

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 19, 2019
APPROVED: DECEMBER 5, 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate member)

Others Present: Liz Allard (Land Use Board Administrative Assistant/Conservation Agent), Stu Sklar, Brian Sundeen, Eve Wittenberg, Desiree Ball, Christiane Obesli, Julia Radford, Marty Green (Harvard Press), Jim Lee, Jason Cole, Jeff Guo, Neil Gorman (Ross Associates), Jack Maloney (Ducharme & Dillis), John Boynton, Mary Ann Boynton, Marisa & Pradeep Khurana,

Harvard Conservation Trust Request for use of Prospect Hill Management Area for the Run for the Hills Event

Jim Lee, a member of the Harvard Conservation Trust, was present to request approval for the use of conservation land for the annual "Run for the Hills" trail run on October 20th at 10am at Community Harvest Project on Prospect Hill Road. The trail route is the same as last year and includes portions of Dean's Hill. Paul Willard made a motion to allow Harvard Conservation Trust to use Dean's Hill for the annual "Run for the Hills" event on October 20, 2019. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Discuss Recommendations from Deer Management Subcommittee

Don Ritchie stated there is additional information that will need to be provided before the Conservation Commission (ConCom) can make a final decision, including determining if the Massachusetts Acts of 2008 in fact requires all lands purchased with Federal or State funding allow for hunting automatically. Mark Shaw stated with such a large amount of open space in Harvard allowing hunting is not a bad thing; he does however believe the allowance of limited hunting will not solve the problems, but will provide a recreational activity. Derek Beard stated if you take a look back at some of these properties they were most likely historically hunted. Jim Burns said of recent he has been looking a bit more carefully at the relative stresses of the forest; all along he has felt neutral about the matter; he is looking forward to being provide more information; the Deer Management Subcommittee (DMS) did what they were asked to do.

Wendy Sisson has been looking at this seriously for 10 years and has seen an increase in deer populations; there has been less hunting over that time due to more houses and fewer tracks of private land; the preservation of open space causes less pressure on the deer populations; currently there is a moderate impact in Harvard that is on an increasing trend; we are responsible for the effects we have been having; now is an opportunity to reduce those effects with limited controlled hunts; ConCom is looking at recently obtained lands that have no trails and were historically hunted; this will have less impact on people using the land for other recreational purposes; the issues of safety will need to be worked out; if we do nothing it will get to the point of having to make a more radical response; she would be opposed to opening all land to all types of hunting; there a number of other issues that are effecting our forest that the ConCom needs to focus on as well; through monitoring, assessment and collecting data about the forest we can determine the deer population in Harvard; Lyme disease was not the reason DMS was engaged. Paul Willard agrees with almost everything Wendy Sisson had to say; in response to the report presented by the DMS he would have liked to see fewer sites recommended with bigger tracks of land to keep hunters away from any heavily traveled trail.

Ms. Sisson thinks if this is not approved this year that it will lose traction and die. Mr. Ritchie stated the DMS has done a lot of great work, but not sure there is sufficient time this year to

implement the program. Joanne Ward is inclined to agree with what Mr. Burns had to say this evening.

About half a dozen residents in attendance voiced their concern with safety issues, equal opportunity for the citizens to make the decision, further regulating hunting in Town by changing the dates hunting is allowed, and the potential for a town meeting vote that would not allow for hunting on town-owned land. Brief responses were made by members of the ConCom to these concerns.

Wendy Sisson made a motion to accept the recommendations of the Deer Management Subcommittee to allow controlled hunting on conservation land with further assessment, monitoring and agreed implementation over the next year for the 2020 hunting season. Paul Willard seconded. The vote was 4-0, with Jim Burns and Joanne Ward abstaining from the vote.

Continuation of a Notice of Intent Hearing – IRA Financial Trust Co., Lot 1 Pinnacle Road (Map 13 Parcel 28.1), DEP#177-681 Harvard#019-01. Opened at 7:46pm

Continuation of a Notice of Intent Hearing – IRA Financial Trust Co., Lot 5 Littleton Road (Map 13 Parcel 28.5), DEP#177-680 Harvard#019-02. Opened at 8:00pm

Request for Determination of Applicability Hearing – Russell Berger & Phoebe Heffron, 75 Westcott Road, Harvard#0819-02. Opened at 8:05pm

Request for Determination of Applicability Hearing – John Boynton, 12 Peninsula Road, Harvard#0919-01. Opened at 8:15pm

Discuss Maintenance at Thurston's Cove with Pradeep Khurana of 110 Warren Avenue
Pradeep Khurana provided the Commission with a breakdown of the three estimates received for the maintenance of the driveway. Two of the estimates detail a cost for the shared portion of the driveway and for maintenance of the portion of the driveway on the property of 110 Warren Avenue. The third estimate was one lump sum amount. Additionally, snow removal invoices for the winter of 2019 totaled \$530 (\$75/plow). Wendy Sisson noted the Commission does not plow any of the conservation lands, therefore the snow plowing should not be included.

Members requested Liz Allard confirm with the Director of the Department Public Works as to his opinion on the type of material detailed on the estimates. Mr. Khurana stated he is seeking to get the work completed this season.

Approve Minutes

Jim Burns made a motion to approve the minutes of August 1, 2019 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

ZBA Request for Comments – 1 Still River Road

No comments

Maxant Conservation Restriction – Ayer Road

Minor edits were made to the restriction by the members. These edits will be provided to the Attorney representing the grantor.

Planning Board Request for Comments – Proposed Bylaw Chapter 125-58 Rural Life Preservation Special Permit

Members were asked to provide any comments to Liz Allard by Monday for the Planning Board meeting that evening.

Update Pine Hill Village

The following information was provided to the developer after the September 11th meeting of the Zoning Board of Appeals:

- A performance bond as detailed under condition 3.23 - 3.26 in the Comprehensive Permit will be governed by MGL Chapter 41 Section 81U(1); the amount of the bond will be provided to you within the next week
- The Comprehensive Permit was extended to December 31, 2020 under Condition 3.35
- A deposit in the sum of \$24,800 (half of the quoted fee of \$49,600) is to be paid toward the first year of site monitoring; two additional payments in the amount of \$12,400 will be required at a later date.
- The ZBA acknowledges all items within their letter dated July 10, 2019 have been met
- NO ACTIVITY IS TO TAKE PLACE ON THE SITE UNTIL THE PERFORMANCE BOND IS ESTABLISHED AND THE DEPOSIT FOR MONITORING IS RECEIVED

Accepting Precipitation Frequency Statistics prepared by the Northeast Regional Climate Center at Cornell University

Next time

Request to allow Public Water Supply Well Radius on Dunlap Conservation Land

After a brief update on the matter, Wendy Sisson made a motion to submit a warrant article to the Select Board for the Special Town Meeting that would allow for an easement on the Dunlap land along Old Littleton Road as detailed on the plan title Exhibit D – Public Water Supply Zone 1 Area in Harvard, MA, prepared by GPR, Inc., JOB 1010008, dated Aug 2019. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Joanne Ward made a motion to adjourn the meeting at 9:56pm. Mark Shaw 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 Minutes
IRA Financial Trust Co., Lot 1 Pinnacle Road (Map 13 Parcel 28.1)
DEP#177-681, Harvard#0719-01
September 19, 2019**

The public hearing was opened at 7:46pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin), Jeff Guo and Neil Gorman (Ross Associates, Inc.)

This hearing was continued from August 15, 2019 for a Notice of Intent filed on behalf of IRA Financial Trust Co. for the construction of a single-family dwelling, driveway, private well and sewage disposal system within 100' of a wetland resource area on Lot 1 Pinnacle Road (Map 13 Parcel 28.1), Harvard.

Neil Gorman, of Ross Associates, Inc., explained why the property line of Parcel B can not be straightened out to accommodate the request of the Commission, which would have provided better access around the existing pond and reduce encroachment by users of Parcel B onto Lot 5. Those factors include, but are not limited to the setbacks to the wetland buffer zone and the setback from the center line of the right-of-way. In addition, the costs associated with reconfiguring property lines, including the re-endorsement of a plan by the Planning Board and the recording of said plan at the registry of deeds, are a factor.

Paul Willard's opinion is that everyone knows about the 75' setback from a wetland resource area, so there should be no question about whether or not the Commission would allow a structure within 75' of the wetland. After a review of the current layout of the proposed structure, the Commission requested the house be shifted to be outside the 75' buffer zone, with only the proposed deck and roof drains within the 75' buffer zone.

In regards to the conveyance of Parcel B as open space, the letter can not be accepted as it is currently drafted and should only state what is being conveyed.

With revisions necessary to the site plan and letter, Mr. Gorman agreed to a continuance. Jim Burns made a motion to continue the hearing to October 3, 2019 in the Town Hall, 13 Ayer Road, at 7:45pm. 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
Continuation of a Notice of Intent Hearing Minutes
IRA Financial Trust Co., Lot 5 Littleton Road (Map 13 Parcel 28.5)
DEP#177-680, Harvard#0719-02
September 19, 2019**

The public hearing was opened at 8:00pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

Others Present: Liz Allard (LUB Admin), Jeff Guo and Neil Gorman (Ross Associates, Inc.)

This hearing was continued from August 15, 2019 for a Notice of Intent filed on behalf of IRA Financial Trust Co. for the construction of a single-family dwelling, driveway, private well and sewage disposal system within 100' of a wetland resource area and 200' of a pond on Lot 5 Littleton Road (Map 13 Parcel 28.5), Harvard.

With no outstanding issues on this lot, Neil Gorman, of Ross Associates, Inc., requested the hearing being closed and the Commission issue an Order of Conditions. Jaye Waldron made a motion to close the hearing and issue a standard Order of Conditions with the special condition of placing protected wetland resource markers along the 50' wetland buffer zone line. Joanne Ward 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 Minutes
Russell Berger & Phoebe Heffron, 75 Westcott Road, Harvard#0819-02
September 19, 2019**

The public hearing was opened at 8:05pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin) and Jack Maloney (Ducharme & Dillis Civil Design Group)

This hearing is for a Request for Determination of Applicability filed on behalf of Russell Berger and Phoebe Heffron for the installation of a sewage disposal system within the 100' wetland buffer zone and 200' riverfront area at 75 Westcott Road, Harvard.

Jack Maloney, of Ducharme & Dillis Civil Design Group, explained the site, the existing conditions and the proposed plan to remove and replace the existing failing septic system within the same general area. The proposed plan requires fill and grading only within the 100' buffer zone, therefore that is why Mr. Maloney submitted a Request for Determination of Applicability. Several members of the Commission viewed the site earlier in the week and agree with Mr. Maloney.

Jim Burns made a motion to close the hearing and issue a Negative #3 Determination of Applicability, with the condition that the siltation barrier is inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity. 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
Request for Determination of Applicability Hearing Minutes
John Boynton, 12 Peninsula Road, Harvard#0919-01
September 19, 2019**

The public hearing was opened at 8:15pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin), John and Mary Ann Boynton

This hearing is for a Request for Determination of Applicability filed on behalf of John Boynton for the repaving of an existing driveway within the 100' wetland buffer zone at 12 Peninsula Road, Harvard.

John Boynton explained he was seeking to pave the existing dirt driveway at his home at 12 Peninsula Road. There is no intention to increase the existing footprint of the driveway. After the briefest of discussion, Joanne Ward made a motion to issue a Negative #2 Determination of Applicability. 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 September 19, 2019

Continuation of a Notice of Intent Hearing – IRA Financial Trust Co., Lot 1 Pinnacle Road (Map 13 Parcel 28.1), DEP#177-681 Harvard#019-01

- Sewage Disposal System, IRA Financial Trust Co., Pinnacle Road, Harvard, MA, Job No. 32825, prepared by Ross Associates, Inc., dated 6/21/19

Continuation of a Notice of Intent Hearing – IRA Financial Trust Co., Lot 5 Littleton Road (Map 13 Parcel 28.5), DEP#177-680 Harvard#019-02

- Sewage Disposal System, IRA Financial Trust Co., Littleton Road, Harvard, MA, Job No. 32825, prepared by Ross Associates, Inc., dated July, 2019

Request for Determination of Applicability Hearing – Russell Berger & Phoebe Heffron, 75 Westcott Road, Harvard#0819-02

- Sewage Disposal System Design, 75 Westcott Road (M: 28, PCL: 6.0), Harvard, Massachusetts, Job No. 6186, prepared by Ducharme & Dillis Civil Design Group, dated 9/17/19

Discuss Maintenance at Thurston's Cove with Pradeep Khurana of 110 Warren Avenue

- Lazaro Paving Corp proposal, Driveway Grading and Compaction, 110 Warren Avenue, dated 8/24/2019
- Nashoba Paving Co. proposal, No. 0823188SEVA, Common & 110 Warren Avenue, Harvard, MA, dated July 23, 2019
- J.R. Grady & Sons, Inc. proposal, No. 2018-2147, dated 8/27/2018
- Letter to the Conservation Commission, from Marisa & Pradeep Khurana, Re: Thurston's Cove Road Maintenance Costs, dated 19 September 2019

DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, August 1, 2019, prepared by Liz Allard

Maxant Conservation Restriction – Ayer Road

- Deed of Conservation Restriction to Town of Harvard, Grantor Theodore W. Maxant and Valerie I. Delker, Trustees of Zero Ayer Road Trust, Grantee: Town of Harvard, Address of Premises: o Ayer Road, Harvard, MA, Grantor's Title See: Worcester Registry of Deeds, Book 40180 Page 230, undated