

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 2, 2023
APPROVED: JUNE 1, 2023**

Chair Don Ritchie called the meeting to order at 7:03pm, virtually, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Don Ritchie, Eve Wittenberg, Paul Willard, Joanne Ward, and Mark Shaw (arrived at 7:11pm)

Others Present: Liz Allard (Conservation Agent), Bob O'Shea (Parks & Recreation Commission), Marisa Steel (Parks & Recreation Commission), John McCormack, Marc Sevigny (Harvard Conservation Trust) and Erin McBee (Select Board liaison to the Commission)

Annual Review & Recommended Amendments of the Memorandum of Understanding (MOU) for Ann Lee Field with Parks & Recreation Commission

Bob O'Shea, chair of the Parks & Recreation (P&R) Commission, expressed his concern with certain language within the MOU including the removal of "as a grandfathered use", as Tim Bragan has indicated those words were within the deed to the Town; "will" in place of "should" pertaining to P&R meeting annually to review the MOU with the Conservation Commission (ConCom), Mr. O'Shea thought it was not realistic to require volunteers to attend another meeting annually. Eve Wittenberg explained the ConCom is working toward consistency amongst all users of Conservation lands. Mr. O'Shea requested "and update" be removed from item #2. In regard to item #3, Ms. Wittenberg explained the ConCom is okay with school use of the field, but has concerns with other organizations using the field as it pertains the over-use of the field. As drafted this condition allows the ConCom to have control over the use dependent on conditions of the field, which can be done in collaboration with P&R. Mr. O'Shea and Marisa Steele stated P&R never intended the use of the field was to be limited to school activities. The ConCom is looking to collaborate with P&R to come to an agreement on who is allowed to use the field. P&R should review their goals in order to determine how this can be achieved. ConCom is not looking to manage the field, but is seeking to be more active in maintaining the integrity of the field and managing it with regard to its proximity to the adjoining wetlands. Mr. O'Shea will discuss the points brought forward this evening with P&R for further discussion with the ConCom at a later date.

Request to Support Warrant Article 2 to Increase the Community Preservation Act Surcharge

Erin McBee, the Select Board liaison to the Commission, stated with the many funding requests for different types of open space there is never enough money to fund all of the applications submitted to the Community Preservation Committee (CPC). The proposed increase of the Community Preservation Act surcharge would assist in funding the of conservation land, historic preservation, and recreation facilities. On average each household in Harvard would see an increase of \$170/year in their real estate taxes if the surcharge was increased to the full 3%. By increasing this amount, the Town would also receive additional funds from the State. Joanne Ward stated the CPC would like to see it increased but perhaps not to 3%. Ms. Ward added the CPC is concerned about those who cannot afford the increase. Ms. McBee believes CPC has asked that those who qualify for subsidized housing would be granted an exemption. Paul Willard recommended a smaller increase in the surcharge. Ms. McBee explained why this is on the warrant for a special town meeting. The Commission did not take a vote to support this article.

Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01. Opened at 7:44pm.

Proposed Amendments to the Code of the Town of Harvard Chapter 39 Firearms and Explosives to include Hunting and Trapping

As requested by the Harvard Police Chief, proposed revisions have been made to Chapter 39 Firearms and Explosives of the Code of the Town of Harvard to include language that will make illegal hunting on Town-owned lands enforceable by the Harvard Police Department. Violations and penalties were discussed; \$250 - \$500 was agreed upon. Mark Shaw questioned why these revisions were being made because of one incident of illegal hunting. Mark Sevigny stated that Harvard Conservation Trust hope these revisions pass at Town meeting as this activity has been an issue on the recently purchased National Grid land. In addition, residents along Jacob Gates Road have had issues with illegal hunting. Mr. Sevigny suggested signage alerting those entering Town that hunting is not allowed. Joanne Ward feels these revisions are a good thing to have in place as illegal hunting could lead to situations that could be very unpleasant. Paul Willard is not 100% comfortable with the proposed revisions but believes there should be permission from the owner to hunt on any land in Town. The Commission agreed to the extended language as recommended under §39-3 giving the Police Department greater authority to enforce this bylaw. The Commission agreed to continue this discussion to the meeting to allow time for comment from the Police Chief.

Request to Extend Order of Conditions, 8 Wilroy Avenue, DEP#177-674

Eve Wittenberg made a motion to extend the Order of Conditions for 8 Wilroy Avenue, DEP#177-674 to February 26, 2024. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

2023 Wild & Scenic Stewardship Council Grant Proposal – Mapping Culvert Locations

Joanne Ward made a motion to approve the submittal of the 2023 Wild & Scenic Stewardship Council Grant Proposal for the mapping of culverts and catch basin locations within Town as part of an overall project to replace substandard, undersized and failing culverts to meet Massachusetts Stream Crossing Standards. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Request for Judges for Harvard's Science Fair, Grades 8 – 12

Joanne Ward may be available and will follow up with Jaye Waldron to determine her availability.

Approval Allocation of Funding for MACC Annual Conference

Joanne Ward made a motion to allocate up to \$400.00 for members' and staff attendance at the annual MACC conference. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Approve Minutes

Paul Willard made a motion to accept the minutes of September 16 and October 6, 2022 as amended. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Approve Invoices

Eve Wittenberg made a motion to approve the invoices for Jose Ramos in the amount of \$80.00 and Voss Signs in the amount of \$304.00. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Climate Action Plan Natural Resources Priority Actions to Implement Update

Don Ritchie received notification from the Climate Initiative Committee of a meeting on Feb 8th, however he was not sure for what and will forward the message to the members. Eve Wittenberg is still working on building the library of material as part of educating the public as required by the Climate Action Plan.

Pine Hill Village Update

Liz Allard will be discussing timeline for review of Phase 2 for Certificates of Occupancy with Steve Ventresca of Nitsch Engineering on Monday.

Adjournment

Paul Willard made a motion to adjourn the meeting at 8:17pm. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated February 2, 2023
- Memorandum of Understanding between the Harvard Conservation Commission and Harvard Parks and Recreation Commission for Anne Lee's Field
- Chapter 39 39 Firearms and Explosives of the Code of the Town of Harvard

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01.
February 2, 2023**

The public hearing was opened at 7:44pm 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, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022.

Members Present: Don Ritchie, Eve Wittenberg, Paul Willard, Joanne Ward, and Mark Shaw

Others Present: Liz Allard (Conservation Agent)

This hearing was continued from January 19, 2023 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard

At the request of the applicant's representative, Bruce Ringwall, Eve Wittenberg made a motion to continue the hearing to March 2, 2023 at 7:30pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent