

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MAY 21, 2020
APPROVED: JULY 16, 2020**

Chair Don Ritchie called the meeting to order at 7:00pm, 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, Wendy Sisson, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Bruce Leicher (Bare Hill Pond Watershed Management Committee), Linda Dwight (Harvard Public Schools), Dan Wolfe (Ross Associates), Bill Johnson, Bill Miller, Larry Feinberg, and Dan Daley.

Request to Extend Order of Conditions – Bare Hill Pond Watershed Management Committee, DEP#177-659

After a brief discussion Wendy Sisson made a motion to extend the Order of Conditions for Bare Hill Pond Watershed Management Committee, DEP#177-659 for three years. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Jaye Waldron, aye; Wendy Sisson, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Request to Amend the Determination of Applicability – 72 Warren Ave, Harvard#0419-03

As an abutter to this property, Jaye Waldron recused herself from this discussion as a Commission member. Bill Johnson explained he is seeking to remove four additional hemlocks on his property that are a threat to human safety and potential for property damage. Mr. Johnson detailed the damage received to his property during the removal of the previously removed trees; along with an additional tree that recent fell. Don Ritchie asked if there would be any thing replanted in the area of the removed trees. Mr. Johnson stated he would be replanting the area with two more rhododendrons.

Jaye Waldron stated as the direct abutter to the property she has experienced an increase in wind on her property since the removal of the other trees, therefore she is requesting larger species of vegetation be planted as opposed to the rhododendrons. Wendy Sisson suggested the planting of Norway spruce which has good habitat features similar to Hemlocks. Mr. Johnson was concerned with the cost associated with replanting the area with similar size trees, however Ms. Waldron stated she has no objection to the removal of the existing trees, she just wants something more than rhododendrons planted.

The Commission agreed a site walk would be necessary in order to make a determination on the request. A site walk was scheduled for June 9th at 5:20pm.

Release of Enforcement Order – 55 West Bare Hill Road, Harvard#0114-02

Wendy Sisson and Liz Allard recently reviewed the site with the Scott Smyers, from Oxbow Associates. Ms. Sisson stated that due to the activity to remove other invasive plants garlic mustard has appeared in a few areas. Ms. Sisson is suggesting this invasive be hand pulled and the areas replanted with a shade-tolerant wildflower mix. In addition, there are few limbs that are shading areas with new plantings should be trimmed back. With that said Wendy Sisson made a motion to release the enforcement order at 55 West Bare Hill Road with the above mentioned conditions. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Jaye Waldron, aye; Wendy Sisson, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Request for a Certificate of Compliance – 134 Old Littleton Road, DEP#177-637

At the recommendation of the Conservation Agent to issue the Certificate of Compliance, Wendy Sisson made a motion to issue a Certificate of Compliance for 134 Old Littleton Road, DEP#177-637. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Jaye Waldron, aye; Wendy Sisson, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Continuation of a Request for Determination of Applicability Hearing – Harvard Public Schools, Harvard#0220-02, Ann Lees Field, Ann Lees Road (Map 5 Parcels 103 and 104).
Opened at 7:30pm****Request for Determination of Applicability Hearing – Sean & Diandra Bilodeau, 134 Old Littleton Road, Harvard#0420-01. Opened at 7:40pm****Annual Appointments – Jaye Waldron, Jim Burns, Mark Shaw and Derek Beard**

After a brief discussion Wendy Sisson made a motion to recommend the re-appointment of Jaye Waldron, Jim Burns and Mark Shaw, each to a three-year term, as Commission members. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Jaye Waldron, aye; Wendy Sisson, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Derek Beard has not confirmed his desire to be re-appointed as the associate member as of yet.

Craftsman Village Harvard - Soil Report

After a brief discussion members agreed a meeting with the Board of Health to discuss this report and determine a course of action. Liz Allard will arrange that meeting.

Planning Board Request for Input – 256 Ayer Road

The Commission had no comments to this application.

Request for Support - MVP action grant funding for a natural resource and soil health assessment and plan project

After a brief discussion Jaye Waldron made a motion to submit a letter of support to the action grant being sought as part of the Municipal Vulnerability Preparedness program. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Jaye Waldron, aye; Wendy Sisson, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Beaver Solutions Recommendations for beaver deceiver at Williams Pond

Previously Tim Kilhart, the Director of the Department of Public Works, requested an out-of-season trapping permit from the Board of Health for this location due to the consistent damming of the beaver deceiver. The Commission requested Beaver Solutions assess the current beaver deceiver to determine if there was a better solution to trapping and removing the beavers. Mike Callahan from Beaver Solutions has completed that assessment and recommends the existing culvert pipe be lowered, which will lower the pond by 6" and should resolve the issue. Wendy Sisson made a motion to accept the proposal by Beaver Solutions in the amount \$450.00 for the previously mentioned work. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Request Allocation of Funding for Conservation Land Invasive Management

Wendy Sisson explained she has a summer intern who will be mapping and pulling invasives on conservation land. Ms. Sisson would like this to be a paid internship at no more than \$2,500, which will include the necessary equipment to conduct the work. Jaye Waldron made a motion approve the allocation of \$2500.00 for a summer internship for the removal, mapping and equipment associated with the management of invasive plants on conservation land. Wendy

Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call vote, Jaye Waldron, aye; Wendy Sisson, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Minutes – February 20, and March 5, 2020

Jaye Waldron made a motion to approve the minutes of February 20, 2020 and the notes from March 5, 2020. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Invoice

Wendy Sisson made a motion to approve the invoices for Nitsch Engineering (Pine Hill Village Monitoring) in the amount of \$1240.00 and Moore's Lumber in the amount (fencing) \$90.00. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Comments on US Fish & Wildlife Service Hunting Plan at Oxbow National Wildlife Refuge

Wendy Sisson made a motion to send the letter as draft to the US Fish & Wildlife Service in regards to expanding hunting opportunities at the Oxbow National Wildlife Refuge. Jaye Waldron seconded the motion. The vote was 4-0 in favor of the motion by a roll call vote, Jaye Waldron, aye; Wendy Sisson, aye; Jim Burns, aye; and Don Ritchie, aye, Mark Shaw, nay.

National Grid Removal of line from Cobb Land #2

There was no new information on this item.

Update on Pine Hill Village Stow Road

Liz Allard stated she had been concerned with the sequencing of the project as it pertains to the stormwater management systems. The construction sequence details the installation and planting of some these systems prior to the construction of the structures; however that is not what is taking place on the site. Don Ritchie has reviewed the site and does not have an issue with the order of construction as the constructed wetland is currently functioning as a sedimentation basin during this phase of construction. Wendy Sisson would like Nitsch Engineering to point out to the Commission when the construction sequence is not being followed. It was agreed that the water level in the constructed wetland is a concern and should be re-addressed by the developer's engineer to determine its ability to function properly. Liz Allard will follow up with the Nitsch and the developer.

Driveway Easement for 98 Shaker Road

Recently the property owner installed a chain across the driveway along with a "No Trespassing" sign. The Commission has an easement along the existing driveway to access the property for maintenance. The sign leaves users of the land uneasy about accessing by foot. The Conservation Agent has made repeated attempts to receive the revised deed, as discussed last October, from the owner's attorney. The Commission agreed a certified letter should be sent directly to the property owner requesting an explanation of the chain and sign.

Adjournment

Wendy Sisson made a motion to adjourn the meeting at 8:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing Minutes
Harvard Public Schools, Harvard#0220-02,
Ann Lees Field, Ann Lees Road (Map 5 Parcels 103 and 104)
May 21, 2020**

The public hearing was opened at 7:30pm by Chair Don Ritchie under 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, Wendy Sisson, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Linda Dwight (Harvard's Superintendent), Bill Miller, Larry Feinberg, and Dan Daley.

This hearing was continued from March 5, 2020 for a Request for Determination of Applicability filed on behalf of Harvard Public Schools for improvements to the Ann Lees playing field within 200' of a pond along Ann Lees Road (Map 5 Parcels 103 & 104), Harvard.

Linda Dwight, the Superintendent of Harvard's schools, was present to explain the request to install temporary fencing, and to fertilize and treat the field within 200' of a pond. The fencing will include passage for wildlife. Mark Shaw had concern with a temporary fence and questioned why it could not be permanently located. It was explained the fence assist the players in retrieving balls and keeping activity out of the existing pond. In addition the fence crosses path with the existing snowmobile trail, therefore if it were to be permanent then the snow mobile trail would need to be located closer to the pond, which is not ideal. Bob Miller, the coach of the softball team detailed the need for the fence to assist with determining of a ball is in play or not.

Dan Daley was interested a maintenance plan for the field. Members of the Commission discussed the management of the field and determined this was to be worked out with the Department of Public Works, as they will be maintaining the field.

Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the conditions that the temporary fencing shall be located at 180' from home plate and the management of the field shall be agreed upon between the Conservation Commission and the Department of Public Works. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing Minutes
Sean & Diandra Bilodeau, 134 Old Littleton Road, Harvard#0420-01
May 21, 2020**

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

Members Present: Don Ritchie, Wendy Sisson, Jaye Waldron, Jim Burns and Mark Shaw

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Dan Wolfe (Ross Associates)

This hearing is for a Request for Determination of Applicability filed on behalf of Sean & Diandra Bilodeau for the addition to an existing single-family dwelling within the 100' wetland buffer zone at 134 Old Littleton Road, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant. Mr. Wolfe explained there were three factors in determine the size and location of the addition, which were the existing well, the wetlands and an existing retaining wall. These factors put the addition within the 100' wetland buffer zone, but outside the 75' wetland buffer zone, which is a designated no-build zone under the Wetland Protection Bylaw. A site walk earlier this week detailed the location of the existing retaining wall that separates the existing driveway where the addition is proposed and the lawn area.

Having seen the site, the Commission had no additional questions or comments, therefore Jim Burns made a motion to close the hearing and issue a Determination of Applicability Neagative#2. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated May 21, 2020
- Bare Hill Pond Watershed Management Committee, Order of Conditions Extension Request, dated April 27, 2020
- Oxbow Associates Timeline of Activities 2018-2019, Buffer Zone Restoration, 55 West Bare Hill Road [Enforcement Order 0114-02], dated January 15, 2020
- Site Plan 134 Old Littleton Road, Map 18, Parcel 68, Harvard, MA, Job No. 30132, Plan No. L-14049, dated April 2020
- Beaver Solutions Proposal, Beaver Control, Williams Pond, dated 5/21/2020
- Draft Harvard Conservation Commission Meeting Minutes, prepared by Liz Allard, February 20, 2020
- Draft Conservation Commission Meeting Notes, prepared by Liz Allard, March 5, 2020
- Moore's Lumber & Hardware, Invoice#322238/1, dated 4/17/20
- Nitsch Engineering Invoice#68260, Project No. 12808, dated April 18, 2020
- Letter to Eastern Massachusetts National Wildlife Refuge Complex, Attn: Hunt Plan, dated May 21,2020