

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MAY 20, 2021
APPROVED: NOVEMBER 4, 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 its 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 would not be beneficial to the root systems of the trees in that location. Ms. Sisson would like to have a discussion about this proposal as a Town with an actual proposal in order to provide feedback. The Commission would like to conduct a site visit with the proponents and determine if there are any other locations being considered.

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

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

Approve Minutes

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

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

Recommendations to the Board of Selectmen Re: Interested Volunteer

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

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

Update on Pine Hill Village Stow Road

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

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

Wetland Violations:

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

with State Forester, Laura Dooley, who will conduct a site inspection tomorrow or Monday and will follow back up with her.

- 28 Shaker Road – Awaiting Notice of Intent
- 193 Old Littleton Road – New owner installed fencing for dogs; recommend he file a Request for Determination of Applicability; Commission agreed
- 25 Clinton Shore Drive – Good, but just needs a bit more pea stone to be excellent
- Peninsula Road – Installation of stone along road edge to assist with erosion into the stream from the road; a letter will be sent to the property owners at 10 Peninsula Road

Adjournment

Jim Burns made a motion to adjourn the meeting at 8:58pm. Paul Willard 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; 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 May 20, 2021
- Residential Development Notice of Intent Site Plan, 23 Peninsula Road, Harvard, MA, Job 16057A, April 2021
- G2 Collaborative, Landscape Architecture, 23 Peninsula Road, Harvard, MA 01451, G2 Project #:2009, L1.1 Site Preparation, L1.2 Layout + Materials, L1.3 Grading and L1.4 Plantings, 4/22/2021
- 23 Peninsula Road Proposed tree removal

**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

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

The public hearing was opened at 7:31pm 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, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing was continued from April 15, 2021 for a Request for Determination of Applicability filed by B&C Associates 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 has provided a revised management plan, which includes a detailed plan for each of the four locations to be managed. In area 1 the Tree of Heaven is to be controlled, which will take a number of years to complete. Area 2 is to be maintained as a wet meadow, with mowing once a season to assist with keeping woody vegetation out of the area. Area 3, closer to Littleton County Road, and is buffer zone work only. Area 4 is toward the house and along the edge of the common driveway, the invasives will be removed in an area 7-feet off of the pavement. Mr. Crossman will be monitoring the project, with Dave Ericson conducting the activity.

After briefly discussing additional conditions, Wendy Sisson made a motion to allow for a waiver of the 0-foot and 50-foot setbacks for the purpose of invasive plant management. 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.

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

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

Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; 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 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

**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, 2021 on a Notice of Intent filed on behalf of Alma Gregory & Kristiina 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 the waterfront is fully wooded, with a 6" pine to remain; on the right side as, you face the water. There are two dead pines that will also remain. For the maple at the edge of the pond, the applicant would like to remove a horizontal branch about 8' above the waterline, A 10" maple out over the water is hollow and 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 pond's 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 pines, 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 an issue with the definition of vista pruning and how it is being applied on this site. Mr. Ringwall explained that the Wetland Protection Act regulations state you can do vista pruning without filing, 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 conduct vista pruning 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 steps – invasives first and then a review of the site by the Conservation Agent and Ms. Sisson to look at how the understory will be pruned. Ms. Saltonstall indicated the understory will be pruned by hand cutting. Ms. Saltonstall further explained the plan is to plant additional species in that area as well. The existing small pines in that area will be replaced with a different type of shrub. Ms. Sisson suggested a special condition allowing for the trimming of the understory to a 3-4-foot height to be reviewed by the Conservation Agent annually.

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

With no Department of Environmental Protection file number and revisions required to the NOI and plans, Jim Burns made a motion to continue the hearing to June 3, 2021 at 7:45pm. Paul Willard 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