

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 16, 2023
APPROVED: JUNE 15, 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, Jaye Waldron, Joanne Ward and John Iacomini (Associate Member)

Others Present: Liz Allard (Conservation Agent), Wendy Sisson (Land Stewardship Subcommittee), Rainer Park, Dan Carr (Stamski & McNary), John Osborne (Harvard Press), Mary Ann Boynton, Benjamin Thompson and Dave Crossman (B&C Associates)

Land Stewardship Subcommittee (LSS)Update

- Joanne Ward made a motion to appoint Jim Gorss to the Land Stewardship Subcommittee with a term to expire 6/30/2025. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.
- 2023 CISMA Small Grant for Roadside Japanese Knotweed (JKW) – Two locations have been identified for treatment in the late summer of 2023 at a cost of \$1650 from Vegetation Control Services. The two locations are along Stow Road before Codman Hill Road, and by the entrance of the gravel pit, which abuts the Perini land. The process will need to be pursued for a number of years to control it. The goal is to show the Town how roadside JKW can be controlled before it infiltrates Harvard on a scale that cannot be controlled. LSS will be asking for quote for phragmites between the dam and Still River Road. The Conservation Agent will assist in the application process necessary to permit this activity around wetland resource areas. As part of the grant, some public education on invasives, will be provided in way of an article in the Harvard Press.
- Community Preservation Committee Application Update – Invasive funding was not provided this year due to the overwhelming number of applications for funding. Moving forward the Commission will need to coordinate with the Open Space Committee when they are seeking funding. \$26,000 is the annual allotment for projects that fall under the category of open space.
- Reuben Reed Land - LSS is seeking to engage the Harvard Garden Club assistance for a design for this land in Town Center, while maintaining the area for the Christmas tree sale.

Available Training

- MACC Annual Environmental Conference- February 28 to March 9, 2023
 - Joanne Ward made a motion to allocate \$150.00 for Wendy Sisson to attend the conference. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.
- State Ethics Training – March 14, 2023 6-8pm
- MMA Webinar – [Strategies for facilitating Municipal Meetings](#)

Violation of the Order of Conditions – 175 Littleton County Road, DEP#177-694, Harvard#0820-04

Liz Allard detailed the wetland violation under the Town's Wetland Protection Bylaw, which does not allow for structure within 75-feet of a wetland resource area. In this case two stonewalls have been installed along the driveway access to the property. Ms. Allard suggested issuing a fine of \$900; \$300/per Order of Conditions currently on the property. The Commission needs to determine if they would have

allowed the stonewalls to be permitted. There is approximately 20-feet of the stone wall that is within 75-foot wetland buffer zone. Ms. Allard further suggested it be removed as it is not a necessary structure. Eve Wittenberg made a motion issue an enforcement order requiring the portion of the stonewall within the 75-foot buffer zone be removed and the issuance of a \$900.00 fine. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Notice of Intent Hearing – Rainer Park, 7 Peninsula Road, Harvard#0223-01. Opened at 7:40pm.

Annual Appointments – Jaye Waldron, Jim Burns, Mark Shaw & John Iacomini

Don Ritchie reminded those who up for re-appointment that they need to provide their intentions to Julie Doucet in the Select Board office by early March.

Approve Minutes

Jaye Waldron made a motion to accept the minutes of October 20, 2022 as amended. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Approve Invoices

There were no invoices this evening

Annual Review & Recommended Amendments of the Memorandum of Understanding (MOU) for Ann Lee Field with Parks & Recreation Commission

The Parks & Recreation (P&R) Commission will be meeting on March 6th to further discuss recommended amendments to the MOU for the Ann Lees Field. The Commission will review the suggested amendments from P&R at the March 16, 2023 meeting and invite P&R to attend the April 6, 2023 to further discuss.

Proposed Amendments to the Code of the Town of Harvard Chapter 39 Firearms and Explosives to include Hunting and Trapping

Liz Allard stated she had spoken with Police Chief Babu who was in agreement with the recommended changes to Chapter 39 of the Code of the Town of Harvard and agreed to submit the warrant article with the support from the Commission. Liz Allard noted the removal of language that contradicted the intent of the bylaw that was added in error. John Iacomini suggested in addition to the fines in section 39-3 language pertaining to the issuance of State fines should be included; members agreed.

Jaye Waldron made a motion to accept the amendments to Chapter 39 of the Code of the Town of Harvard for submittal to the Select Board to be included on the warrant for the Spring Town Meeting by the Harvard Police Department. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, abstained; and Don Ritchie, aye.

Climate Action Plan Natural Resources Priority Actions to Implement Update

Liz Allard attended the February 9, 2023 meeting of the Climate Initiative Committee (CIC), which was the Climate Action Plan (CAP) Implementation Meeting with Lead Committees and Liaisons. There appears to be some confusion as to who is the lead on the implementation of the action items. CIC had intended specific Boards/Commission would be the lead on all of the action items under the six focus areas; with the Conservation Commission taking the lead on Natural Resources, along with the Planning Board. Ms. Allard had explained to the CIC that neither she, nor the Commission, has the ability to complete the necessary follow through with other Boards/Commissions such as the Agricultural Commission. Members of the Commission agreed additional clarification would be necessary from both the CIC and the Select Board as to how this process will unfold.

Pine Hill Village Update

Don Ritchie and Liz Allard met with Steve Ventresca, of Nitsch Engineering, today as part of the review of the as-built plans for Phase 2 of the development. While on site the process of filling five-gallon buckets with the silt from the constructed wetland to be deposited in a waste pile at the top of the hill was observed. It was suggested that a small excavating machine could be used to accomplish this task.

Adjournment

Eve Wittenberg made a motion to adjourn the meeting at 8:30 pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated February 16, 2023
- Undated photo of the stonewalls at 175 Littleton County Road
- Presentation Plan in Harvard, Massachusetts, 7 Peninsula Road, Job No. SM-6915, prepared by Stamski and McNary, February 16, 2023
- Sewage Disposal Plan Rainer Park 7 Peninsula Road, Harvard, MA Map 13 Parcel 26, Job No. SM-6915, prepared by Stamski and McNary, January 12, 2023

Harvard Conservation Commission
Notice of Intent Hearing
Rainer Park, 7 Peninsula Road, Harvard#0223-01
February 16, 2023

The public hearing was opened at 7:40pm 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 and John Iacomini (Associate Member)

Others Present: Liz Allard (Conservation Agent) Rainer Park, Dan Carr (Stamski & McNary) and Mary Ann Boynton

This hearing is for a Notice of Intent filed on behalf of Rainer Park or the replacement of a single-family home, removal of excess pavement, replacement septic system, and removal of barn within the 100' wetland buffer zone and 200' of Bare Hill Pond 7 Peninsula Road, Harvard

Daniel Carr, of Stamski & McNary, explained the proposed plan that calls for the replacement of the existing dwelling with new dwelling, rehabbing the existing garage, removing the existing lean-to, barn and storage trailer, along with the replacement of the septic system. As proposed, the re-development will reduce the impervious surface by 715 square feet and includes a green roof that will be pervious. The entire site drains off to the pond. As requested, an infiltration trench has been added at the foot of the turn-around on the driveway. The application includes a waiver request to remove barn and shed due to its location within the buffer zone. In addition, any tree within 20' of the proposed dwelling is recommended to be removed. Plantings have been proposed to balance the removal of vegetation. Don Ritchie explained the Fire Department is going to burn this house as part of a training exercise; about a dozen trees need to be removed in order to conduct this training. Mr. Ritchie feels the number of trees the Fire Department wants to remove for this activity is sufficient. The trees marked with blue tape are the ones to be removed for the new structure; for the burn, less than ten trees will be removed. When asked if the other trees to be removed, are either dead, dying or healthy trees. Rainer Park stated there are some close to the house that are staying. Jaye Waldron asked why trees within 20' of the house. Mr. Carr stated trees that close cause a safety concern. Jaye Waldron was concerned with removing trees just because they are within 20' of house, when they are healthy as a tree 30' away could fall and hit the house. Eve Wittenberg, asked how the driveway would be resurfaced. Mr. Carr stated eventually it will be repaved at which time the erosion control will be expanded. Mr. Ritchie asked if the turn-around was really necessary and asked that be reconsidered. As for the trees to be removed they will be tagged for further review by the Commission members.

With no file number received from the Department of Environmental Protection, concerns with the number of trees to be removed and the request to remove the turn-around on the driveway, Eve Wittenberg made a motion to continue the hearing to March 2, 2023 at 7:45pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent