

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 14, 2021
APPROVED: NOVEMBER 4, 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 shortened 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 illegal 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 in the area that may deter deer from that area. Other members of the Commission agreed with Mr. Pulido. Eve Wittenberg asked that access to the log be provided to the Conservation Agent in order for it to be shared with the Commission as it had been done last year. Wendy Sisson requested a copy of the questions from the hunter's log.

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

Land Stewardship Subcommittee Updates

- Invasives
 - Williams Land – Treating an area of Bittersweet along the stone wall, adjacent to Stow Road, which is starting to get into the hay field. A small patch of Japanese Knotweed will also be treated.
 - Bare Hill Wildlife Sanctuary – Following up on previous years work to control Glossy Buckthorn on the Bolton side of the property. Volunteers in Bolton are doing their part as well.
 - Shaker Reservoir – 16 Black Locust adult trees have been treated with the slash method of applying herbicides and will be left to die in place.
 - Powell Land – Continued treatment of Glossy Buckthorn with a cut-and-dab method.
- Stone & Haskell Land Hay – Mike Hampson has hayed the Haskell land in the past and has agreed to hay 5.5 acres of the 12-acre field at \$40/acre. In addition, Mr. Hampson is willing to work around the schedule of the ground nesting birds on this site. Mr. Hampson has also agreed to hay 4.3 acres of the Stone land, also at \$40/acre. Joanne Ward made a motion to license the 5.5 acres of the Haskell land and 4.3 acres of the Stone land to Mike Hampson as detailed above for Fiscal Year 2022. 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.

Request for Certificates of Compliance

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

Jaye Waldron made a motion to issue the above-mentioned Certificates of Compliance. Mark Shaw 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.

Enforcement Order – 315 Ayer Road (ratify)

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

Jaye Waldron made a motion to ratify the Enforcement Order issued on October 5, 2021 for 351 Ayer Road. Wendy Sisson 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.

Support of Town Meeting Warrant Articles

Liz Allard had sent an email to all of the Land Use Boards suggesting the support of the Council on Aging warrant article and ballot question for the purchase and retrofit of a new facility at 16 Lancaster County Road. The passing of this article and ballot question will help further the goal of a full-time Director of Conservation and two additional part-time administrative positions under Community and Economic Development. Joanne Ward made a motion to support Article 1 on the warrant for the Fall Annual Town Meeting. 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.

Meeting Protocols

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

Confirmation of Spotted Lanternfly in Massachusetts

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

Approve Minutes

Jaye Waldron made a motion to approve the minutes of June 3 and July 15, 2021 as amended. Mark Shaw 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.

Approve Invoice – Nitsch Engineer, \$1,240.00

Jaye Waldron made a motion to approve the invoice form Nitsch Engineering in the amount of \$1240.00. Wendy Sisson 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.

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

This item was passed over this evening.

Wetland Violation – 96 Ayer Road

Liz Allard explained the Enforcement Order required the filing of a Request for Determination of Applicability by September 23rd. On September 20th Ms. Allard received an email from the property owner stating he would submit the application by the end of the week; there has been no other communication since. Ms. Allard would suggest the Commission require the removal of the shed until such time an application is submitted or fines be applied, which at this point would be in the amount of \$6,300. Wendy Sisson motion to send letter requiring the submittal of the RDA within one week or remove the shed until such this that a permit is issued. 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.

Review Request for Determination of Applicability Requirements

The Commission will consider removing the requirement to notify the abutters to make the process simpler for residents. No action was taken at this time as the Commission considers this suggestion.

Pine Hill Village Update

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

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

Adjournment

Jaye Waldron made a motion to adjourn the meeting at 8:38pm. Mark Shaw 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.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated October 14, 2021