

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
APRIL 15, 2021
APPROVED: AUGUST 5, 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, Wendy Sisson, Jaye Waldron, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Don Osmer, Sue McCarthy (Mass Division of Fisheries & Wildlife), Jody Trunfio (The Engineering Company), Matt Perry (The Engineering Company), Mike Huguenin (Mass Division of Fisheries & Wildlife), Bob Douglas (Deer Management Subcommittee), David Crossman (B&C Associates), Brian Sage, Tom Cotton (Deer Management Subcommittee), Daniel Tracey, Jason Cole, Ben Urquhart (Deer Management Subcommittee), Greg Arthur, Guy Oliver, and Joe Pulido (Deer Management Subcommittee)

Request for Certificate of Compliance – 51 Wescott Road DEP#177-221

Jaye Waldron made a motion to issue the Certificate of Compliance for 51 Westcott Road, DEP#177-221. Mark Shaw 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.

Planning Board Request for Comments

- **120 Pinnacle Road (Scenic Road Consent) – No Comments**
- **60 Old Shirley Road & 336 Old Littleton Road (Cell Tower Renewal) – No Comments**

Allocation of Funding for Eagle Scout Boardwalk on Bare Hill Wildlife Sanctuary

Jaye Waldron made a motion to approve the allocation of funds not to exceed \$350.00 for boardwalks at the Bare Hill Wildlife Sanctuary. 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.

Approve Minutes

Mark Shaw made a motion to approve the minutes of December 17, 2020 as drafted. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by roll call, Wendy Sisson, aye, Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Invoices

Jaye Waldron made a motion to approve the invoices from Massachusetts Association of Conservation Commissioners in the amount of \$75.00 and the invoice for the Harvard Press in the amount of \$48.00. 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.

Annual Appointments – Schedule Interviews

Wendy Sisson stated Paul Willard brings a long history of Harvard to the Commission, as well as being a farmer in Town; Joanne Ward has been diligent in attending training from Massachusetts Association of Conservation Commissioners (MACC) and her current position with Nashua River Watershed Association is a key connection to the Commission; Eve Wittenberg has been a very involved associate member, attending all meetings, site walks and MACC trainings. Both Don Ritchie and Jaye Waldron agreed with Ms. Sisson's summation of the existing members seeking

re-appointment. Jim Burns made a motion to recommend the re-appointment of all three members. Jaye Waldron 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.

Continuation of a Notice of Intent Hearing – Parks & Recreation Commission, Harvard#0221-02. Opened at 7:45pm

Continuation of a Request for Determination of Applicability - B&C Associates, Inc. 169 Littleton County Road, Harvard#0121-03. Opened at 7:49pm

Continuation of the Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations. Opened at 7:55pm

Review 310 CMR 10.03(3) - Presumption Concerning 310 CMR 15.000: The State Environmental Code, Title 5

Liz Allard has heard back from the Department of Environmental Protection who confirmed the availability of an alternative does trigger the requirement of the setbacks as stated in the regulation referenced above.

Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Harvard#0321-04. Opened at 8:04pm

Deer Management Subcommittee 2020 Report & Update on Transects & Stand Weep

Bob Douglas, chair of the Deer Management Subcommittee (DMS), reviewed the 2020 report to the Commission. Ben Urquhart explained the hunter log, which produced some interesting results, the two surveys and more effective tools for next year. Mr. Douglas stated the hunters felt the log was too time consuming. Tom Cotton detailed the conservation lands used for the 2020 hunting season. The season resulted in one deer being taken from conservation land. Hunters thought with 30 approved participants the areas would be saturated, which turned out not to be the case. Mr. Douglas stated the DMS is satisfied with the program.

Don Ritchie stated there were some glitches with the first year, but he would like to continue with the program to be able to work those out.

Sue McCarthy, a Wildlife Biologist from Mass Division of Fisheries & Wildlife, reiterated the need of hunters to spend time on the land to be able to become familiar with a property, which will lead to higher success rates.

Daniel Tracy thought there was conflicting information between the reduced scouting time and the number of harvested deer. The deer that was harvested was from a hunter that has permission to hunt on the abutting private property; he was able to have some insight as to the habits of the deer in that area. Mr. Douglas hopes to get hunters out in late spring or summer on new lands. Ms. McCarthy stated most hunters start scouting in August; she would encourage new properties be available for scouting by late summer.

Eve Wittenberg stated the best hunting parcels are those that are less used by other hunters and others recreational users. Ms. McCarthy would not be too concerned with human scent and behavior as much, but sometimes hunters are particular on how they want to set up their stands or spots. Ms. McCarthy clarified her statement by stating that areas that are frequented by others should not be considered; hunters are going to be in areas that are far removed from the areas used by others.

Wendy Sisson had some question about the scents used by hunters introducing chronic wasting disease; could Ms. McCarthy comment on the safety of using these scents. Ms. McCarthy stated there is a concern they can be shed in urine; some states are looking at a ban; Massachusetts

has not yet banned them. Mike Huguenin, also from Mass Division of Fisheries & Wildlife, stated the safety and health laws that are in place are the best way to govern the deer hunt; you should rely on that information. Ms. Sisson would make the recommendation that the State consider a ban; this may make more towns comfortable with having hunting on conservation land.

Mr. Tracey was surprised by the 69 deer harvested in Harvard this year; is that typical; did Ms. McCarthy know what the ratio is with other towns between private and public property. Ms. McCarthy stated it was hard to say as she does not have the numbers in front of her. Mr. Ritchie asked if the average over the past ten years could be provided to the Commission.

Mr. Ritchie thanked Mr. Douglas and the members of DMS for their work, as well as Ms. McCarthy & Mr. Huguenin for attending this evening.

Mr. Douglas stated the DMS will report their recommendations for the addition of other conservation areas at a future date.

Update on Pine Hill Village Stow Road

There was no update available this evening.

Adjournment

Jim Burns made a motion to adjourn the meeting at 8:58pm. 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; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated April 15, 2021
- NOI Resource Area Impact Plan, Old Mill Road Over Bowers Brook Bridge Rehabilitation, Project No. T1048, prepared for Harvard Public Works, prepared by The Engineering Corp., 4/13/2021

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Parks & Recreation Commission, Harvard#0221-02
April 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 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, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Bob O'Shea (Parks & Recreation Commission)

This hearing was continued from April 1, 2021 for a Notice of Intent filed by Harvard Parks & Recreation Commission for the generalized operation and maintenance of parks and recreation fields and trails within 100' of a wetland resource area at the following locations: 19 & 34 Lancaster County Rd, 55 & 71 Depot Rd, Ann Lees Rd, 14 & 27 Mass Ave, and 4 & 15 Pond Rd, Harvard.

With the Department of Environmental Protection File Number being issued with no comments Mark Shaw made a motion to close the hearing and issue an Order of Conditions with the standard conditions. 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
Continuation of a Request for Determination of Applicability
B&C Associates, Inc. 169 Littleton County Road, Harvard#0121-03
April 15, 2021

The public hearing was opened at 7:49pm 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, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and David Crossman (B&C Associates)

This hearing was continued from February 4, 2021 for a Request for Determination of Applicability filed by B&C Associates, Inc., for the removal and management of invasive plant species within the 100' buffer zone of a wetland resource area at 169 Littleton County Road, Harvard.

Dave Crossman, of B&C Associates, explained the work that has occurred and the work that is to be conducted on the site. As noted on the site walk, the tree of heaven (*Ailanthus altissima*), which is an invasive plant species, needs to be addressed. Areas along the driveway that include invasive plant species are to be included in this application as well; primarily multiflora rose.

The Commission discussed the ongoing compliance issue with the property owner's father-in-law, who owns the property at 175 Littleton County Road. There needs to be a clear process of understanding the conditions of the permit by those who do the work on the site. Mr. Crossman stated the site contractor, Dave Ericson, is not familiar with tree of heaven, but Mr. Crossman has done some research and will be creating a management plan. It was suggested having Mr. Ericson sign-off on any activity he is conducting on the site. Mr. Crossman will discuss the matter of work being done within the resource areas and its buffer zone without proper permitting from the Commission with the property owner. It is recommended that the mowing of the wet meadow only be conducted once a year (September/October) and the grass is to be cut no less than six inches. A condition of notification every time someone is working on the site was also recommended. Mr. Crossman will continue to develop the three-year plan for the property and was amenable to continuing the hearing.

Wendy Sisson made a motion to continue the hearing to May 6, 2021 at 7:35pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; 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 the Revisions to Code of Harvard
Chapter 147 Harvard Wetland Bylaw Regulations
April 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 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, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing was continued from March 15, 2021.

Liz Allard stated the Stormwater section has been updated, with comments received today needing to be incorporated. Wendy Sisson still has not drafted her revisions in regard to the vegetation replacement section.

Jaye Waldron made a motion to continue to May 6, 2021 at 8:00pm. Jim Burns seconded the motion. The vote was 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
Continuation of a Notice of Intent Hearing
Department of Public Works,
Old Mill Road, Harvard#0321-04
April 15, 2021**

The public hearing was opened at 8:04pm 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, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Matt Perry (The Engineering Company) and Jody Trunfio (The Engineering Company)

This hearing was continued from April 1, 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.

Jody Trunfio, of The Engineering Company, revisited the site with Don Ritchie, Liz Allard and Tim Kilhart as requested previously. Mr. Trunfio detailed the erosion along the north side of the roadway and explained the area is the low point of the roadway. Two corrective actions will be taken to reduce the erosion into the stream below. First, as detailed on the revised plan, existing vegetation and sediment will be removed from the slope and replaced with 6" crushed stone to aid in the slowing of water and trapping of sediments. The second corrective action will take place when the paving of Mill Road is complete, which will improve drainage in that area.

The request from the previous meeting to reconsider milling material under the guardrail was also discussed and determined to be the best solution for that area. The Harvard erosion detail has been added to the plan.

Still without comments and a file number from the Department of Environmental Protection, Jim Burns made a motion to continue the hearing to May 6, 2021 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent