

**Town of Harvard Open Space Committee**  
**March 11, 2021, 8:30 am**  
**Minutes**

Members Present: Paul Cohen, Jo-Anne Crystoff, Peter Dorward (Chair), Linda Dwight, Jim Lee, Gwen Leonard, Tim Kilhart,

**Old Business**

By unanimous vote, the Committee approved the minutes from the OSC meeting of 2/11/21.

**Forest Legacy Program**

Jim and Jo-Anne gave an update.

The program would protect parcels which are > 75% forested where the owner is willing to protect the land. The land would need to have a forestry plan, but does not have to be actively harvested. The land must have public access. Land already permanently protected (e.g., in a CR) does not qualify.

The FLP group used GIS tools to identify parcels in Harvard which are > 20 acres and >75% forested. The group plans contact the owners of these parcels to gauge their willingness to participate in the program. Jim reported that these parcels match nicely with the OSC's list of priority parcels for protection. Fruitlands has been contacted and is willing to consider participation.

The FLP group needs to identify 1000 acres of land to protect in the project's towns, but they do not need to be contiguous. The FLP is positive about receiving funding if they can identify enough land to be protected. The program deadline is 7/1/21. A non-binding contract with land owners is needed by then.

Jim made a motion that the Open Space Committee work collaboratively with FLP to identify and contact land owners about their parcels for protection. Seconded by Paul. Unanimously approved.

**Chapter Land Early Warning System (CLEWS)**

Peter reported that he had been contacted by the Harvard Assessor about a potential sale of Chapter 61 land, so CLEWS is working. The particular parcel was unlikely to be of interest for protection as it is mixed use and doesn't meet the OSC criteria for protection.

The Assessor indicated that for mixed use Chapter 61 land sales, the sale must be split into residential/Chapter 61, and two offers must be received. Paul indicated that this is not typically an issue as the seller is usually offering the entire parcel for sale.

## **New Business**

### **Conflict-of-Interest**

Peter reported he had requested and received guidance from the State Ethics Commission on a potential Col regarding an abutting property. The guidance is:

- All Town committee members are considered Town employees for Col purposes even if they are volunteers
- Being an abutter to a parcel signifies that the abutter has a significant financial interest in the parcel, and the abutter must recuse themselves from committee deliberations and votes regarding the parcel. The committee member may continue to attend a meeting as a member of the public if the meeting is open to the public.
- The non-profit Harvard Conservation Trust is considered a business for Col purposes since it buys and sells property. This means HCT Trustees / Associate Trustees cannot participate in committee deliberations regarding HCT unless the Select Board approves it. Jim and Peter are HCT Associate Trustees.
- Peter cannot share output from the OSC prioritization models with the committee if any of the recommended parcels abut his property. The Select Board can determine that this is acceptable.

Peter is meeting with the Select Board on 4/20/21 to review the State Ethics Board's guidance on Col.

Paul recommended that Peter – or any abutter –should file a Col disclosure and recuse themselves from committee deliberations. Paul also suggested that the Select Board consult with Town Counsel on the other issues in the guidance.

### **OS Prioritization Process**

Peter shared a document describing the process used to prioritize OS for protection or active recreation. It summarizes the process the OSC has used to date, and adds a “post model analysis” step which is review by the Committee for criteria not included in the models.

For the criteria used in the “post model analysis” Linda noted that neighbor acceptance should be a more general category than individual complaints. Gwen felt that abutter input is an important criteria. Several members felt abutter input were important for both active recreation and OS protection. Jim made a motion to approve the “OS Prioritization for Protection or Active Recreation with the addition of “abutter’s inputs” to both active recreation and OS protection. Seconded by Linda. Unanimously approved.

### **Active Recreation Update**

The discussion was postponed until the next meeting.

## **OS Protection Update**

Peter recused himself from the meeting and Paul took over the chair.

Jim presented an updated prioritized list of OS space to be protected to which “probability of development” has been added along with comments on the parcel. Jim requested that others add their inputs to the list.

Paul complimented Jim on the analysis, and suggested “purchase cost” be added as it will be an important criteria. Jo-Anne asked if the OSC will use the list to proactively contact owners, or wait for the land to come on the market. Jim indicated that the OSC’s goal is to contact owners proactively, especially where there is an existing connection.

Gwen asked if Ayer Road properties should be removed from the list in light of the Ayer Road Commercial District proposal. Gwen also suggested indicating owners on the list who are HCT members as they might be more conservation minded. Jim indicated he would update the list with other’s inputs and ongoing efforts.

Paul returned the chair to Peter.

The meeting was adjourned at 9:30 AM by unanimous vote.

Submitted by: Peter Dorward