

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
NOVEMBER 17, 2022  
APPROVED: DECEMBER 1, 2022**

Chair Don Ritchie called the meeting to order at 7:01pm, virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

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

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Peter Dorward (Conservation Commission representative to the Open Space Committee), Tyler Forbes (Harvard Police Department), Tom Cotton (Deer Management Committee), Wendy Sisson (Land Stewardship Subcommittee), Bob Douglas (Deer Management Committee), Ray Lyons and Dan Daley (Parks & Recreation Commission representative to the Open Space Committee)

**Open Space Committee Update with Peter Dorward**

• **Community Preservation Committee Application**

Peter Dorward, chair of the Open Space Committee and the representative of the Commission on that Committee, reviewed the presentation prepared for Community Preservation Committee (CPC). The presentation detailed the map of protected and unprotected land in Harvard, summarized the Open Space & Recreation Plan survey results, detailed average cost to protect open space over the past five years, and an overview of the Carlson land, which is the land for which funding from CPC is being sought. Mr. Dorward stated there were not a lot of questions from CPC members when the application was presented to them. Mr. Dorward also noted there is large number of applications this year with not a lot of funds available. There were no questions from the Commission members.

• **Update of the 2016 Open Space & Recreation Plan (OSRP)**

Mr. Dorward stated the Open Space Committee is working on the goals for the 2023 OSRP, which are then turned into an action plan. The OSC has reviewed the 2016 action plan to determine what has been completed, what still needs to be completed and what is no longer necessary. This will help the OSC to focus on what needs attention over the next seven years. Mr. Dorward expressed kudos to Liz Allard for obtaining the grant from Montachusett Regional Planning Commission, who has done a lot of the work to get the OSRP updated. The 2016 OSRP was done in-house, with a tremendous amount of effort from Mr. Dorward.

**Discuss Recent Trespass on Conservation Land & Potential Hunting and Trapping Bylaw**

Liz Allard stated the Commission needs to determine how to deliver the notice of trespass to the individuals who were found to be poaching deer on town land recently. Town Counsel Mark Lanza prepared the Notice of Trespass and recommended they be hand delivered by the Harvard Police Department (HPD) and then sent by certified mail. HPD cannot serve these Notices to individuals in other communities, therefore it has been suggested to have a constable serve the Notices.

Tyler Forbes, an officer of the HPD, provided an update on the event that took place on November 4, 2022 associated with the Notice of Trespass. The individuals in question are familiar to the Environmental Police; there is an ongoing investigation of this incident and charges have not yet been pressed against the suspects.

Bob Douglas, chair of the Deer Management Subcommittee, thanked Officer Forbes for his quick response to this matter; noting that his extensive knowledge about hunting assisted in his desire to look into the

matter further. Mr. Douglas also thanked Don Ritchie and Liz Allard for responding quickly to get the Notice of Trespass into the HPD system.

Eve Wittenberg made a motion to have the Notice of Trespass delivered by certified mail and constable to the two individuals that have been identified by the HPD. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Although there were mixed feels amongst the Commission on establishing a hunting and trapping bylaw as suggested by the Chief of Police, it was determined more research into existing Town bylaws on hunting within Harvard needed to be completed before making a decision on whether or not to pursue the addition of a hunting and trapping bylaw similar to those in Boxborough and Bolton.

**Continuation of a Notice of Intent Hearing – John Iacomini, 310 Ayer Road, Harvard#0922-05.** Opened at 7:47pm

**Review Ann Lees Field Memorandum of Understanding (MOU)**

Wendy Sisson, chair of the Land Stewardship Subcommittee, had initially worked on this document, which has a provision to be reviewed annually. Ms. Sisson stated there are a few things that the Commission may want to revise within the MOU. The language pertaining to “grandfathered use” was Ms. Sisson’s wording when the MOU was originally drafted, however it is incorrect. The playing field on this property was part of a larger open space project to protect Holy Hill, but not intended to be a field for organized sports. Therefore, the current use of the field by the Parks & Recreation (P&R) Commission is not a grandfathered use. Condition #3 within the MOU should be revised to remove “without interference or yearly ConCom approval”. Ms. Sisson had not envisioned the field to be used for more than the school softball team. The overuse of the field could have an impact on the health of the field and the surrounding area; the Conservation Commission should be made aware of the intended duration of the use of the field on annual basis in order to determine the allowed use. Eve Wittenberg agreed, stating that she would not think it to be onerous to have a once-a-year discussion with the P&R. Ms. Sisson would be happy to work on the proper verbiage for the MOU. Ms. Wittenberg offered to assist in crafting language for the Commission’s review at the next meeting.

**Briefing of the Joint Community Preservation Committee (CPC) Application (Parks & Recreation Commission (P&R), Open Space Committee (OSC) and School Committee) for the acquisition of open space for active recreation purposes**

Dan Daley, the P&R representative to the OSC, was present to provide a courtesy briefing of the joint CPC application given the number of times the Conservation Commission has had discussions pertaining to playing fields. Mr. Daley stated applications have been submitted to the Capital Planning and Investment Committee (CPIC) and the CPC for funding for the purchase of land for a multifield athletic complex. These applications cover only the land acquisition portion of the original FY2023 Capital Request, a joint application from P&R, the Schools and OSC submitted to CPIC. The application to CPIC this year requests \$500,000 for both fiscal years 2024 and 2025, for a total of \$1,000,000.

Jaye Waldron wanted to clarify that the 6-acres of land is not existing conservation land that will be converted to playing fields, but in fact new land that is to be purchased for a multifield complex. Mr. Daley stated yes, adding that Peter Dorward, chair of the OSC has mapped out suitable land for this use, which is primarily private land and can be viewed on the OSC page of the Town website. Mr. Daley stated Town leaders are looking for multiple funding options to achieve this goal. The goal of a multifield complex is the top priority of P&R, the schools, and the Select Board. Ms. Waldron asked if the 6-acres is considered the total land area for the complex. Mr. Daley stated that it is the minimum size to get two playing fields. With no further questions, Don Ritchie thanked Mr. Daley for attending this evening to brief the Conservation Commission on these applications.

**Approve Minutes**

Jaye Waldron made a motion to accept the minutes of August 4 and 18, 2022 as amended. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

**Approve Invoice**

Joanne Ward made a motion to approve the invoice for Montachusett Regional Planning Commission in the amount of \$617.90. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

**Ayer Road Meadow Access Improvements Update - Review Proposal to improve access**

Ray Lyons, one of the owners at 206 Ayer Road, stated the Commission had been previously using the land on 204 Ayer Road to gain access into the Ayer Road Meadow, when truly the access is through an easement on 206 Ayer Road. Mr. Lyons is interested in understanding better the work necessary to widen the easement area in order for a tractor to access the meadow. The Commission will arrange an on-site meeting with all of the parties in order to make sure everyone is in agreement with the proposal by G.T. Smith Jr., Inc.

**Update on the Approval to Transfer of Wetland Protection Bylaw Fees to the Conservation Fund**

Liz Allard stated the Finance Director has informed her a town meeting vote would be necessary in order to transfer funds from the bylaw fee account to the conservation fund. Ms. Allard was unclear on the reasoning; therefore, Don Ritchie will meet with the Finance Director next week to better understand why the Commission cannot transfer funds under their control.

**Pine Hill Village Update – November 10, 2022 Status Report**

Don Ritchie stated he and Liz Allard, along with Steve Ventresca, of Nitsch Engineering, were on site last week to complete a review of the progress as submitted by the developer on October 20, 2022. There are some outstanding items that have been detailed in the updated report prepared by Ms. Allard. For the most part the developer has complied with the items that were outstanding when the occupancy permits were issued for the Pine Bank area. This report will be provided to the developer earlier next week with a reminder of the process in order for the Commission and the Zoning Board of Appeals to sign off on the occupancy permits for the units in phase 2 of the development.

**Adjournment**

Jaye Waldron made a motion to adjourn the meeting at 8:29 pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated November 17, 2022

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing  
John Iacomini, 310 Ayer Road, Harvard#0922-05  
November 17, 2022**

The public hearing was opened at 7:47pm 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 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and John Iacomini

This hearing was continued from October 20, 2022 for a Notice of Intent filed on behalf of John Iacomini for the construction of an in-ground swimming pool and patio area, surrounded by a security fence within the 100' wetland buffer zone to a wetland resource area 310 Ayer Road, Harvard

John Iacomini clarified his intent is to withdraw the application before the Commission. Mr. Iacomini urged the Commission to further discuss, at another time, the Notice of Intent process and the cost associated with filing an application if the intent is to not allow any development within 75' of a wetland.

Jim Burns made a motion to accept the withdrawal of this application as requested by John Iacomini. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent