

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MAY 2, 2019  
APPROVED: JUNE 27, 2019**

Chair Don Ritchie called the meeting to order at 7:01pm in the Town Hall, 13 Ayer Road, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Paul Willard, Jaye Waldron, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (LUB Admin), Scott Hayward, Adam Meier, Jim Lee (HCT), Tom MacMullin, Bill & Laura Johnson and Dan Daley

**Request to use Ruben Reed Land for Farmer's Market**

Scott Hayward was present to discuss the potential of establishing a farmers market across the street from the General Store on the no name road (aka Cemetery Road), which is part of the Ruben Reed conservation land. Mr. Hayward stated Town Center is a good place for a farmer's market and this location would not interfere with other events happening on the Town Common. Mr. Hayward is seeking to make participation free to local farmers and does not want to compete with local farm stands. Day and time needs to be determined based on what others are doing in the region. Paul Willard stated he has no issue with the use of the roadway, along with a portion of the land with the existing pine tree; he would however have an issue with using the land south of the roadway. Members briefly reviewed the allowed location and use with Mr. Hayward, who will also need permission from the Select Board to close the roadway for this use. Paul Willard made a motion to approve the use of the no name road on the Ruben Reed land for a farmer's market, with there to be no activities south of the roadway. Jim Burns seconded the motion. The vote was unanimously in favor of the motion. A formal agreement will be drafted once Mr. Hayward receives other approvals as necessary.

**Approve Minutes**

Jaye Waldron made a motion to approve the minutes of March 21, 2019. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

**Approve Invoice**

Jim Burns made a motion to approve the following invoice:

- MACC - \$60.00

Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

**Approve Refund**

Paul Willard made a motion to approve the following refund:

- Transformations, Inc. \$259.13

Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

**Preparation for Annual Town Meeting**

Jim Lee, of the Harvard Conservation Trust (HCT), was present to finalize details for the annual town meeting at which funding for the Capobianco land is on the warrant. A table with information will be set up outside of the gymnasium and manned by members of HCT and Don Ritchie. Mr. Ritchie will speak on both articles on behalf of the Commission if necessary.

**Update from Municipal Vulnerability Preparedness (MVP) Community Resilience Building Workshop #2**

Wendy Sisson and Jaye Waldron attended the final workshop for the MVP grant. Ms. Waldron stated the main theme was communication. Ms. Waldron noted funding for maintaining and preserving conservation may be available through the MVP grant process. A listening session on the final report has been scheduled for May 30<sup>th</sup> at 6:00pm in the Town Hall.

**Request for Determination of Applicability Hearing – William and Laura Johnson, 72 Warren Avenue, Harvard#0419-03.** Opened at 7:32pm

**Select Board Annual Appointments – Wendy Sisson and Don Ritchie**

Don Ritchie was reminded that his volunteer form needs to be updated and submitted to the Select Board.

**Request to locate Telecommunications Facility on Conservation Land – Boca along Old Shirley Road**

Don Ritchie and Paul Willard reviewed the site to determine the ability to locate a cell tower on the property. Both agreed there is suitable area; but would like other members of the Commission to review the site as well; an existing tree has been marked in the location where they believe the tower could be located.

**Open Space Committee documentation for Select Board Strategic Planning Session**

Don Ritchie continues to work with Peter Dorward on this item.

**Executive Session**

This item was not necessary this evening.

**Adjournment**

Jaye Waldron made a motion to adjourn the meeting at 8:39pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

**Conservation Commission Agenda, dated May 2, 2019**

***DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING MAY 2, 2019***  
**prepared by Liz Allard**

**MACC Invoice#3000011356, dated 1/30/2019**

**Request for Determination of Applicability Hearing – William and Laura Johnson, 72 Warren Avenue, Harvard#0419-03**

- Town of Harvard RDA Hearing – May 2, 2019, William and Laura Johnson, 72 Warren Avenue, includes key points, 10 8½x11 photos of the site, Risk Management Required by all insured and the Town of Harvard Conservation Commission Policy for Cutting Trees in a Resource Area (Wetland) or Buffer Zone

**Harvard Conservation Commission**  
**Request for Determination of Applicability Hearing**  
**William and Laura Johnson, 72 Warren Avenue, Harvard#0419-03**  
**May 2, 2019**

The public hearing was opened at 7:32pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall Meeting Room, 13 Ayer Road, Harvard

**Members Present:** Don Ritchie, Paul Willard, Jaye Waldron, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (LUB Admin), Bill & Laura Johnson, Tom MacMullin and Dan Daley

This hearing is for a Request for Determination of Applicability filed on behalf of William and Laura Johnson for the removal of trees with a replanting plan within 200' of Bare Hill Pond at 72 Warren Avenue, Harvard.

As an abutter Jaye Waldron recused herself from this hearing.

Bill Johnson stated this request is essentially his emergency preparedness plan, as he has already had a few trees come down causing damage to structures on the property. As this is an issue around personal liability and insurability, Mr. Johnson requested he be allowed to record this hearing. There was no objection to this request. Mr. Johnson explained the application is for the removal of 15 trees that are of efficient size and mass to threaten habitual used areas. Mr. Johnson wanted to make it clear that his intent is not to create a view of Bare Hill Pond; he and Laura actually enjoy the privacy they currently have due to the existing vegetation. Mr. Johnson detailed the photos submitted this evening. Mr. Johnson stated a lot of trees have come down on the property over the years, including two over the past three months. Mr. Johnson plans to replace the plantings that will be removed with species that have a larger canopy. Mr. Johnson stated the cost of replacing structures will be increasingly burdensome and that this is a liability they are not comfortable with, nor should the Town be comfortable with the potential liability. Mr. Johnson believes cutting the trees will improve the quality of the area by increasing habitat with the replacement plantings as opposed to the trees with the canopy so high off the ground as the existing trees currently offer.

Paul Willard asked what percent of the existing canopy would be removed. Mr. Johnson stated the area in question is about 2000 square feet and contains some hemlocks; the total removed would be about 15% of the total land area. A block and tackle method will be used to remove the trees. Mark Shaw, who attended the recent site walk along with Don Ritchie and Liz Allard, stated the area is mostly hemlocks with typical die back going on. Mr. Shaw noted there are one or two other varieties in the area as well.

Jim Burns thinks this is an upcoming issue allover Town and if the Commission is going to allow for the trees to be removed and replanted it needs to be documented and conditioned properly. Don Ritchie stated in his opinion some of the trees are a threat to the structures, while others are not. The Commission asked for a replanting plan and a photo of the area to be taken from the pond to provide as a baseline of the property before cutting. A photo after cutting will be required as part of the decision. Paul Willard and Jim Burns both would like to review the site as well to have a better understanding of the request.

Jim Burns made a motion to continue the hearing to June 27, 2019 at 7:30pm in the Town Hall Meeting Room. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,  
Liz Allard Land Use Administrator/Conservation Agent