

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
SEPTEMBER 15, 2022  
APPROVED: FEBRUARY 2, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 107 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 July 16, 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, Janet Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Pam Marston (Historical Commission), Perter Dorward (Open Space Committee), Jim Lee (Harvard Conservation Trust representative on the Open Space Committee), Marc Sevigny (Harvard Conservation Trust), Dan Tracey, John Lee (Harvard Conservation Trust), Cathy Corning, Wendy Sisson (Land Stewardship Subcommittee), Margaret Nestler and Robin Carlaw (Harvard Conservation Trust)

**Harvard Historical Commission Request for Support to Expand Historical District to include 39 Massachusetts Avenue**

Pam Marston, vice chair of the Historical Commission, was present to gain support of the Commission pertaining to the article on the warrant for the Fall Town Meeting on October 1st. The article requests the expansion of the historical district to include the Bromfield House property. Ms. Marston provided the details on how this property came to be owned by the Town of Harvard. Ms. Marston stated the property should be included on the historical district for three reasons: historical significance, architectural significance, and the significance of its location. Ms. Marston stated the Mass Historical Commission has reviewed and endorsed the proposal.

Joanne Ward made a motion to support Historical Commission's endeavor to include Bromfield property as part of the historical district. Jaye Waldon seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, unavailable; Mark Shaw, aye; Joanne Ward, aye; Jim Burns, aye; Eve Wittenberg; abstained; and Don Ritchie; aye.

**Deer Management Subcommittee Update**

With the chair of the Deer Management Subcommittee unable to attend this evening the following update was read into the record:

Wisconsin grad student biologist Jamie Gottlich was unable to attend tonight, I hope to have him available at a future meeting. There is an additional camera study program head we are in contact with at Cornell University and we may consider their methodology as well. The sites have been assigned and stand tags are being distributed.

Monday 7PM is our annual hunter meeting for our "fall class". We will be meeting with two of our Regional Environmental Police Officers, share the rules of the hunt and answer any questions the hunters may have.

We will be meeting with the Stewardship Committee at their next meeting to discuss other possible Conservation properties, the posting of notices at trail heads, and the methodology for estimating the deer population.

### **Executive Session with Harvard Conservation Trust**

Eve Wittenberg made a motion to go into executive session with Harvard Conservation Trust and members of the Open Space Committee pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider 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. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

### **Community Preservation Committee Request for Funding FY2024**

#### **• Open Space Committee – Carlson Land**

Peter Dorward, chair of the Open Space Committee, stated an application has been prepared that is requesting \$200,000 toward the purchase of 39 acres of high priority open space on Littleton County Road. The land contains active farm land with prime farm soils, ecologically sensitive areas, wetlands, woodlands and abuts a 330-acre corridor of protected open space. Paul Willard made a motion to endorse the Open Space Committee, Community Preservation Committee – Town of Harvard Request for Funding for FY2024 application as described above. Jaye Waldon seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

#### **• Land Stewardship Subcommittee – Invasive Plant Management**

Wendy Sisson, chair of the Land Stewardship Subcommittee, stated funding for the invasive management program was started ten years ago at \$50,000 every three years. The Community Preservation Committee (CPC) preferred an allocation amount of \$26,000 annually. Ms. Sisson stated she has not applied for funding in a few years as work had slowed. The application details the success and the work that has been done over the past ten years, the continued and new efforts, as well as returning to providing education for the public. Ms. Sisson will provide a brief presentation to CPC since it has been 10 years. Joanne Ward made a motion to endorse the Land Stewardship Subcommittee, Community Preservation Committee – Town of Harvard Request for Funding for FY2024 application in the amount of \$26,000, as described above. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

### **Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01. Opened at 7:37pm**

#### **Proposal from Beaver Solutions - Tully Land**

Wendy Sisson, chair of the Land Stewardship Subcommittee, stated Beaver Solutions has proposed a deceiver at the Tully land causeway, which if not installed, could close off access to the Prospect Hill Management area due to the flooding of the causeway. When Mark Shaw asked and was told the size of the pipe would be 8" he thought it was minimal for that location as he has seen a lot of water through there at times. Ms. Sisson stated Beaver Solutions will be moving some the muck away from the culvert to be able to install the fencing. Ms. Sisson stated the Harvard Snowmobile Club (HSC) will be adding material to the causeway as done on the Blomfelt land to aid in the deterioration of this low-lying trail. Mr. Shaw suggested a fairly rocky material would hold up a lot better. Ms. Sisson would also like to have a scout project to address the seepage along the trail behind Department of Public Works at the base of the BMP by way of a boardwalk that could be used by both walkers and HSC. Jim Burns made a motion to approve the proposal from Beaver Solution for the Tully land. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

### **Fiscal Year 2023 Agricultural Licenses**

Liz Allard intended to discuss the issuances of agricultural licenses and invoices for Fiscal Year 2023, but the conversation turned to the goals and actions under the Climate Action Plan (CAP) as they pertained to agriculture. Jaye Waldron, the Commission's representative on Harvard's Climate Initiative Committee, explained that it has been implied that the Commission has all this land that could be leased out to smaller farms. The Agricultural Advisory Committee has stated they do not want to take control of conservation land for farming. Wendy Sisson stated there was an action item to expand agricultural on public lands; which means conservation lands. Ms. Sisson explained it is up to the Commission to determine the use of the lands and not up to other Boards or Committees to determine the use of the land. Ms. Sisson suggested the Commission address the protection of agricultural land as opposed to the draft language within the CAP. Ms. Sisson stated she can write up a statement to send to the HCIC; Don Ritchie stated he could assist in that effort. Ms. Waldron will bring this up at the next meeting of the HCIC.

**Request for Determination of Applicability Hearing - Margaret Coyle Nestler, 31 Cruft Lane, Harvard#0922-01.** Opened at 8:06pm

**Request for Determination of Applicability Hearing - Eve Wittenberg & Cathy Corning, 103 Prospect Hill Road, Harvard#0922-02.** Opened at 8:17pm

**All Boards Meeting September 28, 2022 @ 7:00pm**

Eve Wittenberg volunteered to attend on behalf of the Commission.

**Approve Minutes**

Jaye Waldron made a motion to approve the minutes of June 16, 2022 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

**Approve Invoices – ESRI \$400.00**

Joanne Ward made a motion to approve the invoice for ERSI in the amount of \$400.00. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

**Comments for Mill Pond Estates**

Liz Allard stated MassHousing has received the application for the proposed development at the corner of Ayer and Old Mill Road and has requested comments from the Town. Ms. Allard had previously submitted comments to the developer's representative in April and suggested these same comments be sent to the Select Board as they will ultimately be the one to send comments to MassHousing. The Commission agreed.

**Ayer Road Meadow Access Improvements**

Liz Allard stated she still has not has an opportunity to reach out to local site contractors to obtain a proposal for the necessary work to allow the farmer to gain access to the site. Don Ritchie stated he would assist in getting those proposals.

**Follow up on Japanese Knotweed on Harvard's Roadside & Town-Owned Land**

Liz Allard stated Tim Bragan followed up with her on the Commission's letter pertaining to roadside Japanese Knotweed and suggested the Commission apply for funding from Capital Planning and Investments Committee. Ms. Allard pointed out to the Commission that the letter to the Select Board indicated the Commission was not looking to take the lead on this, but suggested that the Department of Public Works do so. After briefly discussing the intent of the letter, Don Ritchie agreed to send another

letter indicating the Commission was suggesting DPW be the lead and take on best management practices to avoid the spread of this invasive plant.

**Abbreviated Notice of Intent Hearing - Town of Harvard Conservation Commission, the Barton Land, located between the dam of Bare Hill Pond and Still River Road, Harard#0922-03.** Opened at 8:32pm

**Pine Hill Village Update**

Liz Allard stated the Commission has received a proposal for the management of invasive plants on the property and a proposal on how the constructed wetland will be dredged to remove the silt. Both proposals will need further review before approval from the Commission.

**Adjournment**

Don Ritchie made a motion to adjourn the meeting at 8:50pm. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated September 15, 2022

**Harvard Conservation Commission  
Notice of Intent Hearing  
Continuation of a Notice of Intent Hearing  
Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01  
September 15, 2022**

The public hearing was opened at 7:37pm 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 107 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 July 16, 2022.

**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 Administrator/Conservation Agent) and Bruce Ringwall

This hearing was continued from August 18, 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.

Bruce Ringwall, of GPR, Inc., stated because of numerous facts there has been delay with Planning Board application. In order to keep this project moving Mr. Ringwall thought this would be a great time to start the wetland replication permitted under a separate Order of Conditions last year. Mr. Ringwall understands there is a condition within that Order of Conditions that does not allow for the replication work to proceed until other necessary permits to develop the property are received. Mr. Ringwall provided an update as to where in the process the application is at with the Planning Board. After briefly discussing, the sense of the Commission was to abide by the condition within the previous Order of Conditions for the wetland replication as it is premature to anticipate where other Boards are at with the process.

Jim Burns made a motion to continue the hearing to October 6, 2022 at 7:45pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Margaret Coyle Nestler, 31 Cruft Lane, Harvard#0922-01,  
September 15, 2022**

The public hearing was opened at 8:06pm 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 107 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 July 16, 2022.

**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 Administrator/Conservation Agent), Jim Lee (Harvard Conservation Trust), Marc Sevigny (Harvard Conservation Trust), John Lee (Harvard Conservation Trust), Margaret Nestler and Robin Carlaw (Harvard Conservation Trust)

This hearing is for a request for Determination of Applicability filed on behalf of Margaret Coyle Nestler, for the installation of boardwalks along the trail easement within the 100' wetland buffer zone 31 Cruft Lane, Harvard.

Marc Sevigny, of Harvard Conservation Trust, detailed the conservation restriction that has recently been placed on the property and allows for a trail that connects to other open space areas. The proposed trail crosses wetland areas, which will require boardwalks and a raised crossing. Mr. Sevigny detailed those boardwalks and crossing.

A waiver to the application fees is being requested as the proposed trail will be an amenity to the Town. After a brief discussion, Paul Willard made a motion to waive the filing fee for this application as a benefit to the Town and its inhabitants. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye

Jaye Waldron made a motion to close the hearing and issue a Negative #3. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission**  
**Request for Determination of Applicability Hearing**  
**Eve Wittenberg & Cathy Corning, 103 Prospect Hill Road, Harvard#0922-02,**  
**September 15, 2022**

The public hearing was opened at 8:17pm 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 107 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 July 16, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) Eve Wittenberg and Cathy Corning

This hearing is for the Request for Determination of Applicability filed by Eve Wittenberg & Cathy Corning, for a multi-year invasive species plan within the 100' wetland buffer zone at 103 Prospect Hill Road, Harvard.

Eve Wittenberg explained the area within 100' buffer zone had been cleared during the development of the property, which has allowed the invasives to proliferate. A three-year plan has been developed by Oxbow Associates, with activity within the 25' to the 100' wetland buffer zone. Oxbow Associates, Inc. will implement a multi-year invasive species control plan in selected areas of the wetland buffer zone from the 25-100' area. Oxbow will selectively apply herbicides using foliar spray and cut stump (wipe/apply) to plants including bittersweet, amur peppervine, autumn olive, European buckthorn, glossy buckthorn, burning bush, and multiflora rose.

For each of three seasons, Oxbow will conduct approximately two half days, of five field-hours of selective herbicide treatment using a combination of backpack sprayer and stem-applicator with triclopyr-based herbicide (Lesco 4 ester), clippers, handsaw, and appropriate PPE. Oxbow will use GPS to identify the outline of their work. After initial selective application they will assess the need for replacement plantings to fill in voids in the vegetative cover. Replacement plants will include only native species (non-cultivars) such as highbush blueberry and spicebush. Precise locations will be determined as work proceeds and the expectation is approximately 12, 3-gallon native shrubs will be installed.

Ms. Wittenberg stated the invasive plants do go into the wetland and they are still trying to determine how to combat those, therefore they may be back in the future for additional invasive removal.

Paul Willard made a motion to close the hearing and issue a Negative #3. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, unavailable; Mark Shaw, aye; Joanne Ward, aye; and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,

Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Abbreviated Notice of Intent Hearing  
Town of Harvard Conservation Commission,  
the Barton Land, located between the dam of Bare Hill Pond and Still River Road, Harvard#0922-03  
September 15, 2022**

The public hearing was opened at 8:39pm 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 107 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 July 16, 2022.

**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 Administrator/Conservation Agent) and Wendy Sisson (Land Stewardship Subcommittee)

This hearing is for an Abbreviated Notice of Intent filed by the Town of Harvard Conservation Commission, for the management of invasive plant species within a wetland resource area on the Barton Land, located between the dam of Bare Hill Pond and Still River Road, Harvard.

Wendy Sisson detailed the proposed work to remove phragmites in the area between the dam to Bare Hill Pond and Still River Road. A licensed applicator will apply a glyphosate herbicide formulated for wetland applications, either AquaPro, Glyphosate 5.4, or Accord, to isolated phragmites stands. The first target is the stand near the dam which is the largest and most dense; a foliar spray will be used in late August or September. Other satellite stands are difficult to access and will be treated if and when they can be reached by either stem wiping method or close foliar spraying as appropriate. The applicator is familiar with the site and has done careful work for the Town in the past several years. Conditions in August/September are as dry as they get and no negative impact to the wetland is anticipated given the techniques, timing and formulations proposed.

Without a file number from the Department of Environmental Protection Joanne Ward made a motion to continue the hearing to October 6, 2022 at 8:00pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent