

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JUNE 27, 2019  
APPROVED: AUGUST 1, 2019**

Chair Don Ritchie called the meeting to order at 7:03pm 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), Theodore Maxant, David Outman (Harvard Conservation Trust), André & Julia Wu, Marty Green (Harvard Press), Carla Page & Peter Cricones (Pine Hill Village), Bill & Laura Johnson, Ben Urquhart (Deer Management Subcommittee), Jason Cole (Deer Management Subcommittee) and Bob Douglas (Deer Management Subcommittee)

**Discussion Conservation Restriction with Theodore Maxant**

Theodore Maxant was present to discuss a conservation restriction (CR) he will be placing on the property he owns with his sister on the Ayer/Harvard Town line. The existing lot which is 18.7 acres will be divided into two lots; Lot 1 with 6.5 acres and Lot 2 with 12.2 acres. Lot 1 will have the CR and Lot 2 will be purchased by an abutter. David Outman explained why Harvard Conservation Trust (HCT) has declined to accept the CR; although the site is a gateway property to Town, is rich in agricultural soils and habitat value, HCT is focused on projects that build on connectivity; HCT sees this a good project, but it does not fit into their goals.

The Commission stated interest in being the grantee of the Conservation Restriction, but would like to seek input from the Land Stewardship Subcommittee.

**Request to Extend the Order of Conditions, 90 Warren Avenue, DEP#177-647**

After a brief conversation with the new owners of 90 Warren Ave, André & Julia Wu, Jim Burns made a motion to extend the Order of Conditions, DEP#177-647 for three-years. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

**Executive Session**

Paul Willard made a motion to go into Executive Session with members of the Harvard Conservation Trust to discuss the possible purchase of real property, the public discussion of this could have detrimental effects on the negotiating position, only to return to the public meeting once completed. Jaye Waldron seconded the motion. A roll call vote was taken: Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

At 7:31pm Jim Burns made a motion to exit executive session and return to the public meeting. Paul Willard seconded the motion. A roll call vote was taken: Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

**Approve Minutes**

Jim Burns made a motion to approve the minutes of May 2, 2019 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**Deer Management Subcommittee (DMS) Update**

Bob Douglas, chair of the DMS, was present to request an additional public presentation with Dr. Allen Rutberg, PhD, Professor, with the Department of Biomedical Sciences at Tufts University on July 11<sup>th</sup>. The Commission was acceptable to this request. The DMS is hoping to be ready to present its findings to the Commission at its August 15<sup>th</sup> meeting.

**Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Slough Road, DEP#177-673, Harvard#1018-03.** Opened at 7:32pm

**Continuation of a Request for Determination of Applicability Hearing – William and Laura Johnson, 72 Warren Avenue, Harvard#0419-03.** Opened at 7:37pm

**Update Pine Hill Village – Site Monitoring Proposals & Recent Activity**

An enforcement order was issued in Tuesday June 25<sup>th</sup> as conditions within the Order of Conditions were not adhered to as it pertains to site clearing. Notification prior to activity and on-sight monitoring of the clearing was not completed by the applicant. The Commission discussed with Peter Cricones the need to reinstall all of the wetland flags on the property and the planned phasing as where Phase 1 will be cut and stumped, phase 2 will just be cut. The Commission allowed for the clearing to re-start on Monday July 1<sup>st</sup>. Don Ritchie and Paul Willard will coordinate with each other for the monitoring of the clearing.

**Approve Invoice**

Jaye Waldron made a motion to approve the invoice in the amount of \$882.00 for MACC annual membership. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

**Request to Mow Invasive Plants at Fruitlands**

After a brief discussion Jim Burns made a motion to allow Fruitlands to mow invasive plant species within the 100' wetland buffer zone without the need to file an application. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

**Forest Cutting Plan – 247 Littleton County Road**

The Commission has no comments in regards to this plan.

**ZBA Request for Comments**

- 34 Peninsula Road – The Order Conditions is valid until July 10, 2020.
- 7 Armstrong Road - no comments

**Revision to Endicott Site Plan – 44 Littleton County Road, DEP#177-677**

Liz Allard stated she had received a request from Neil Gorman at Ross Associates in regards to additional features on the property that include landscaping between the proposed retaining walls and along the 3:1 slope below the leaching system, the rebuilding of the pool enclosure, additional fencing for the dogs, and dry-laid granite steps. Paul Willard made a motion to accept revisions to the landscape plan as *De Minimus* and accept the revised plan entitled "Proposed Landscape Plan", dated June 3, 2019. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

**Adjournment**

Paul Willard made a motion to adjourn the meeting at 8:52pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing  
Harvard Department of Public Works,  
Slough Road, DEP#177-673, Harvard#1018-03  
June 27, 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  
(Associate Member)

**Others Present:** Liz Allard (LUB Admin)

This hearing was continued from June 6, 2019 for a Notice of Intent filed on behalf of Harvard Department of Public Works for the replacement of an existing culvert with concrete headwall and hooded catch basin within 100' of a wetland resource area between 88 and 118 Slough Road, Harvard.

With final plans received from GPR, Inc. Jim Burns made a motion to close the hearing and issue an Order of Conditions that includes the special condition that the Best management Practices log shall be submitted to the Commission no later than December 31<sup>st</sup> of each year. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission**  
**Request for Determination of Applicability Hearing**  
**William and Laura Johnson, 72 Warren Avenue, Harvard#0419-03**  
**June 27, 2019**

The public hearing was opened at 7:37pm 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

This hearing was continued from May 2, 2019 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.

Permission was given to Bill Johnson to record the hearing.

Don Ritchie reminded the members that Town Counsel stated the Commission would not be liable if trees fell on Johnson's personal property regardless of their decision.

Mr. Johnson detailed the newly submitted photos the Commission had requested at the last hearing. The plantings chosen are evergreens that are deer and shade tolerant. Mr. Johnson stated he focused on shrubs as the root system spread out more broadly, grow to 6-8 feet in height and vegetation will spread out. The request for the number of trees to be removed has not changed and is still 11 -13 trees. Don Ritchie feels the trees leaning toward the pond are not posing any threat.

Jaye Waldron asked why these trees in particular. Mr. Johnson stated he has done the culling around the house and the barn, with the exception of two trees; if any other remaining tree falls it would not cause significant damage.

Paul Willard made a motion to close the hearing and issue a Negative#3 Determination with the following conditions:

- 1) The Commission shall be notified of the work prior to the removal of the trees;
- 2) Photos of the area shall submitted to the Commission once the work is complete; and
- 3) Photos of the area shall be submitted to the Commission two years after the work is complete

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 June 27, 2019**

#### **Discussion Conservation Restriction with Theodore Maxant**

- Lot Layout Plan, Ayer Road, Harvard Massachusetts, prepared for Theodore Maxant, Job No. 5871, prepared by Ducharme & Dillis, dated Oct. 10, 2018
- DEED OF CONSERVATION RESTRICTION to Town of Harvard GRANTOR: Theodore W. Maxant and Valerie I. Delker, Trustees of the Zero Ayer Road Trust  
ADDRESS OF PREMISES: Parcel A of Plan recorded at Plan Book 944, Page 7  
GRANTOR'S TITLE SEE: Worcester Registry of Deeds, Book 40180 Page 230

#### **Approve Minutes**

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

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

- Photo of area to be replanted at 72 Warren Ave, undated
- Photo from Bare Hill Pond of 72 Warren Ave, pre-activity, undated

#### **Approve Invoice**

- Invoice#300001356 from MACC dated 1/30/19

#### **Forest Cutting Plan – 247 Littleton County Road**

- Forest Cutting Plan, Notice of Intent under M.G.L. Chapter 132, Land Owner Keith Turner and Mary Vesenska Turner, 6/21/19

#### **Revision to Endicott Site Plan – 44 Littleton County Road, DEP#177-677**

- Potter- Cuttell Residence, 44 Littleton County Road, Harvard, MA 01451 Proposed Landscape Plan, prepared by Matthew Cunningham Landscape Design, dated June 3, 2019