

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 4, 2021
APPROVED: NOVEMBER 18, 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Bob Douglas (Deer Management Subcommittee), Tom Cotton (Deer Management Committee), Daniel Tracey, Peter Dorward (Open Space Committee), Greg Brackett and Brian Cook (Planning Board Master Plan liaison/Open Space Committee)

Update from Deer Management Subcommittee (DMS)

Bob Douglas stated all of the information pertaining to the 2021 hunting season, along with other useful information about the management of deer in this manner can be found on the [Deer Management Subcommittee page](#) of the Town website. The Hunter's log is being provided every Monday to the Conservation Agent, who will share it with the Commission members. All of the trailheads have been posted indicating active hunting. There have been no reports of any deer taken as of yet. The Barrett land had an illegal stand that was tagged by the DMS and has since been removed. One of the program hunters has had their tree stand damaged and pulled out of place on the Great Elm land. DMS has been conducting drive-by inspections of the parking areas and haven't found any issues.

It has been suggested with the confusion over who is responsible for which task associated with the hunting season, DMS or the Commission, a check list will be developed and implemented for the 2022 season. Wendy Sisson stated she had received a report from Sean McLaughlin, owner of William's Park, which abuts the Herman Orchard, of people crossing his property to get to the Orchard. It has been confirmed it is not a member of the program. Ms. Sisson has also confirmed the tree stands on the edge of the McLaughlin property does not belong to them; they have been marked for removal at the end of the season by DMS. Ms. Sisson stated for the future she will need to identify all of the access point to be certain signage is posted. This is another item for the annual check list as to who posts what signs and where, DMS or Land Stewardship Subcommittee. Tom Cotton can map the locations of the trailheads to help serve this task.

Dan Tracey questioned as to why the log seems to indicate the Daman/Stephen land being used more than other lands. Mr. Douglas stated the land is in Zone 10, which has an earlier start date than all of the other lands, as well as having three hunters on that property.

Select Board Request for Comments – Code of Conduct

Eve Wittenberg wondered how any of this would essentially be enforced. Could any violations of the Code be a consideration upon re-appointment? Jaye Waldron wondered if the statement "...acting on the behalf of the Town.." in the Applicability section is not meant to include all actions or communications a volunteer may conduct; if so the language should be made clear. In addition, Ms. Waldron would hope the accused would have a chance to plead their case under Enforcement. The Commission agreed the language needs to be tighten up. The Commission can submit any suggested edits to Liz Allard for discussion at next meeting.

Bromfield Baseball Booster Club Request to Use the Reuben Reed Land for Christmas Tree Fundraiser

Joanne Ward made a motion to allow the Bromfield Baseball Booster Club to use the Reuben Reed Land for Christmas Tree Fundraiser from November 26 to December 12, 2021. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Discuss Meeting Format – In-person, Virtual or Hybrid

After discussing the options available to them the Commission decided to continue with virtual meetings for the time being.

Open Space Committee – Mapping Recreational Lands

Peter Dorward, Chair and Conservation Commission (ConCom) representative to the Open Space Committee (OSC), stated the maps created by the OSC have been updated on the Towns website. The potential recreational land maps had been shared with Parks & Recreation (P&R) Commission. P&R further requested the maps include all municipal land, including those under the management of the ConCom (a.k.a. Article 97 lands). After a long discussion at the OSC meeting this morning, the OSC voted to create the maps as requested by P&R with the disclaimer that the OSC is not supporting the use of conservation land for active recreation. Mr. Dorward voted against the request as he felt P&R should have discussed the inclusion of the conservation land with the ConCom prior to making the request.

Mr. Dorward shared the list of the parcels that meet the designated criteria for active recreation and wondered if those lands with conservation restrictions should be removed from the list, as those restriction probably do not allow for active recreation. Wendy Sisson was disheartened to hear P&R did not discuss this request with the ConCom before making it; had she known this was to be discussed at the OSC meeting this morning she would have attended. Joanne Ward stated if word gets out that land donated to the Town for preservation of open space can be converted to active recreation land it could impact others from wanting to donate land. Jaye Waldron agreed. Liz Allard suggested the ConCom review that list and make a declaration as whether or not the land would ever be considered to be traded for active recreation. Ms. Waldron echoed Ms. Sisson's disappointment. Brian Cook, the Planning Board representative to OSC, stated the information P&R is seeking is public information they could have obtained on their own.

Approve Minutes

Jim Burns made a motion to approve the minutes of May 20, August 5, September 16 and October 14 2021 as amended. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Invoice – Nitsch Engineer, \$1,240.00

Joanne Ward made a motion to approve the invoice from Nitsch Engineering in the amount of \$1240.00. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Wetland Violations Update

- 351 Ayer Road – A draft letter was circulated to the members detailing the assessment of fines for violating the Enforcement Order issued on October 5, 2021. Jaye Waldron made a motion to send the letter as drafted. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

- 96 Ayer Road – A draft letter was circulated to the members requiring the removal of shed or face the accrual of fines until the shed is removed. After much debate Don Ritchie made a motion to require the shed be removed until a Determination of Applicability was issued by the Commission. Joanne Ward seconded the motion. The 4-2 vote was in favor of the motion by a roll call, Wendy Sisson, nay; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, nay; and Don Ritchie, aye.
- 131 Bolton Road, DEP#177-687 – Don Ritchie and Liz Allard had reviewed the site a few weeks ago for compliance with the Order of Conditions that was subsequently filed as part of an Enforcement Order. Ms. Allard further reviewed the site this week to confirm the installation of the required plantings as shown on the approved plan. The plantings in general are in accordance with the plan with modifications due to existing vegetation and/or lack of plantings in some areas. There were two plant substitutions: Black Chokeberry for the Witch Hazel and Chokecherry for Hawthorne. Area C was to be sparsely planted as there was plenty of remaining vegetation. The property owner had not done all of the required planting for that reason. Ms. Allard noted areas within Area C where the additional plants could be located. One remaining issue are the tree stumps that were to remain. Ms. Allard will need to review the site again, but is certain stumps were missing in Area A.

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

This item was passed over this evening.

Review Request for Determination of Applicability Requirements

Liz Allard will share the packet she sends to applicants in order for the Commission to get a sense of the filing process. This item will be further discussed at the next meeting.

Pine Hill Village Update

The requested as-built plans, and supporting material for the septic system, public water supply and fire cistern have been received. However, upon first look at the as-builts it has been noted it is missing a multitude of information, not to mention there has been no sign-off from the Conservation Commission for the Pine Bank area. A letter is being drafted from the Zoning Board of Appeals to Pine Hill Village detailing these deficiencies.

Adjournment

Jim Burns made a motion to adjourn the meeting at 8:58pm. 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 November 4, 2021