

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 1, 2022
APPROVED: DECEMBER 15, 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 (departed at 7:44pm), Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw (arrived at 7:11pm)

Others Present: Liz Allard (Conservation Agent), Marty Green (Harvard Press), Valerie Hurley (Harvard Press), and Diandra Bilodeau

Review Ann Lees Field Memorandum of Understanding (MOU)

Eve Wittenberg has spoken with Wendy Sisson, chair of the Land Stewardship Subcommittee, who had some suggestions to the MOU now that it is her understanding that the Parks & Recreation (P&R) Commission intended to use the field for more than just the school's softball team. Ms. Wittenberg stated the need for an annual check-in with P&R is not unlike that of the Harvard Snowmobile Club, and would allow the Commission to check-in on the condition of the field and not so much the activities of the P&R. Ms. Wittenberg reviewed the proposed revisions including striking the words "as a grandfathered use" from the third paragraph; strike the words "without interference or yearly ConCom approval" from item #3; adding in language within item #3 that expresses annual review by the ConCom, not of the actual activities but of the amount of usage and how it relates to the condition of the field. It was noted that item #2 may need amending as well.

After some discussion the Commission agreed that the uses of the field they interested in annually reviewing are those conducted by organized sporting groups and not those who use the field for such things as a neighborhood pick-up game. Ms. Wittenberg will provide a revised version of the MOU for review by the Commission at the next meeting. Once agreed upon by the ConCom the revisions will be shared with P&R along with an invitation to attend the next available Commission meeting for discussion.

Ayer Road Meadow Access Improvements Update – Review Proposal to improve access

Don Richie and Liz Allard met on site with Ray Lyons, one of the owners of 206 Ayer, James Pickard, who mows the field, and Gary Smith, the site contractor the has provided a proposal to complete the necessary improvements to the access into the Ayer Road Meadow. Mr. Smith will remove the split rail fence along the property line at 206 Ayer Road, level the area behind the septic mound at 204 Ayer Road and beyond, and will widen and level about a 13' wide area near the septic tanks for 204 Ayer in order for Mr. Pickard to re-gain access into the Ayer Road Meadow. Mr. Pickard will remove a hard wood tree that is causing a pinch point along the cart path just before it opens up into the meadow. The cut tree will either be left or taken away by Mr. Pickard. Jim Burns made a motion to accept the proposal prepared by G.T. Smith Jr. Inc in the amount of \$950.00 to complete the above-described work and to allow James Pickard to remove the hard wood tree leaning over the cart path in order to gain access into the Ayer Road Meadow for the purpose of mowing the field. 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, unavailable; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

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

The ability to transfer funds from one account to another goes back to what the parameters were for establishing those funds. The establishment of the bylaw fee account should have been a vote of town meeting allowing the Commission to allocate them for specific uses. Since the bylaw and its regulation

were established well over 20-years ago, it is recommended that the Commission consider a warrant article for the Spring Town Meeting detailing the uses of those funds, along with establishing them as a revolving account. The Commission was in agreement with this recommendation and will prepare an article request at the appropriate time.

Potential Hunting and Trapping Bylaw

The Code of Harvard contains no language pertaining to hunting or trapping. Other communities' bylaws will be researched to assist in drafting one for Harvard. Once a draft is available this item will be placed back on the agenda.

Discuss Policy for Issuing Waivers to Chapter 147 Wetland Protection Bylaw Regulations

Members have reviewed §147-3 Waivers from rules and regulations and agree that clearer language needs to be included as it pertains to each waiver being based on its own merits, but that waiver requests can be filed with the Commission in advance of filing an application. Other communities' regulations on waivers will be reviewed to determine if any have developed matrixes by which waivers are approved. Once this information and suggested revisions are made to §147-3 this item will be placed back on the agenda.

Pine Hill Village Update – Invasive Plant Management Update

An update from Ruby Environmental has been received but requires additional review and consultation with the Commission's invasive expert, Wendy Sisson, to determine if the process being taken is the effective.

Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01. Opened at 7:31pm

Notice of Intent Hearing - Sean & Diandra Bilodeau, 134 Old Littleton Road, DEP#177-718, Harvard#1122-01. Opened at 8:00pm

Approve Minutes

Eve Wittenberg made a motion to accept the minutes of November 17, 2022 as amended. 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.

Approve Invoice

Joanne Ward made a motion to approve the invoice for Add-A-Sign LLC in the amount of \$533.51. Jaye Waldron 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.

Adjournment

Eve Wittenberg made a motion to adjourn the meeting at 8:34 pm. 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; 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 December 1, 2022
- Memorandum of Understanding between the Harvard Conservation Commission and Harvard Parks and Recreation Commission for Anne Lee's Field, November 19, 2020
- Bilodeau Residence, 134 Old Littleton Road, L-1 Pool Layout Plan, prepared by James K. Emmanuel Associates, Landscape Architects, September 23, 2022

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01
December 1, 2022**

The public hearing was opened at 7:30pm 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 (Conservation Agent)

This hearing was continued from November 3, 2022 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard

As requested by the applicant's representative, Jim Burns made a motion to continue the hearing to December 15, 2022 at 8:00pm. Jaye Waldron 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,
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing
Sean & Diandra Bilodeau, 134 Old Littleton Road,
DEP#177-718, Harvard#1122-01
December 1, 2022**

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, 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, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

Others Present: Liz Allard (Conservation Agent) and Diandra Bilodeau

This hearing is for a Notice of Intent filed on behalf of Sean & Diandra Bilodeau for a proposed in-ground swimming pool, patio area, pool house and security fence within the 100' wetland buffer zone at 134 Old Littleton Road, Harvard

Diandra Bilodeau stated a portion of the pool house and security fence, along with a retaining wall and landscaping will be within the 100' buffer zone. The pool itself is outside the 100' buffer zone. The pool house is outside the 75' buffer zone as well. Joanne Ward asked why the pool house was so large. Ms. Bilodeau explained the pool equipment will be located on one side of the structure with the other being used as a shed for the storage of a ride-on mower. When requested Ms. Bilodeau provided information on the retaining wall, including that it may not be necessary if the area can be gently sloped. Eve Wittenberg thought the retaining wall was a useful element and would prefer it be kept as part of the plan. The Commission discussed adjusting the location of the pergola closer to the pool in order to be able to move the pool house outside the 100' buffer zone. Ms. Bilodeau explained for safety reasons it is best to have a 16' walk area at that end of the pool as people generally congregate around the stairs of a pool. Questions about perimeter drains for roof runoff were discussed and agreed that gutters could be used for this purpose and should be shown on the plan along with the 75' buffer zone.

Ms. Bilodeau is also requesting the 36" oak shown on the plan be removed as it is split and it leaning over the back yard area. The tree location along the edge of the wetland and its usefulness as habitat made some question whether or not the entire tree should be removed or just the leader that is splitting away from the tree. With human safety a concern and the tree already compromised it may be best to remove the leader in question and then reassess if the entire tree should be removed.

With revisions to the plan necessary for the Commission to make a decision Mark Shaw made a motion to continue the hearing to December 15, 2022 at 8:01pm. 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; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent