

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 18, 2021
APPROVED: DECEMBER 2, 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 (lost connection at 9:10pm), Mark Shaw and Eve Wittenberg (Associate Member) (departed at 7:45pm)

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), Brian Cook (Planning Board Master Plan liaison/Open Space Committee), Rob Joscelyn (The Engineer Company), Jason Houle (R. Bates & Sons), Mark Adams (Harvard Snowmobile Club), Nathan Bailey, Peter Gilli, Michael Maglothin, Carla Page (Pine Hill Village) and Peter Cricones (Pine Hill Village)

Harvard Snowmobile Club Annual Update

Mark Adams, president of the Harvard Snowmobile Club (HSC), stated HSC has started trail clearing for the year and have partnered up with Peter Von Conta, from the Land Stewardship Subcommittee, to address trail and tree damage, and has completed a fair amount of clean up. HSC has not done any mowing as of yet this year as it has been to wet. Trail signage will be installed after Thanksgiving.

HSC needs to re-route two trails, which will require wetlands crossings. The first is off Madigan Lane, on land owned by the owners of 26 Madigan Lane, will maintain the connection between Community Harvard Project land and the Clapp-Scorgie-Tufts-Smith trail. This crossing will require a 10-foot bridge. The second location is on Littleton Road, connecting the Poor Farm land to the Town Forest on Poor Farm Road. Previous access through 183 Littleton Road has been closed off. The owner at 197 Littleton Road is willing to provide access to the new crossing. It was noted that this access is where the trail had previously been located years ago. An existing, unusable crossing will be rehabilitated. The Commission agreed a site walk will be necessary to determine the extent of the activity and the potential need for HSC to file an application with the Commission. Wendy Sisson stated the Snowmobile club should be installing these bridges as the crossing for a snowmobile needs to be bigger than a foot bridge.

Ms. Sisson stated since this has been a very wet year and things are slow to freeze, caution should be taken when crossing any wetland areas. Ms. Sisson also noted a potential hiker hazard on the Clapp-Scorgie-Tufts-Smith trail and asked if HSC could remedy that situation. Mr. Adams was agreeable to that request. Ms. Sisson also noted the trail in the area of Clapp's Cove has always been an issue and has not worn well with the use by snowmobiles. Water in this area wants to stay on the trail; the addition of wood chips years ago turned into mud; LSS does not like the use of gravel, but may have to do so or some type of smaller stone to resolve this issue. Mr. Adams suggested the use of loam tailing as used last year on Blomfelt. Mr. Adams asked if there is any funding available from the Commission to cover the cost of the loam tailings. Ms. Sisson suggested HSC complete the work and the Commission could pay for the material. This activity will need to be evaluated as well before the work is to be done.

Update from Deer Management Subcommittee (DMS)

Bob Douglas, chair of the Deer Management Subcommittee, stated the rut is underway and deer are being spotted here and in other communities in Massachusetts. There has been another act vandalism on a hunter's tree stand.

Request for Determination of Applicability Hearing – Nathan Bailey, 131 Bolton Road, Harvard#1121-01.
Opened at 7:38pm

Approve Dewatering Plan for Old Mill Road Bridge Repairs, DEP#177-704

Jason Houle, of R. Bates & Sons, explained that due to the increase of water flow between the recent rain events and the draw down of Bare Hill Pond they are requested the ability to pump water around the crossing and directly back into the brook without treatment prior to the construction activity. Once activity occurs water will be pumped to a detention basin for treatment. After discussing concerns and different scenarios to complete this task and potentially requesting the deadline to complete work be extended, Jim Burn made a motion to approve the de-watering plan, dated 11/18/2021. 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.

Open Space Committee – Mapping Recreational Lands

Peter Dorward, chair and Conservation Commission (ConCom) representative to the Open Space Committee (OSC), detailed his updates to the Parks & Recreation (P&R) maps and information. Mr. Dorward stated access to many of the conservation lands are not suitable for active recreation, with others being used as existing agricultural land or requiring a wetland crossing to usable land area. Jaye Waldron stated the Community Resiliency Working Group would also have an issue with using agricultural land for this purpose. Wendy Sisson had a problem with the language on the map, *“This list shows potential land suitable for active recreation on Conservation land in the Town of Harvard.”* Ms. Sisson suggested *“...meets the criteria...”* rather than saying *“...suitable for active recreation...”*. Ms. Sisson thinks the wording is misleading and could create misunderstanding of the availability of this land for active recreation.

Mr. Dorward explained he has done his best to detail the steps that need to be taken to remove land from conservation within the disclaimer. Jaye Waldron agreed with Ms. Sisson’s concerns. Ms. Waldron would like the disclaimer to be clear that the lands on the list are based on the criteria. Liz Allard strongly urged the Commission to write a letter to P&R, OSC and the Select Board expressing their desire not to allow for conservation land to be converted into active recreation land. Brian Cook, the Planning Board representative on OSC, would fully support as well, but like Mr. Dorward, cannot guarantee the OSC will vote in that favor.

Wendy Sisson made a motion to recommend to the Open Space Committee that the disclaimer associated with the Parks & Recreation Commission’s maps indicate the Conservation Commission’s non-support of the use of conservation land for active recreation and a letter be drafted to the Parks & Recreation Commission detailing the Commission’s opinion. 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.

Don Ritchie will draft the letter for the December 2, 2021 meeting.

Pine Hill Village Review Nitsch Report & Request for Additional Funding

Liz Allard briefly reviewed her comments to Pine Hill Villages responses to the August and September reports from Nitsch Engineering. Ms. Allard explained to Peter Cricones, the developer of Pine Hill Village, that his response of “Complete” does not provide enough detail to fully understand what was done to “Complete” the recommendation from Nitsch. In addition, detailed plans should be submitted to the Commission for their approval prior to some of the recommended activities. Mr. Cricones was reminded again that the dewatering of the constructed wetland will require the approval of the Commission prior to that activity, as required by the Order of Conditions. Ms. Allard will provide Mr. Cricones detailed responses early next week, with the anticipation that additional details will be provide to the Commission for the December 2, 2021 meeting.

After a brief discussion of the additional funding for site monitoring, Wendy Sisson made a motion that Pine Village LLC shall provide an additional \$15,000.00 for site monitoring by Nitsch Engineering. 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.

Request for a Certificate of Compliance – 162 Stow Road, DEP#177-307

Jay Waldron made a motion to issue the Certificate of Compliance for 162 Stow Road, DEP#177-307. Joanne Ward 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 Minutes

Jay Waldron made a motion to approve the minutes of November 4, 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.

Select Board Request for Comments – Code of Conduct

With a November 30th deadline to submit comments to the Select Board, members will provide comments directly to the Conservation Agent.

Request for Determination of Applicability Hearing – Jacob Belanger, 96 Ayer Road, Harvard#1121-02.

Opened at 9:22pm

Adjournment

Joanne Ward made a motion to adjourn the meeting at 9:32pm. 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.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated November 18, 2021
- Proposed Deck, Bailey Residence 131 Bolton Road Harvard, Massachusetts, prepared by Fieldstone Design, 10-31-21
- Existing Conditions Plan of Land in Harvard, MA; Hancock Associates, Project No.: 23373, 7/20/20
- Email from Robert Schmidt to Liz Allard RE: 131 Bolton Road, 11/18/21
- Detention Basin Plan View, Harvard – Old Mill Culv., R. Bates & Sons, Inc., undated
- Potential Conservation Land for Active Recreation, 11/17/2021
- Potential Open Space for Active Recreation Map, 11/16/21

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Nathan Bailey, 131 Bolton Road, Harvard#1121-01
November 18, 2021**

The public hearing was opened at 7:38pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Nathan Bailey and Peter Gilli

This hearing is for a Request for Determination of Applicability filed by Nathan Bailey to replace and expand an existing deck within the 100' wetland buffer zone at 131 Bolton Road, Harvard.

Nathan Bailey detailed the proposed deck expansions, which will expand the existing deck by two feet and create a connector between two existing decks. Wendy Sisson would like to see more protection for the wetland by installing a fence and herbaceous planting along the existing wetland line within the backyard area so the wetland can restore itself. Protected wetland markers should also be included to avoid further damage to the wetland in the future. Mr. Bailey was concerned with how that would visually look. Don Ritchie suggested using posts as opposed to a fence. Mr. Bailey was amenable to that request. Ms. Sisson would want it to be clear the area beyond the post would not be able to maintained as lawn area, but to be left in its natural state. Jaye Waldron suggested a row of vegetation to avoid mowing or clearing beyond the posts. Comments received from Robert Schmidt were read into the record. Mr. Schmidt mentioned the proposed retaining wall, which was a concern of Ms. Sisson as well. The wall would also require a waiver.

After the Commission expressed their concerns over the ability to regulate this activity and the restoring of the wetland resource area under a Determination of Applicability, Jim Burns made a motion to close the hearing and issue a Positive #4&5 Determination of Applicability. 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.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Jacob Belanger, 96 Ayer Road, Harvard#1121-02
November 18, 2021**

The public hearing was opened at 9:22pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward and Mark Shaw

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

This hearing is for a Request for Determination of Applicability filed by Jacob Belanger for the installation of a shed within the 100' wetland buffer zone 96 Ayer Road, Harvard.

The Commission discussed the location of the shed on the edge of an existing lawn area and it not having a negative effect on the abutting wetland resource area. Concerns with the storage of fuel in and around the shed was discussed, along with the dumping of yard waste.

Wendy Sisson made a motion to allow for the requested waivers from the setbacks stating the shed will not have a negative impact on the wetland resource area as it is located within an existing lawn area. 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.

Wendy Sisson made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the following conditions:

- 1) There shall be no storage of equipment and/or material behind the shed;
- 2) Equipment may be stored within the shed, but no additional fuel shall be stored within the shed or within 100' of the shed; and
- 3) There shall be no disposal of yard waste or other material beyond the existing lawn area

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.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent