, which has been shared with the
290 Commission members. DEP, knowing the proposed replication was in fact one protected under the Town
291 Bylaw and not the Wetland Protection Act, suggested work on the replication area under this Notice of
292 Intent should be conditioned to be executed when and if a building permit is issued for the development
293 of the property.
294

295 Lou Russo, the applicant, stated he is seeking an appropriate way to move forward with the project. Mr.
296 Russo appreciates what the comments made by Mr. Shaw. Mr. Russo stated he has worked with Mr.
297 Ringwall for years to provide quality development in Harvard. Mr. Russo has donated 5 acres of land to
298 the Parks & Recreation Commission and 26 acres to Conservation; he is asking for due consideration to
299 continue with the sequence as proposed. Mr. Russo has no doubt stormwater can be handled for this
300 site.
301

302 Mr. Ritchie suggested putting the proposed recreation center where the other two buildings are
303 proposed. Ms. Sisson appreciates this is a commercial development, but she looking at it as to what the
304 site can handle, which reinforces her suggestion to locate the replication area within the same location.
305 Ms. Sisson does not see the rational for creating wetland somewhere else on the property. Ms. Sisson
306 could approve a plan that retains water on the site and moves the existing wetland vegetation to an area
307 near by to where it currently exists. It was noted the replication being provided would be at a 1:1 ratio.
308 Mr. Shaw thinks creating a swap along Ayer Road as you enter the commercial district and across the
309 street from bowling alley is not ideal. Mr. Russo thinks replicating the wetland along Ayer Road would not
310 be a good amenity to the adjacent to the soccer field. In addition, this would create a larger buffer zone
311 limiting the development area. Mr. Ringwall sought some better clarification as to where Ms. Sisson
312 would be amenable to locating the replication area; closer to Ayer Road as opposed to closer to the
313 Charlie Waite field. Mr. Ringwall also questioned if the Commission would be amenable to a waiver to
314 the setbacks. Mr. Russo added the proposal to locate the replication area also took into account the
315 current Transportation Improvement Project for Ayer Road. The Commission agreed to discuss waivers
316 later. Ms. Sisson would be opened to 1:1 replication ratio if the replication area was relocated along Ayer
317 Road.
318

319 Wendy Sisson a motion to continue the hearing to September 2, 2021 at 7:45pm. Paul Willard seconded
320 the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy
321 Sisson, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

322
323 Respectfully submitted,
324
325 Liz Allard
326 Land Use Administrator/
327 Conservation Agent
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EXHIBITS & OTHER DOCUMENTS

- 331
- 332 • Conservation Commission Agenda, dated August 5, 2021
- 333 • Site Plan For: Land at 28 Shaker Road Harvard, MA for James and Lorelei Galeski, Job No. 1039,
- 334 Plan 4385, prepared by Harvard Engineering Services, June 25, 2021
- 335 • Commercial Development Wetland Alternation & Replication Plan, 203 Ayer Road Harvard, MA
- 336 Job 211009A, prepared for Wheeler Realty Trust, prepared by GPR, Inc., July 2021

DRAFT

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HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 14, 2021

Chair Don Ritchie called the meeting to order at 7:05pm, 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Joe Pulido (Deer Management Subcommittee), Peter Dorward (Open Space Committee), Jim Lee (Open Space Committee) and Brian Cook (Planning Board Master Plan liaison/Open Space Committee)

Executive Session with the Open Space Committee

On a motion made by Jaye Waldron and seconded by Joanne Ward the Conservation went into executive session with members of the Open Space Committee to discuss 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. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Community Preservation Committee Application FY2023 – Still River Woods

Wendy Sisson made a motion to sponsor the Open Space Committee's Community Preservation Committee application for the Still River Woods project in the amount of \$50,000. Jaye Waldron 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; Mark Shaw, aye; and Don Ritchie, aye.

Right of First Refusal – 39 Glenview Drive

Joanne Ward made a motion to recommend to the Select Board they pass on 39 Glenview Drive. Jaye Waldron 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; Mark Shaw, aye; and Don Ritchie, aye.

Update from Deer Management Subcommittee

Joe Pulido, a member of the Deer Management Subcommittee (DMS), stated the deer season for Zone 10, which includes the Daman/Stephen land, started on October 4th. This area has three hunters assigned to it for this season. The Zone 9 season starts on Monday, October 18th. Mr. Pulido stated the DMS has located five illegal stands that have been tagged for removal before the season starts, if not removed the DMS will remove them at the end of the season. Members of the DMS have been conducting spot checks at the parking area for the Daman/Stephens area. Trailhead signs are being installed and will be completed before the start of the Zone 9 Season. In coordination with Wendy Sisson, DMS has cleared an overgrown trail that is not typically maintained by the Land Stewardship Subcommittee, as it is not part of the regular trail on the Great Elms property.

Dan Tracey asked what improvements had been made to the hunter's log. Mr. Pulido stated the questionnaire has been shorten and provides easier access for the hunters. One of the hunters in Zone 10 has indicated he has been logging in as required. Jaye Waldron thinks the stands should be removed to avoid them being used this hunting season without proper permission from the Commission. Mr. Pulido stated the stands in question appear to be a few years old and unused. The DMS could remove part of the ladder so that access is difficult, but he would be against removing the stand as it would be more activity

54 in the area that may deter deer from that area. Other members of the Commission agreed with Mr.
55 Pulido. Eve Wittenberg asked that the log access be provide to the Conservation Agent in order for it to
56 be shared with the Commission as it had been done last year. Wendy Sisson requested a copy of the
57 questions from the hunter's log.

58
59 Questions in regard to the cancelling and posting of agendas was addressed by Liz Allard, who will have
60 the DMS agendas and minutes added to the "Subscribe to News" on the Towns website.

61 62 **Land Stewardship Subcommittee Updates**

- 63 • Invasives
 - 64 ○ Williams Land – Treating an area of Bittersweet along the stone wall, adjacent to Stow Road,
65 which is starting get into the hay field. A small patch of Japanese Knotweed will also be treated.
 - 66 ○ Bare Hill Wildlife Sanctuary –Following up on previous years work to control Glossy Buckthorn on
67 the Bolton side of the property. Volunteers in Bolton are doing their part as well.
 - 68 ○ Shaker Reservoir – 16 Black Locust adult trees have been treated with the slash method of
69 applying herbicides and will be left to die in place.
 - 70 ○ Powell Land – Continued treatment of Glossy Buckthorn with a cut-and-dab method.
- 71
- 72 • Stone & Haskell Land Hay – Mike Hampson has hayed the Haskell land in the past and has agreed to
73 hay 5.5 acres of the 12-acre field at \$40/acre. In addition, Mr. Hampson is willing to work around the
74 schedule of the ground nesting birds on this site. Mr. Hampson has also agreed to hay 4.3 acres of
75 the Stone land, also at \$40/acre. Joanne Ward made a motion to license the 5.5 acres of the Haskell
76 land and 4.3 acres of the Stone land to Mike Hampson as detailed above for Fiscal Year 2022. Jaye
77 Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy
78 Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

79 80 **Request for Certificates of Compliance**

- 81 • DPW – Slough Road, DEP#177-673
- 82 • Richard – 203 Stow Road, Harvard#1006-1 (ratify)
- 83 • McRoberts – 162 Stow Road, DEP#177-501

84 Jaye Waldron made a motion to issue the above-mentioned Certificates of Compliance. Mark Shaw
85 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye;
86 Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

87 88 **Enforcement Order – 315 Ayer Road (ratify)**

89 Liz Allard explained the site has been stripped clear of vegetation behind the existing house. Although
90 there are no previous site plans available for this property, Ms. Allard has reviewed the plans for the
91 properties on either side; both have wetlands; with one indicating, at a minimum, buffer zone on the 351
92 Ayer Road property. An Enforcement Order (EO) issued on October 5, 2021 required activity to cease and
93 desist and a restoration plan be submitted by November 5, 2021. Ms. Allard accompanied the Building
94 Commissioner to the site this past Tuesday, at which time Ms. Allard noted additional fill on the site. The
95 on-site representative for the property owner confirmed the EO had been received, at which time Ms.
96 Allard questioned the additional fill that had been brought in. The onsite representative indicated the fill
97 was to be used to make improvements around the house. The on-site representative was in contact with
98 Ms. Allard again yesterday and indicated that Oxbow Associates have reviewed aerial photos of the site
99 and have stated there are no wetlands. Ms. Allard stated that until she receives something in writing
100 from a professional she is considering the area to have wetland and/or wetland buffer zone.

101
102 Jaye Waldron made a motion to ratify the Enforcement Order issued on October 5, 2021 for 351 Ayer
103 Road. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll
104 call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

105

106 **Support of Town Meeting Warrant Articles**

107 Liz Allard had sent an email to all of the Land Use Boards suggesting the support of the Council on Aging
108 warrant article and ballot question for the purchase and retrofit of a new facility at 16 Lancaster County
109 Road. The passing of this article and ballot question will help further the goal of a full-time Director of
110 Conservation and two additional part-time administrative positions under Community and Economic
111 Development. Joanne Ward made a motion to support Article 1 on the warrant for the Fall Annual Town
112 Meeting. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll
113 call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.
114

115 **Meeting Protocols**

- 116 • Attendance – In order to avoid quorum issues moving forward all members shall inform the
117 Conservation Agent as soon as possible that they are unable to attend a meeting. Should members
118 determine they are unable to attend a meeting the day of a meeting between the end of normal
119 business hours and the start of the meeting they are to contact the chair directly.
- 120 • Agenda Items and Times - Members making recommendations and/or requesting an agenda item
121 that requires a letter or other type of documentation shall provide a draft of the letter or document
122 in time to be distributed with the agenda. Times for each item on the agenda shall be included
123 moving forward. If the time allotted is not sufficient the item will either be continued to later that
124 evening, if time allows, or rescheduled to the next meeting.

125
126 **Confirmation of Spotted Lanternfly in Massachusetts**

127 With Spotted Lanternfly recently identified in Worcester County Wendy Sisson thinks it would be useful to
128 start documenting areas of Tree of Heaven (*Ailanthus altissima*) around Town as this is the main host
129 plant of this pest. Information on how to treat and remove Tree of Heaven can then be conveyed to
130 property owners to assist in reducing the threat of these pests and the removal of the invasive plant Tree
131 of Heaven.

132
133 **Approve Minutes**

134 Jaye Waldron made a motion to approve the minutes of June 3 and July 15, 2021 as amended. Mark
135 Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson,
136 aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

137
138 **Approve Invoice – Nitsch Engineer, \$1,240.00**

139 Jaye Waldron made a motion to approve the invoice form Nitsch Engineering in the amount of \$1240.00.
140 Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call,
141 Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.
142

143 **The Commission's Position on the Stone land, Old Mill Road**

144 This item was passed over this evening.
145

146 **Wetland Violation – 96 Ayer Road**

147 Liz Allard explained the Enforcement Order required the filing of a Request for Determination of
148 Applicability by September 23rd. On September 20th Ms. Allard received an email from the property
149 owner stating he would submit the application by the end of the week; there has been no other
150 communication since. Ms. Allard would suggest the Commission require the removal of the shed until
151 such time an application is submitted or fines be applied, which at this point would be in the amount of
152 \$6,300. Wendy Sisson motion to send letter requiring the submittal of the RDA within one week or
153 remove the shed until such this that a permit is issued. Jaye Waldron seconded the motion. The vote was
154 unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward,
155 aye; Mark Shaw, aye; and Don Ritchie, aye.
156
157

158 **Review Request for Determination of Applicability Requirements**
159 The Commission will consider removing the requirement to notify the abutters to make the process
160 simpler for residents. No action was taken as this time as the Commission considers this suggestion.
161

162 **Pine Hill Village Update**

163 Wendy Sisson asked if the Commission could require the invasive plants brought onto the site with the fill
164 be managed. Liz Allard explained the developer has removed the Japanese Knotweed along the roadway;
165 she will continue to monitor the site for any other invasives.
166

167 On October 5th Liz Allard received an email from the developer, Peter Cricones, with the subject line Pine
168 Hill Village: Interim As-Built & Engineer Letter. The attachment was an invoice from a lumber company in
169 New Hampshire. Ms. Allard informed Mr. Cricones of this error and has not had any new communication
170 since.
171

172 **Adjournment**

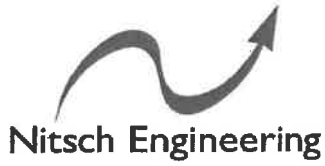
173 Jaye Waldron made a motion to adjourn the meeting at 8:38pm. Mark Shaw seconded the motion. The
174 vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne
175 Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.
176

177 Respectfully submitted,
178

179
180 Liz Allard,
181 Land Use Administrator/
182 Conservation Agent
183

184 **EXHIBITS & OTHER DOCUMENTS**

- 185
186
- Conservation Commission Agenda, dated October 14, 2021



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

October 15, 2021
 Project No: 12808.
 Invoice No: 74364

Project 12808. 40B - Pine Hill Village
Professional Services from August 29, 2021 to September 25, 2021

Task 002 Construction Administration 50%
Fee

Total Fee 24,800.00

Percent Complete 90.00 Total Earned 22,320.00
 Previous Fee Billing 21,080.00
 Current Fee Billing 1,240.00

Total Fee 1,240.00

Total this Task \$1,240.00

Total this Invoice \$1,240.00

Outstanding Invoices

Number	Date	Balance
74138	9/18/2021	1,240.00
Total		1,240.00

