

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
NOVEMBER 3, 2022  
APPROVED: MARCH 2, 2023**

Chair Don Ritchie called the meeting to order at 7:01pm, 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, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Wendy Sisson (Land Stewardship Subcommittee), Mark Adams (Harvard Snowmobile Club) and Marisa Steele (Parks & Recreation Commission) and Dan Wolfe (Ross Associates)

**Parks & Recreation Commission Request to withdraw water from pond on Ann Lees field**

Marisa Steele, a member of the Parks & Recreation Commission, was present to request the withdraw of water out of the pond at Ann Lees Field in the event of a dry spring season; seeding will take place this fall. In the event of inadequate natural rainfall during this critical time frame (spring/early summer of 2023) P&R is requesting to siphon some water from the nearby pond to provide light sprinkling of the newly established grass. This would only be necessary if the rainfall is insufficient during the early growth phase and would be done in a responsible manner. This would be a temporary arrangement and only utilized in the event it was truly needed. An 8-amp pump that pumps 52 gallons/minute will be utilized for this purpose. The pump would run off a very small generator.

Commission members questioned how the need to water the area would be determined, when the activity would occur, and what quantity of water would be used. Ms. Steele stated springtime conditions would dictate the need for irrigation, and that P&R was requesting permission now in case such need arose. Commission members expressed concerns about the competing water need of wetlands and seeds in dry conditions. Commission members asked P&R to return with more specific information in their request about what conditions would constitute a need and what volume of water would be withdrawn at what frequency and for what duration (ie, volume, # withdrawals/day, # days).

**Harvard Snowmobile Club Annual Update**

Mark Adams, president of the Harvard Snowmobile Club (HSC), stated HSC has started to clean up the trails, with no major work necessary as of yet, but will keep the Commission posted. HSC is working with the Land Stewardship Subcommittee (LSS) to improve the Clapp's Cove Trail. Wendy Sisson, chair of LSS, detailed the work already done and remaining work to be done at Clapp's Cove Trail. Ms. Sisson stated detailed the work necessary on the Prospect Hill, which includes reducing the wet patch that occurs at the start of the trail behind the Department of Public Works yard. The cost for two truckloads of material to raise the crossing at the culvert is \$510.00, with HSC providing the labor. Joanne Ward made a motion to allocate \$510.00 for trail improvements to the Prospect Hill area. 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; Mark Shaw, 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 7:30pm

**Land Stewardship Subcommittee Update & Allocation for trail improvements (Clapp Cove & Prospect Hill trails)**

Wendy Sisson, chair of the Land Stewardship Subcommittee, stated the allocation for trail improvements was completed during the discussion with the Harvard Snowmobile Club earlier this evening. The invoices for approval later in the evening are for the Haskell property, with more to come as this is the time of year to do invasive work. Ms. Sisson stated the Haskell land has been planted with winter rye crop, which will be harvested and utilized at no cost to the Commission.

#### **Discussed Policy for Issuing Waivers to Chapter 147 Wetland Protection Bylaw Regulations**

Eve Wittenberg: There may be a category of activities that may be discretion. One idea was to ask an applicant to provide any alternatives and as to why they would not work. When Jaye Waldron hears “public interest” she’s thinking septic systems. Having something like a patio or a riding ring would be for private use and not in the public interest. Joanne Ward – along the same lines of Eve and Jaye, if it is something you have to have to make a property habitable, a waiver is necessary. Can’t keep saying yes b/c it’s nice to have, otherwise it negates the bylaw. Ms. Wittenberg expressed what is not clear is how the ConCom feels about those waivers that are for things in between the two types of activities mentioned already. Jim Burns believes there needs to be a way to discuss an application with an applicant prior to them spending money on all of the engineering and filings. Don Ritchie and I said it’s really up to the applicant. Jaye wondered if including language that requires looking at alternatives. Eve agrees and some sort language about informally discussing with the agent or the ConCom. Dan Wolfe, of Ross Associates, glad we are having this conversation, as some towns can be very rigid with these types of regulations and you seem to be taking into account other factors. One size doesn’t fit all. He has had clients who don’t care what the offsets are and want to move forward with the project.

#### **Review Climate Action Plan (CAP) Goals & Measuring Process**

The Commission discussed the “Priority Actions to Implements” within the Natural Resource section of the CAP and had the following recommendations:

- “Protect wetlands from road run-off” should be a function of the Department of Public Works (DPW); and
- Added DPW under “Address Invasive plants and insects”

Jaye Waldron, the Commission’s representation on the Climate Initiative Committee (CIC), was unsure of the “Measured Progress” or the differences between “Municipal and Residential Goals”. Ms. Waldron believes comments are due tomorrow to the CIC. Liz Allard wanted to ensure the members of the Commission understood that they are responsible for ensuring these actions are met as detailed with the CAP. After briefly discussing, Eve Wittenberg stated she was willing to assist with these action items. Although appreciative of Ms. Wittenberg’s willingness to volunteer, Ms. Allard wanted reassurance that the Commission as a whole was committed to achieving the actions items within the CAP. Mark Shaw stated he was not, as the Commission has too much to do already; others were in agreement with achieving the action items.

#### **Request for a Certificate of Compliance – 62 South Shaker Road**

Jim Burns made a motion to issue a Certificate of Compliance for 62 South Shaker Road, DEP#177-XXX. 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; Mark Shaw, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

#### **Approve Minutes**

This item was passed over this evening

#### **Approve Invoices**

Joanne Ward made a motion to approve the following invoices:

- Bare Hill Landscaping - \$400.00 (Haskell Land)
- Hampson Farms - \$1,000.00 (Haskell Land)

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; Mark Shaw, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

#### **Ayer Road Meadow Access Improvements**

Liz Allard recently discussed with Scott Patterson, the owner of 204 Ayer, the need to pull back some of the grading from the newly installed septic system in order to regain access into the Ayer Road Meadow. Ms. Allard discovered that information pertaining to this matter is getting lost in translations. Ms. Allard has reached out to a local site contractor for a proposal to conduct the work necessary to regain the access. Once received, Ms. Allard will reach out to the owners of 206 Ayer Road to ensure they are in agreement with the proposed activity.

#### **Pine Hill Village Update**

Liz Allard stated she has a site inspection scheduled for next Thursday, November 10, 2022 with the consulting engineer, Steve Ventresca, of Nitsch Engineering. As this time Ms. Allard will verify that progress has been made toward the deficiencies detailed in the July 12, 2022 letter to the developer.

#### **Adjournment**

Eve Wittenberg made a motion to adjourn the meeting at 8:49pm. 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 November 3, 2022
- Natural Resource section of the Climate Action Plan

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing**  
**Continuation of a Notice of Intent Hearing – Yvonne Chern,**  
**203 Ayer Road, DEP#177-711, Harvard#0322-01,**  
**November 3, 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 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, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

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

This hearing was continued from October 6, 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

At the request of the applicant's representative Jim Burns made a motion to continue the hearing to December 1, 2022 at 7:30pm. Eve Wittenberg 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