

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 15, 2021  
APPROVED: OCTOBER 14, 2021**

Chair Don Ritchie called the meeting to order at 7:06pm, virtually pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Paul Willard (departed at 9:05pm), Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Bruce Ringwall (GRP, Inc.), Lou Russo, Laurie Stamatas, Greg LeBlanc, Sarah & Daniel Wegner, Martin Feehan (Deer & Moose Biologist – Mass Wildlife), Bob Douglas (Deer Management Subcommittee), Greg Arthur, Dan Tracey, Tom Cotton (Deer Management Subcommittee), Scott Patterson, Joe Pulido (Deer Management Subcommittee), David Pinard and Sue McCarthy

**Review Order of Conditions with New Owners**

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

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

**Informal Discussion – 203 Ayer Road**

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

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

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

The Commission requested a replication area that would meet the standard and be adjacent to the existing wetland along Ayer Road, as opposed to the wetlands located further back on the site. Mr. Ringwall explained the purpose of replicating further back on the site was due to preliminary discussions

with the Chair and Conservation Agent indicating that setbacks created by the newly replicated wetland would be enforced, meaning the proposed structure could not be within 75' of the replicated wetland.

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

#### **Deer Management Subcommittee Scouting Results & Recommended Properties for 2021**

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

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

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

#### **Haskell Land, Willard Lane, Update**

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

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

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

This meeting was arranged by the Chair of the Select Board in an attempt to bring together interested parties in order to determine what to do about the need for recreation land. Don Ritchie, as well as Wendy Sisson attended this meeting. The Select Board will seek more input from others. Mr. Ritchie is not sure where this is going. Ms. Sisson had suggested during the meeting that the Select Board needs to get involved so that it is not an argument between the Parks & Recreation (P&R) Commission and the

Conservation Commission to resolve P&R's need for land. The Select Board in conjunction with P&R need to determine what the needs are and make a plan.

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

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

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

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

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

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

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

#### **Approve Minutes**

This item was passed over this evening

#### **Approve Invoices**

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

#### **Wetland Violations:**

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

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

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

#### **Adjournment**

Wendy Sisson made a motion to adjourn the meeting at 9:48pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Joanne Ward, 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 July 15, 2021
- Commercial Development Conservation Commission Conceptual Plan 203 Ayer Road Harvard, MA, prepared for Lou Russo, JOB 211009, prepared by GPR, Inc., July 2021
- Town of Harvard Proposed Land Use Boards Reorganization

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

The public hearing was opened at 7:45pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

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

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

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

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

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

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent