

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 7, 2021
APPROVED: JUNE 3, 2021**

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, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), David Pinard, Dan Tracey, Dan Wolfe (Ross Associates), Peter Cricones (Pine Hill Village), Paul Maki, Vicky LoChiatto, Bob Kody (Envision Homes), Susan Palmateer and Ryan Smith

Interview candidates for Deer Management Subcommittee – David Pinard and Daniel Tracey

David Pinard stated he has lived in Harvard for the past ten years and believes everyone has a right to enjoy public lands. Dan Tracey stated he was a long-term resident of Harvard with an alternative view on the allowance of hunting on conservation land. Mr. Pinard's involvement to date with the subcommittee was at town meeting in 2018 and he has attended some of the public meetings. Mr. Tracey stated he has been involved in the process since the beginning. Mr. Pinard's skills include ten years in hunting education that could bring a sensible approach to the logistics of hunting and interacting with the public. Mr. Tracey's skills include 30 years of research, which would assist in educating the public and plan for future activities.

The Commission thanked both Mr. Pinard and Mr. Tracey for their interest and time this evening. Recommendations from the Subcommittee will be sought before the Commission makes a final decision.

A discussion of the candidates was had later in the evening (see Interview Candidates for Deer Management Subcommittee, continued below).

Pine Hill Village Report on Phase 1 of Construction

The Commission reviewed the Phase 1 construction sequence for Pine Hill Village with the developer Peter Cricones. Disturbed areas within the Pine Bank neighborhood were not stabilized prior to the onset of colder weather. Mr. Cricones stated at this point everything is frozen and therefore it is unnecessary to take any additional measures to stabilize these areas. Mr. Cricones is seeking permission from the Commission to stump and grub the Tucks Way neighborhood so he can begin installing foundations. Before allowing additional activity on the site the Commission agreed to consult with and visit the site with Nitsch Engineering.

Land Stewardship Subcommittee Update and Allocation of Funds

Wendy Sisson explained with the Haskell Land no longer being used for the cultivation of pumpkins Rob Duzan will be growing hay for the cows on the property. As an educational project Ms. Sisson is recommending the Commission pay for the testing of the soil. In addition, clove seed will be spread to improve the pasture. Ms. Sisson additionally recommends the Commission pay for this expense to improve the land as well. Jim Burns made a motion to allocate \$136.00 for seed and \$20.00 for nails. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye.

After discussing an additional allocation for boardwalks for Bare Hill Wildlife Scantuary, Jim Burns made a motion to allocate up to \$300.00. Mark Shaw seconded the motion. The vote was

unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye

Approve Invoice & Reimbursement:

- **Voss Sign** – Jaye Waldron made a motion to approve the invoice from Voss sign in the amount of \$76.95. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye.
- **Rob Traver, Haskell Land** – Information necessary to approve this reimbursement has not yet been received

Input for 2020 Annual Report

Members of the Commission were reminded to provide any additional input they may want within the annual report. A final draft will be available for approval at the next meeting.

Approve Minutes

Jim Burns made a motion to approve the minutes of August 20 and September 3, 2020 as amended. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye

Notice of Intent Hearing, Paul Maki, 113 Poor Farm Road, DEP#177-696, Harvard#1220-02.
Opened at 7:33pm

Continuation of a Request for a Determination of Applicability Hearing, Harvard#1120-01, Victoria LoChiatto, 42 Old Mill Road. Opened at 7:54pm.

Continuation of a Notice of Intent Hearing – Dan Mesnick, 94 Ayer Road, DEP#177-695, Harvard#1020-0. Opened at 8:12pm

Interview Candidates for Deer Management Subcommittee, Continued

The members of the Commission discussed their thoughts on the candidates interviewed this evening and on December 17th. Although most agreed Joe Pulido would be the best choice, it was agreed to wait until recommendations from the Deer Management Subcommittee were provided to take a final vote.

Wendy Sisson wanted to address the animosity between the Commission and Deer Management Subcommittee (DMS). Further discussion indicated an inability for members of the public to speak at DMS meetings when Bob Douglas is chairing the meeting. Mr. Ritchie stated he will discuss this matter with Mr. Douglas. It was questioned whether the mission of the DMS was in line with that of the Commission.

Mr. Douglas joined the meeting at this time to provide a recommendation to the Commission for the appointment to the DMS. Wendy Sisson stated it was conveyed to her that Don Osmer had a negative experience interviewing with the Commission and has since dropped out as an interested candidate. Ms. Sisson added that the Commission was put off guard to learn that Mr. Osmer was not a resident of Harvard and it wasn't known if a non-resident could serve on a subcommittee.

Considering the significant amount of time and effort Mr. Osmer has already volunteered with the DMS Wendy Sisson made a motion to send Mr. Osmer a letter expressing the Commissions apology for making him feel insulted. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye. Don Ritchie will draft the letter.

After briefly discussing other volunteers, Wendy Sisson made a motion to appoint Joe Pulido to the Deer Management Subcommittee to fill the remaining term of Jason Cole. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye

Deer Management Subcommittee (DMS) Update – Addition of Conservation Areas for 2021 Bow Hunting Season

Bob Douglas stated he is drafting a report on the 2020 hunt and should have it to the Commission by February. Don Ritchie stated the Commission will need to digest that report before discussing any potential to add additional lands to the program.

Review letter to Committee Preservation Committee re: Recommendation for Application Park & Recreation Recommendation Letter

Wendy Sisson made a motion to approve the letter as revised. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye. Bare Hill Pond Watershed Management Committee should also receive a copy of this letter.

Review letter to Select Board/Finance Committee re: Full-time Conservation Agent

Jim Burns made a motion to approve the letter as revised. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye

Adjournment

Mark Shaw made a motion to adjourn the meeting at 9:26pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated January 7, 2021
- Site Plan Paul A. Maki & Susan C. Palmateer 113 Poor Farm Road, Harvard, Ma, Job. No.: 33269, Plan No.: L-14127, prepared by David E. Ross Associates, Inc., 1/7/2021
- LoChiatto Residence 42 Old Mill Road 11/11/20

**Harvard Conservation Commission
Notice of Intent Hearing Minutes
Paul Maki, 113 Poor Farm Road,
DEP#177-696, Harvard#1220-02
January 7, 2020**

The public hearing was opened at 7:33pm 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Dan Wolfe (Ross Associates), Paul Maki, Bob Kody (Envision Homes) and Susan Palmateer

This hearing is for a Notice of Intent filed on behalf of Paul Maki for the construction of a detached garage with walkway and retaining wall within 100' of a wetland resource area at 113 Poor Farm Road, Harvard.

Dan Wolfe, of Ross Associates, along with Paul Maki and Susan Palmateer, the applicants and Bob Kody, the contractor, were all present. Mr. Wolfe detailed the project and the comments made during a site walk earlier today. A revised plan shows the garage shifted to be 46' from the wetland resource area. Jaye Waldon asked if the existing paved driveway would be extended to the new garage. Mr. Wolfe stated it would. Wendy Sisson asked if the proposed infiltration trench was on the original plan. Mr. Wolfe stated it was. Ms. Sisson asked why the garage could not be located beyond the 50' wetland buffer zone. Mr. Wolfe stated as discussed on the site moving the proposed garage beyond the 50' wetland buffer zone would interfere with access to the existing garage under the house and existing walkway. Mr. Wolfe was under the impression that as long as he made an effort to move the garage as much as possible away from the wetland resource area the Commission would be amenable to the request to allow a structure within 75' of a wetland resource area. The shifting of the garage closer to the house was further discussed, resulting in no additional revision to the location of the garage. Mr. Wolfe agreed to extend the proposed infiltration trench located along south side of the garage along the edge of the new driveway to point where it connects to the existing driveway.

Mark Shaw made a motion to allow for a waiver of Chapter 147-17 Setbacks, specifically no disturb zone within 50' and no driveway, structures or roadways within 75' of a wetland resource area. The proposed detached garage will be located in an area of the site that is already

disturbed, permanently maintained as lawn space, and provides proper alignment to the proposed garage from the existing driveway. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye. Jaye Waldron abstained from voting.

Jim Burns made a motion to close the hearing and issue an Order of Conditions with the conditions the proposed infiltration trench located along south side of the garage shall be extended along the edge of the new driveway to point where it connects to the existing driveway and the two infiltration trenches shall be maintained and the owner shall provide annual reports to the Commission on their maintenance, condition and any improvements. This is a permanent condition. Mark Shaw Seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye. Jaye Waldron abstained from voting

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing Minutes
Victoria LoChiatto, 42 Old Mill Road, Harvard#1120-01
January 7, 2020

The public hearing was opened at 7:54pm 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Vicky LoChiatto and Ryan Smith

This hearing was continued from December 17, 2020 on a Request for Determination of Applicability filed by Victoria LoChiatto for the installation of a culvert and bridge within a wetland resource area at 42 Old Mill Road, Harvard.

Vicky LoChiatto had submitted a revised plan as requested by the Commission. Ryan Smith, the site contractor, was present and explained the details of the revised plan. Wendy Sisson felt this was too much fill in a wetland resource area. Jaye Waldron thought the design of the crossing was too wide. Paul Willard wanted additional detail. Don Ritchie wanted the location of the existing stone wall added to the plan, along with the distance of the culvert from the stone wall. With an existing crossing already in place the Commission would like to see a plan that replaces that crossing without increasing any impacts to the wetland resource area.

Paul Willard made a motion to continue the hearing to January 21, 2021 at 8:15pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation on a Notice of Intent Hearing Minutes
Dan Mesnick, 94 Ayer Road,
DEP#177-695, Harvard#1020-01
January 7, 2020**

The public hearing was opened at 8:12pm 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing was continued from December 17, 2020 for a Notice of Intent filed on behalf of Dan Mesnick for the construction of a replacement septic system within 100' of a wetland resource area at 94 Ayer Road, Harvard.

Jack Maloney, of Dillis & Roy, requested the hearing be continued. Jim Burns made a motion to continue the hearing to January 21, 2021 at 7:45pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent