

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 16, 2020  
APPROVED: AUGUST 20, 2020**

Chair Don Ritchie called the meeting to order at 7:08pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward and Jim Burns

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Neil Gorman (Ross Associates, Inc.), Andre Wu, Tom Cotton (Deer Management Subcommittee), Jason Cole (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Marissa Khurana, Art Allen (EcoTech), and Dan and Melissa Tracey

**Informal Discussion for Redesign of 90 Warren Ave, DEP#177-647**

Neil Gorman, of Ross Associates, Inc., and Andre Wu, were present to informally discuss some minor changes to the design at 90 Warren Avenue. The Wu's are interested in a different house layout than that of the previous owners and want to know if these changes require a new Notice of Intent or the amendment of the existing Order of Conditions. Mr. Gorman detailed the proposed changes, which include a more traditional shape of the main house with an attached garage (there was no garage proposed previously), minor revisions to the layout of the driveway near the proposed garage, and minor grade changes near the house and garage. The house is generally in the same location and is still offset from the wetlands by 52'. In addition, Mr. Gorman noted the proposed changes are within the previously approved limit of disturbance and roof-drip recharge trenches will be incorporated into the final plan.

After a brief discuss, the members agreed the Order of Conditions can be amended as opposed to filing a new Notice of Intent.

**Deer Management Subcommittee – Confirmation of Lands Approved for Bow Hunting**

The Commission discussed with members of the Deer Management Subcommittee (DMS) the recommended conservation lands for bow hunting this fall. These lands were chosen due to low use of their trails and they include remote areas away from trails. Although dwelling setbacks have been taken into consideration, setbacks to roadways need to be confirmed. The discussion lead its way into the number of hunters the DMS is seeking to qualify for this year's hunting season. DMS is recommending thirty hunters be qualified for the five conservation areas. Wendy Sisson felt this is too many hunters to start out with. Joanne Ward felt it would be good to know which hunter is on what parcel of land and when they are there. Ms. Sisson suggested the DMS prepare a how, who, what and where document for the next meeting for the Commission to review. Don Ritchie wondered how you determine who gets what parcel of land. Bob Douglas, chair of the DMS, stated it is best to give the hunters the ability to locate themselves; hunters tend to be self-regulating. Ms. Sisson stated that with relatively small areas it would be best to flesh out how this is going to work. A check-in/check-out system was recommended.

Wendy Sisson made a motion authorizing bow hunting for the 2020 season on the following conservation lands, Rodriguez, Barrett, Willard/Poitras, Perini and Brown/Stephenson. The administration of this hunt will be discussed further at the August 6, 2020 meeting of the Conservation Commission. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

**Continuation of a Notice of Intent Hearing – Kelvin & Charlene Wiebe, 162 East Bare Hill Road, DEP#177-688, Harvard#0620-03.** Opened at 7:25pm

**Continuation of a Notice of Intent Hearing, Nathan Bailey, 131 Bolton Road, DEP#177-687, Harvard#0620-01,.** Opened at 7:30pm

**Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Scott Road just before Harris Lane, Harvard#0620-02.** Opened at 7:45pm

**Notice of Intent Hearing – Steve Ernst, 2 & 4 Wilroy Avenue, Harvard#0720-01.** Opened at 8:00pm

#### **Land Stewardship Updates & Appointment of Rob Traver**

Wendy Sisson informed the Commission of Sydney Blackwell's departure from the Land Stewardship Subcommittee (LSS). Ms. Sisson provided an overview of Rob Traver and his desire to join the LSS. Joanne Ward made a motion to appoint Ron Traver to the remaining term of Sydney Blackwell, to expire on March 31, 2022. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

Ms. Sisson reviewed the work completed by the summer intern, Cat Sherman. Some of the work completed by Ms. Sherman will require additional follow-up with mechanical equipment. Ms. Sisson has received a proposal from Oxbow Associates to conduct invasive work at Holy Hill, Williams land, and the Herman Orchard, in the amount of \$30,000. Joanne Ward made a motion to allocate \$30,000 of the Community Preservation Act fund dedicated to invasive management, for the work described in the proposal by Oxbow Associates. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

Ms. Sisson stated she will be engaging Wayne Carolan to remove Norway maples from the Clapp-Scorgie-Tufts land. Jim Burns stated he may be interested in assisting in removing these trees and will follow-up with Ms. Sisson.

#### **Community Preservation Committee Representative**

Jaye Waldron made a motion to appoint Joanne Ward as the Conservation Commission representative to the Community Preservation Committee. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

#### **Preserving Golden Pond on Old Mill Road**

Liz Allard stated she has put Luke Kirkland in touch with Wendy Gendron, of Aquatic Restoration Consulting, to complete an assessment of the pond. After a brief discussion, the Commission agreed to wait to see what comes of the assessment before making any decisions on supporting a project to restore the pond.

#### **Discuss Select Board Interviews of Interested Volunteers – Eve Wittenberg, Daniel Tracey and Michael Maglothin and Recommendations to Select Board on Re-appointments & appointment of Associate Member**

The Commission members has previously reviewed the video or been at the Select Board meeting at which the three volunteers were interviewed. Wendy Sisson stated her opinion would be to recommend Eve Wittenberg as the Associate Member. Ms. Wittenberg has had the most interaction with the actions of the Commission. The development of her property required working with the Commission, giving her experience with the process of wetland protection. Ms. Sisson does not take personally the opinion of Ms. Wittenberg as it pertains to deer hunting. Her background in decision-making and public health issues will be an asset. Jaye Waldron disagreed with Ms. Sisson stating that she has no opinion on any of the three volunteers, but

thought that just because you have had a previous application before the Commission should not qualify you to be on the Commission. Jim Burns stated Ms. Wittenberg is the most aware of matters before the Commission. Joanne Ward agrees with Mr. Burns. Paul Willard was unsure as to how the Commission could recommend any one of the three volunteers.

After briefly discussing further, Wendy Sisson made a motion to recommend to the Select Board the appointment of Eve Wittenberg as the Associate Member of the Commission. Joanne Ward seconded the motion. Jim Burns abstained from the vote. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Wendy Sisson, aye; and Don Ritchie, aye.

#### **Ayer Conservation Commission Request for Comments – Lot 6 Shaker Road**

Liz Allard explained there a small land area of Lot 6 within the boundary of Harvard. The Ayer Conservation Commission has requested the applicant, who has been mowing the wet meadow for years, allow the area to revegetate naturally. Dan and Melissa Tracey, who abut this land, had concerns with this project and water being drained directly onto their property from the development of Lot 6. Don Ritchie explained water would not be draining onto their property by detailing the property lines and proposed drainage on the plan.

Wendy Sisson made a motion to inform the Ayer Conservation Commission that the Harvard Conservation Commission agrees with the request to allow the area to revegetate naturally. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

#### **Master Plan & Open Space & Recreation Plan Strategic Planning for FY2021**

This item was passed over this evening.

#### **Approve Minutes**

Jim Burns made a motion to approve the minutes of May 21, 2020 as drafted. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

#### **Approve Invoices**

Joanne Ward made a motion to approve the invoice for Nitsch Engineering in the amount of \$1240.00. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

#### **Update on Pine Hill Village Stow Road**

Don Ritchie reviewed the site last week where he noted the foundation drains have not yet been piped into the drainage system as requested. The public water supply lines are being connected to the dwellings in the Pine Bank neighborhood. Wendy Sisson expressed concerns over the dynamic with Nitsch Engineering and their role in the project. The reports received from Nitsch tend not to provide great detail; Is the construction sequence being followed? When will the constructed wetland be completed? Should there be a concern with compacted soils that will be covered with a layer of loam and how that will affect stormwater runoff? A meeting will be scheduled with Don Ritchie and the representatives of Nitsch. Liz Allard will review Nitsch's contract to determine if they are meeting the requirements. Ms. Allard noted she is having difficulty getting out to the site on a weekly basis.

#### **Adjournment**

Paul Willard made a motion to adjourn the meeting at 9:00pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

#### **EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated July 16, 2020
- Letter from David E. Ross Associates, Inc., RE: Informal Discussion (Owners: Andre and Julia Wu), 90 Warren Avenue, Harvard, DEP File#177-847, D.E.R.A. Project No. 32995, dated July 16, 2020
- Sewage Disposal System, Steve Ernst #2 Wilroy Avenue Harvard, MA, Job No. 31556, Plan No. L-13869, prepared by David E. Ross Associates, Inc., dated 7/7/2020
- Planting Restoration Plan, Nathan Bailey, 131 Bolton Road, Project 23373, prepared by Andrysick Land Surveying, dated 7/13/20
- Catherine Sherman, Harvard Conservation Commission, Summer 2020 Invasive Species Remediation Report, dated July 11, 2020
- Site Plan, Shaker Road, Ayer, MA, Job No. 33058, Plan No. L-14044, prepared by David E. Ross Associates, Inc., dated 7/7/20
- Draft Harvard Conservation Commission Meeting Minutes, May 21, 2020, prepared by Liz Allard
- Nitsch Engineering Invoice#68922, dated June 21, 2020

**Harvard Conservation Commission  
Notice of Intent Hearing Minutes  
Kelvin & Charlene Wiebe, 162 East Bare Hill Road,  
DEP#177-688, Harvard#0620-03  
July 16, 2020**

The public hearing was opened at 7:25pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from July 2, 2020 for a Notice of Intent filed on behalf of Kelvin & Charlene Wiebe for the construction of an addition, new well and the pumping and filling of an existing cess pool all within 100' of a wetland resource area at 162 East Bare Hill Road, Harvard.

A file number has been received from the Department of Environmental Protection with no comments; therefore, the hearing can now be closed. Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the following special condition, the removal of the invasive plants within the 50' buffer zone shall be coordinated with the Conservation Agent and will require the replanting of native plants and the installation of the "protected wetland" signage along the 50' buffer zone line. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Minutes**  
**Nathan Bailey, 131 Bolton Road,**  
**DEP#177-687, Harvard#0620-01**  
**July 16, 2020**

The public hearing was opened at 7:30pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Art Allen (EcoTech)

This hearing was continued from July 2, 2020 for a Notice of Intent filed on behalf of Nathan Bailey for the restoration of disturbed wetland and buffer zone areas and the completion of a walkway and patio to provide access to the existing house within the 100' wetland buffer zone at 131 Bolton Road, Harvard.

Art Allen, of EcoTech, reviewed the revised planting plan. Jaye Waldron asked that the plants be more randomly planted than shown on the plan. Mr. Allen stated he will be onsite when planting occurs to be certain a random pattern of planting is conducted. Liz Allard asked the plan notes be collated to reflect the planting plan. Without the proper quorum to vote on this application Jim Burns made a motion to continue the hearing to August 6, 2020 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; and Jim Burns, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing Minutes  
Harvard Department of Public Works, Harvard#0620-02,  
Scott Road just before Harris Lane  
July 16, 2020**

The public hearing was opened at 7:45pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from July 2, 2020 for a Notice of Intent filed on behalf of Harvard Department of Public Works for the replacement of an existing culvert within a wetland resource area along Scott Road just before Harris Lane, Harvard.

Unable to meet the performance standards for 310 CMR 10.54(4) for the replacement of this culvert, Tim Kilhart, Director of the Department of Public Works, has requested the application be withdrawn. Joanne Ward made a motion to accept the withdrawal of this application. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Minutes  
Steve Ernst, 2 & 4 Wilroy Avenue, Harvard#070-01  
July 16, 2020**

The public hearing was opened at 8:00pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Neil Gorman (Ross Associates, Inc.)

This hearing is for a Notice of Intent filed on behalf of Steve Ernst for the installation of a new well within 200' of Bare Hill Pond at 2 & 4 Wilroy Avenue, Harvard.

Neil Gorman, of Ross Associates, Inc., was present to represent the applicant. Mr. Gorman detailed the project which includes the abandonment of the well at 4 Wilroy Avenue and the installation of a new shared well located between the dwellings at 2 & 4 Wilroy Avenue. The pump box at 2 Wilroy Avenue will be abandoned, whereas the pump house for 4 Wilroy will remain for use as storage. Mr. Gorman is working with the Board of Health to properly abandon the well. It was noted the plan should indicate the siltation barrier around the well to be abandoned and locations of the pump house and pump box. With no DEP file number received, Jim Burns made a motion to continue the hearing to August 6, 2020 at 7:40pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Wendy Sisson, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent