

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
AUGUST 3, 2023  
APPROVED: AUGUST 17, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, 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, Jessie Panek and Paul Willard (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Bob Douglas (Deer Management Subcommittee), Dave Pinard, Robb Ricker, Tom Cotton (Deer Management Subcommittee), Martin Feehan (State Deer Biologist), John Lee (Harvard Conservation Trust), Kelvin Weibe, Joe Pulido (Deer Management Subcommittee) and Megan Crawford

**Appointment of Petri Flint Land Stewardship Subcommittee**

Jaye Waldron made a motion to appoint Petri Flint to the Land Stewardship Subcommittee with a term to expire on June 30, 2024. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

**Discuss Land Stewardship Subcommittee Recommendations for Additional Deer Management Program Lands: Tripp Land, Old Mill Land, Abbot-Reed-Powell Land, Clapp-Scorgie-Smith-Tufts Land, Gravel Pit and Warilla Land**

Bob Douglas, chair of the Deer Management Subcommittee (DMS), stated the DMS is asking for two lands to be added to the Deer Management Program for the 2023 hunt season, those lands being Tripp/Stevenson West and Old Mill Road lands. The Tripp land was identified at the onset of the program, and is a large, isolated area that is contiguous to other lands that support many deer. Stevenson West is in conjunction with the Tripp land. A portion of the Old Mill land is considered great for hunting by DMS and they believe it fits in well with the program. As for the Smith-Tufts land, more information is needed. In addition, the DMS is seeking to add a couple of parcels that are not under the care and custody of the Commission, but are being vetted by the Select Board with the intent to allow hunters within the program as well as others to hunt those lands.

John Lee, a member of the Harvard Conservation Trust (HCT), stated HCT holds Conservation Restriction (CR) on the Tripp land and a decision regarding inclusion in the DMS program not yet been made. HCT is seeking additional survey information from a botanist. Mr. Lee stated the CR allows deer management but not recreational hunting.

Eve Wittenberg stated after three years of the program she would like to see some measurable outputs of the program to determine if the goals of the program are being achieved. She reminded the Commission that DMS has floated several ideas on how to monitor the deer density, but has not produced any data. Ms. Wittenberg does not think it is time to expand the program further until the Commission determines if the program is doing what it was meant to do. Ms. Wittenberg is willing to assist in developing those metrics.

Mr. Douglas stated he believes intuitively that reducing the deer, by taking the does out of the breeding population, is the best and only way to control deer in the Commonwealth of Massachusetts. Ms. Wittenberg reiterated that just reducing deer was not the goal of this program, it is protecting the forest ecology by maintaining a certain level of deer density, meaning getting the deer to a level in which they

are “in harmony” with environment. Ms. Wittenberg stated that the Commission needs to know what the current density is and the change in that density has been as a result of this program.

Joanne Ward agreed with Ms. Wittenberg on the purpose of the program and asked if there have been any further studies done on how the browse in these areas is responding. Mr. Douglas stated DMS conducted pellet counts for two years which is a technique that has fallen out of favor; DMS is looking at other ways.

Dr. Martin Feehan, the State Deer Biologist, stated the change in browse impacts would not be measurable at this point. Without having enough available land for the hunters, and success by the hunters of years of being able to actually develop skills, and scouting on the landscape and having an elimination of refugia, you are not going to be able to have enough deer harvested to have an impact on the forest. Conducting surveys now to detect whether there has been a change in the forest impacts and have that as a precursor to the expand the program is essentially creating a way in which you could not have success by doing it in that order, he asserted. The actual measure in Harvard is less than 27 square miles and the amount of land in the program is a small percentage of that. Each one of these parcels is increasing the percentage of the land that is actually open to hunting by subtle orders of magnitude on the percentage across the area. Dr. Feehan worries in terms of science it takes more deer to do that. To have more deer harvested, you actually have more land you have available to take away that refugia. In areas like Harvard the home range of an average doe is between a quarter and a half square mile. Therefore, areas closed to hunting are essentially allowing individual places for a does to be able to live their entire reproductive lifecycle, have their fawns be able to grow up, allowing those areas to become sources populations for any of the areas open to hunting, both private and those within the program.

Ms. Wittenberg thought Dr. Feehan’s point suggested that hunting on conservation land is never going to control the population because the private land is far greater than public land and that hunting on private land is the way to control the population. Ms. Wittenberg stated that we are nearly at the point where the conservation land is exhausted in terms of hunting because the remaining lands are used extensively for other recreational purposes. The argument Dr. Feehan is making would suggest that a strategy to encourage hunting on private land, in fact, would be the way to control the population. If what Dr. Feehan is saying is true then there is a threshold in the amount of land hunted that we would need to surpass in order to control the population. Ms. Wittenberg wondered if there was enough conservation land for hunting to make a difference, with private land far exceeding the public land in the amount of land available for hunting. Ms. Wittenberg questioned how we could discuss the scenario of how the population was going to be controlled and how the population is out of control when we do not have a baseline density. What she sees missing is the science in this conversation.

Dr. Feehan didn’t disagree about the benefit of having the density information, however having it where the goal is to just get below a density of deer per square mile and considering anything else is a failure is shortsighted in his view. Dr. Feehan explained that there are issues across the board across eastern Massachusetts with high deer densities and there is certainly going to be difficulties to get below 18 deer per square mile, but 18 per square mile is better than 22 per square mile, he stated. As those density numbers go up you have a complete loss in the understory. Having it as a straight black and white issue if it only being successful if the density is under 18 and if you achieve that then the program should not grow is a shortsighted viewpoint when long-term deer density is going to be an issue, Dr. Feehan asserted. The conservation lands that are the ones that are going to survive are the ones that are managed as best as they can be, with the limitation of the percentage of conservation land that is actually part of the program. Dr. Feehan believed that most private land in Harvard is not going to be hunted particularly with the new laws in place that are going to hamstring it. Where you really see the impact of this program has been if you look over the few years the program has occurred the actual overall town harvest has nearly doubled when hunting on private land is included with public land. This is not a factor of more hunters, as data shows there are fewer. What is actually changing in that time period is this

program, which has taken away the refugia. Therefore, Dr. Feehan would consider it successful from the standpoint of increasing overall harvest with the Town and actually having impacts at that level is going to stop the population from growing potentially and a reduction of the overall impacts. It is about having incremental impacts and trying to do the best we can to keep the forest healthy. Dr. Feehan implored the Commission to really think about this in terms of their land long-term because these issues are not going away; deer densities are going up. When asked, Dr. Feehan explained the State does not track density in small scale as it is almost impossible to have an effective estimate at that scale because of migration. Essentially Harvard is at a scale between Zones 9 and 10 of 25 to 35 deer per square mile. Dr. Feehan further detailed the number of deer harvested in Harvard since the inception of the program for Jessie Panek.

Ms. Wittenberg was not completely convinced that there is a casual relationship between private and public lands and the increase in the number of deer harvested; she does not believe it can be definitively said that there is a casual relationship between the Town, the Conservation hunting program and the increase in deer being harvested. Ms. Wittenberg says this because there has been a repeated argument about the increase on private land being a direct result of the conservation land hunting program. Ms. Wittenberg agreed with Dr. Feehan that we have observed those two phenomena occurring simultaneously, and one could argue that they are connected, but she needed to push back on the causality and the certainty of the causality with which Dr. Feehan and others have been repeating it, because she does not think we can make that statement with certainty and that it would be hard to prove causality there. Ms. Wittenberg wanted to make clear to the Commission it is not definitive, the casual relationship, it is a correlation. Ms. Wittenberg feels the Commission needs to be careful about how definitively we say the harvest on private land is a direct result of having this program, because that would make a certain argument to go in a certain direction. Dr. Feehan stated he could see what Ms. Wittenberg was saying but if you have people in the woods you are going to have more deer moving around and therefore probably more deer being harvested; in his view that is a simple fact.

When asked, Mr. Douglas stated the DMS is requested the Commission approve the two lands previously mentioned, Tripp/Stevenson West and the Old Mill Road. Ms. Ward wondered with two members of the Commission absent this evening perhaps a vote should be held off until they are available to provide their input. Mr. Douglas initially agreed the decision to include these lands could be delayed, but after talking out the necessary timeframes for notification to abutters it would be best to take a vote this evening.

Ms. Wittenberg suggested before a vote is taken that the residents abutting the Old Mill Road land be notified as there are several farms in that area. Ms. Wittenberg would also like the Policies and Procedures drafted by the Commission for DMS be approved before adding additional lands to the program. After a brief discussion Ms. Wittenberg withdrew her suggestion to notify the residents on Old Mill Road.

Jessie Panek made a motion to add the Tripp/Stephson West and the Old Mill Road lands to the Deer Management Program. There was no second to this motion. Mr. Douglas requested this item be tabled to the next meeting of the Commission. Don Ritchie agreed.

**Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03. Opened at 7:42pm**

**Planning Board Request for Comment – Scenic Road Consent, 35 East Bare Hill Road**

The Commission had no comments pertaining to this application.

**Approve Minutes**

Eve Wittenberg made a motion to approve the minutes of July 20, 2023 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, abstained; Joanne Ward, aye; Jessie Panek, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

**Approve Invoice**

There was no invoice for approval this evening.

**ZBA Request for Comments – Village at Robin Lane (corner of Ayer & Old Mill Road)**

Liz Allard is working on a draft response to the requested exemptions to the Wetland Protection Bylaw, with the intention of having the draft available for the next meeting. Don Ritchie questioned Ms. Allard previous recommendation to allow a portion of the fees under the WPB be exempt; he felt this could be further discussed at the next meeting.

**Update on Enforcement Order – 320 Ayer Road**

As previously reported the representative for Chestnut Tree & Landscape anticipates being prepared to present their findings to the Commission at the August 17, 2023 meeting.

**Pine Hill Village Status Update**

Don Ritchie stated he reviewed the site yesterday where a survey crew was working to layout the roadway.

**Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02**

Liz Allard stated the well has been installed and the perimeter drain was being installed and backfilled today. This drain will daylight on the pond side of the property, with rip rap at the outflow to ensure any water that may drain will not cause erosion toward the pond. There are five additional items to be completed within Phase 1 of this project, ending with the commencement of framing. Phase 2 of this project is the framing of the dwelling. The site itself is in compliance with the Order of Conditions.

**Adjournment**

Eve Wittenberg made a motion to adjourn the meeting at 7:58pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated August 3, 2023

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Bare Hill Pond Watershed Management Committee, Harvard#0523-03**  
**August 3, 2023**

The public hearing was opened at 7:42pm 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 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

**Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, and Jessie Panek

**Others Present:** Liz Allard (Conservation Agent)

This hearing was continued from July 20, 2023 for a Notice of Intent filed by Bare Hill Pond watershed Management Committee for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake & Pond General Environmental Impact Report to control phosphorus and invasive plant species.

With still no Department of Environmental Protection File Number, Jaye Waldron made a motion to continue the hearing to August 17 2023 at 7:30pm. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent