

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 20, 2018
APPROVED: NOVEMBER 15, 2018**

Chairman Don Ritchie called the meeting to order at 7:00pm 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 and Mark Shaw

Others Present: Liz Allard (LUB Admin), Neil Gorman (Ross Assoc.), John Osborne (Harvard Press), Thomas Caulfield, Sydney Blackwell, Laura McGovern, Tim Bragan (Town Administrator), Moe Dancause, Sally Dancause, Paulina Sarnik, Kerri Green, René & Christiane Turnheim, Peter Warren, Jack Spero, Mike Eldredge, Jim Lee (Harvard Conservation Trust), Gail Coolidge, Silke Miller, William Miller, Nicole Schmidt, Erik Skulte, Alex & Izzy Skulte, Frank DeSanto, Cynthia La Bruzzo, Luke Kirkland, Caroline Golden Kirkland, Erin MacKenzie, Peter Dorward (Harvard Conservation Trust), Bruce Leicher (Bare Hill Pond Watershed Management Committee), Wendy Gendron (Aquatic Restoration Consulting), William Bodtman, Juan Loveluck and Steve Nigus

Discuss potential exchange of conservation land with municipal land

Tim Bragan updated the Commission on the recent Select Board (SB) meeting, at which there were a number of residents who voiced their concerns on the matter, in addition to submitting written comments received by the SB. The SB agreed that the matter needs to be further vetted and may come back before the Commission based on the need for playing fields; most likely next spring.

There were a large number of residents in attendance this evening, many of whom expressed the following, with responses in *italic*:

- What is driving the need for this request – *Tim Bragan stated loss of playing field due to the construction of the elementary school*
- What lands are being considered in this exchange – *Stone land on Old Mill Road, a portion of the Powell land on East Bare Hill Road and Reed land in the Town Center would be exchanged for the Warila land on Stow Road*
- A formal plan of what the Town foresees as allocation of resources should be developed, which can then determine the types of fields that will be appropriate - *Tim Bragan stated Harvard Athletic Association has expressed the need for additional fields due to over use.*
- What about the playing fields at Devens - *Tim Bragan stated previous research found the times the fields were available were not helpful to those wanting to use the fields, nor did users want to travel to Devens.*
- Exploring the playing fields at Devens again got resounding applause
- Process of removing land from conservation:
 - Unanimous favorable vote of the Commission
 - 2/3 vote of Town Meeting
 - Approval by the State Legislators
- Allowing this land exchange would make people reconsider giving land to the Town
- What would constitute the unanimous vote of the Commission – *All of those present at the time of the vote*
- Has this been considered before – *Yes, the Commission vote unanimously in 2016 to allow a portion of the Ayer Road Meadow, across from the Post Office, to be exchanged for a proposed round-about that was recommended for traffic safety*
- The Commission has the right to make a decision – *Yes, on a case by case basis*

- The intersection of East Bare Hill Road and Brown Road is dangerous now, more traffic would increase that danger.
- The Reed land has specific restrictions in regards to its use and should be reviewed

A member of the Commission has heard that if a Town approves the exchange then the State also approves the exchange. More notification of such discussion was requested by the Legislature residents; the Commission agreed there will be public notice on the Town website and in the newspaper next time a matter such as this occurs.

Don Ritchie noted the letters received from Laura McGovern of Dunroven Farm and Luke Kirkland and Caroline Golden, of Mill Road. In addition, Peter Dorward read a statement from the Harvard Conservation Trust opposing the removal of land without consideration of alternative solutions and a demonstration of need.

Mr. Bragan noted the unused Anne Lee Road playing field will be turned into a softball field to make up for the loss of the playing field at the elementary school.

Request for Determination of Applicability Hearing, Juan Loveluck, 38 & 40 Westcott Road, Harvard#0918-01. Opened at 7:40pm

Executive Session

Jaye Waldron 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 which 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: Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

At 8:11pm Wendy Sisson made a motion to exit executive session and return to the public meeting. Mark Shaw seconded the motion. A roll call vote was taken: Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Community Preservation Committee FY2020 Application Letter of Support from HCT

Members of the Commission made minor revisions to the support letter from Harvard Conservation Trust. Peter Dorward will provide a final version of the letter for inclusion with the application.

Trail Improvements for Run-for-the-Hills Event

Jim Lee, from Harvard Conservation Trust, stated the improvements to the trail route for the Run-for-the-Hills event on October 21st are minor and include the removal of small saplings. The Commission was agreeable to the improvements needed for this event. Mr. Lee stated an information table will be available on the day of the event if members of the Conservation Commission are interested in participating.

Right of First Refusal – Vanderwerf, 6 Old Schoolhouse Road

After a brief discussion, Paul Willard made a motion to recommend to the Select Board to not exercise their right of first refusal for this property. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Bare Hill Pond Watershed Management Committee Annual Report & Request to Draw Down Bare Hill Pond

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee, and Wendy Gendron, of Aquatic Restoration Consulting, were present to discuss the annual draw down report and request the annual draw down of Bare Hill Pond. Mr. Leicher stated with a warm spring the refill of the pond was very quick this year. The pond was affected by the brief drought

in early summer, higher than normal water temperature and large rain events. In general, despite the abnormalities the invasive plants within the pond were relatively controlled this year. There was a spike in phosphorus, which perhaps was a release from the bottom of the pond. In addition, there was a spike in number of turtles in and around the pond.

Jaye Waldron questioned whether anyone has ever looked into the effects of geese on the pond. Mr. Leicher stated a student at Bromfield based a science fair project on the effects of geese on the pond, which indicated the pH levels in the pond rises when the geese show up in September.

Ms. Waldron asked if the committee is considering other Best Management Practices for stormwater entering the pond, specifically along Warren Ave. Mr. Leicher stated Horsley-Whitten had found that area to be the least productive in way of pollutants; however Mr. Leicher was not saying it should not be considered.

Wendy Gendron gave a brief overview of her in-lake water quality and plant survey report for 2018. The full report can be read here:
https://www.harvard.ma.us/sites/harvardma/files/uploads/bhp-2018-report_reduced.pdf

Paul Willard made a motion to approve a 6' draw down of Bare Hill Pond to begin on October 1, 2018. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Requested Information Regarding Harvard CPA Projects

There was no update to this item this evening.

Approve Minutes

This item was passed over this evening.

All Boards Meeting September 25th

Don Ritchie will attend on behalf of the Commission. Wendy Sisson will compile a list of the current activities the Commission is engaged in for presentation at this meeting.

Request for a Certificate of Compliance – 69 Lancaster County Road, DEP#177-587

With information not provided on the final site plan the Commission agreed to hold off issuing the Certificate of Compliance until the proper plan is provided.

Allocation of Funding

Wendy Sisson made a motion to allocate \$326.00 from the conservation fund for purchase of tick signs for the conservation land trailheads. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Jaye Waldron made a motion to allocate \$110.00 to Massachusetts Association of Conservation Commissioners for Joanne Ward to attend the fall conference from the bylaw fee account. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

The following items appeared on the agenda under “Pending Business” and nothing new to report at this time unless otherwise noted:

- Discuss Potential Gift of Land – Brown Road
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations
- Open Space Committee

Adjournment

Paul Willard made a motion to adjourn the meeting at 9:33pm. 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
Request for Determination of Applicability
Juan Loveluck, 38 & 40 Westcott Road, Harvard#0918-01
September 20, 2018**

The public hearing was opened at 7:40pm by Chairman 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, 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), Neil Gorman (Ross Assoc.)

This hearing is for a Request for Determination of Applicability filed on behalf of Juan Loveluck for the paving of an existing gravel driveway with the 100' wetland buffer zone at 38 & 40 Westcott Road, Harvard.

Neil Gorman, Ross Associates, was present to represent the applicant, Juan Loveluck, who was also present. Mr. Gorman stated the activity to improve the existing driveway will have no impact to the resource area. The requested swale along the driveway to slow water and reduce solids from entering the resource area has been added to the plan. Members discussed the need for sand on the driveway during inclement weather.

Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination of Applicability to include the conditions that no chemical deicers shall be used on the driveway and the driveway shall be constructed in a manner to allow for stormwater runoff to flow to the proposed swale on the east side of the driveway. Joanne Ward 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 20, 2018