

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 20, 2020
APPROVED: MAY 21, 2020**

Chair Don Ritchie called the meeting to order at 7:06pm in the Town Hall, 13 Ayer Road, Harvard 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 and Derek Beard (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Audrey Ball, Orville Dodson, Attorney Mark Scheier, Steve Morris, David Outman (Harvard Conservation Trust, Director), John Lee (Harvard Conservation Trust), Tom Cotton (Harvard Conservation Trust, President), Bob Douglas (Deer Management Subcommittee, Chair), Jason Cole (Deer Management Subcommittee) and Dan Daley

Executive Session

Don Ritchie 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. Wendy Sisson seconded the motion. A roll call vote was taken: Paul Willard, aye; Jaye Waldron, aye; Wendy Sisson, aye; and Don Ritchie, aye.

At 7:51pm Wendy Sisson made a motion to exit executive session and return to the public meeting. Jaye Waldron seconded the motion. A roll call vote was taken: Paul Willard, aye; Jaye Waldron, aye; Wendy Sisson, aye; and Don Ritchie, aye

Deer Management Subcommittee – Pellet Study Request

Members of the Commission discussed the proposed date for pellet training and concluded March 20th would be the best date for those interested in receiving this training. The Deer Management Subcommittee is meeting next week to work out all of the details of the training sessions. Training will be an all-day event starting with in-house training followed by in-the-field training.

Bob Douglas requested an allocation of funds in the amount of \$500.00 for trail cameras to be used as part of the monitoring program. Wendy Sisson made a motion allocating the expenditure of funds in the amount of \$500 for the purchase of trail cameras for the Deer Management monitoring program. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

National Grid Removal of line from Cobb Land #2

Attorney Mark Scheier, representing Audrey Ball and Orville Dodson, presented deeds detailing the presence of an easement across the Cobb land for the benefit of electric service through lines and poles since at least 1950. The lines and poles have been in continuous use for electrical service since that time. The lines and poles are now in disrepair making it necessary for National Grid to replace them. The replacement of the lines and poles will require the clearing of trees on the Cobb land.

Members agreed the language of the easement should be better clarified. The Commission requested information in regards to the actual clearing that will be required. The Commission will provide Town Counsel with the information provide by Attorney Scheier this evening for his opinion on the matter.

Update on Ann Lees Playing Field

Liz Allard met with the School Superintendent, Linda Dwight, Department of Public Works Director, Tim Kilhart, Town Administrator, Tim Bragan and chair of the Park & Recreation Commission, Doug Thorton, this morning in regards to proposed improvements at the Ann Lees playing field. Dr. Dwight will be filling a Request for Determination of Applicability for the improvements within the wetland buffer zones on the site.

Part of the improvements includes the clearing of vegetation along the first base line. Although outside the wetland buffer zone this area is on conservation land and therefore needs the permission of the Commission to be cleared. Liz Allard detailed the limits of the requested clearing. Wendy Sisson made a motion to allow for the clearing of vegetation on the slope behind the first base line as detailed. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Dan Daley advised the Commission to look closely at the application when it is submitted, as the proposed improvements may not be meeting the requirements for an official playing field. In addition, the Commission was urged to review the report put together by the Athletic Field Planning Subcommittee, which rated this field as poor.

Discuss Proposed Revisions to Chapter 147 Wetland Protection Rules

The Commission discussed the ability for the Commission or its Agent to issue fines under M.G.L. Chapter 40 Section 21D. This noncriminal disposition of ordinance, bylaw, rule or regulation violation currently exists with the Wetland Protection Bylaw, Chapter 119-11G. Ms. Allard has gathered information from a local community including a schedule of fines. The Commission was agreeable to moving forward with the process required to allow for fines to be issued at the local level. Ms. Allard will determine if language within the regulations is necessary.

Don Ritchie explained the proposed revisions to the rules in regards to stormwater requirements. Wendy Sisson requested confirmation of the use of NOAA Atlas 14 for rainfall data. Additional revisions included updating priority and estimated habitat areas references, an increase in the number of wells on the public system, updating the address of the Department of Environmental Protection (DEP) Central Regional office, addition of the method of delivery of an application to DEP, adjusting the submittal time for an application, removal of the requirement to pay to have the public hearing advertised on the Town website, change Board of Selectmen to Select Board, removal of the chemical free zone under setbacks, change "erosion control barrier" to "siltation barrier", revise color scheme on plans, change Building Inspector to Building Commissioner, add "up to three years" on an extension, and add authorization to issue an enforcement order by the Agent. The cost to purchase a copy will be determined once the document is finalized as this price is based on the number of pages.

Members had been provided a marked-up version of the proposed revisions and asked to review it for any additional revisions and or comments on those revision made as stated above.

Final Residential & Commercial Permitting Guide

Members were asked to review and provide any feedback on the recently completed Permitting Guide. Time is still available to do so, but should be completed by the end of March.

Land Stewardship Subcommittee 2020 Reappointments

Wendy Sisson made a motion to re-appoint Pam Durrant and Brian McClain, each to a three year term, to the Land Stewardship Subcommittee. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Allocation of Funding for Land Stewardship Subcommittee

Wendy Sisson made a motion to allocate \$375.00 for trail blazes. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Approve Minutes

Jaye Waldron made a motion to approve the minutes of February 5, 2020 as amended. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Planning Board Request for Comments – 264 Ayer Road

The Commission had no comments in regards to this application.

Potential Wetland Violation – 92 South Shaker Road – Reschedule Site Walk

A site walk was scheduled for February 25, 2020 at 11:00am.

Discuss Fees for the use of the Haskell Land for Livestock

After a brief discussion Paul Willard made a motion to set the license fee for the Haskell land at \$400 annually. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Update on Fiscal Year 2021 Community Preservation Act Funding Requests

Members reviewed the recommendation by the Community Preservation Committee in regards to the two requests for funding made by the Conservation Commission for fiscal year 2021. Community Harvest will be receiving more funding than anticipated from the State for the Agricultural Preservation Restriction. The Commission discussed the ability to provide funding toward the preservation of the Community Harvest land along Prospect Hill Road.

Update Pine Hill Village

Don Ritchie stated the base of the roadway within the development is has been completed up to station 300. Mr. Ritchie noted a large outcropping of ledge within the location of the constructed wetland basin and requested Liz Allard discuss this with the developers engineer to determine the solution, whether it be to hammer out the ledge or increase the size of the area of the basin.

After recent reports from the neighboring residents of this project Ms. Allard has been working with the chair of the Zoning Board of Appeals (ZBA) and the Building Commissioner on recent violations of the Comprehensive Permit in regards to the hours of operation. On three different occasions, including most recently President's Day, condition 3.9 of the comprehensive permit has been violated. The chair of the ZBA had requested a letter be sent to the developer detailing the violation and providing a warning that violations of the comprehensive permit would not be tolerated.

After a discussion on this matter the members agreed a more stringent approach should be taken to show not only to the developer that Harvard is not going to tolerate violations of the permits issued for this project, but also show the neighboring residents that Harvard officials are on top of enforcing any violations that may occur at this project site. Ms. Allard will be in touch with the chair of the ZBA on Monday to ask that a Stop Work Order be issued until such time that the developer can meet with the ZBA to explain why these violations have occurred and how he intends to resolve them. Don Ritchie will also contact the chair of the ZBA over the weekend to further discuss.

Revised Driveway Easement for 98 Shaker Road

Wendy Sisson detailed her proposed land swap between 98 and 100 Shaker Road that may make this process simpler for all involved and provide for additional land area of the existing field to be part of the existing conservation land. Details of this swap need to be further defined before presenting to the property owner at 98 Shaker Road.

Adjournment

Wendy Sisson made a motion to adjourn the meeting at 9:52pm. Jaye Waldron 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 February 20, 2020
- Memorandum to the Conservation Commission of the Town of Harvard, prepared by Mark L. Scheier, Esq., including Exhibits 1 -8, undated
- Chapter 147 Wetland Protection Bylaw Rules revisions, undated
- Chapter 119 Wetland Protection, §119-11. Enforcement, dated May 4, 2019
- Town of Framingham, Conservation and Open Space, Conservation Commission, Fine Structure, undated
- Framingham Wetland Protection Bylaw, 18.11 Enforcement, undated
- Town of Framingham, DPW- Conservation & Open Space, Clerk – Magistrate sample, undated
- Example Ticket from the Town of Framingham – Notice of Violation- Town By-Law, Dept of Conservation
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, February 5, 2020, prepared by Liz Allard