

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 20, 2022
APPROVED: FEBRUARY 3, 2022**

Chair Don Ritchie called the meeting to order at 7:01pm, virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, 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), Peter Dorward (Open Space Committee), Dave Pinard, Bob Douglas (Deer Management Subcommittee), Don Osmer, Gail Henderson-King, Brian Cook (Planning Board Master Plan Liaison), Jim Lee (Harvard Conservation Trust), John Lee (Harvard Conservation Trust), Margaret Kusner, Dan Tracey, Tom Cotton (Deer Management Subcommittee/Harvard Conservation Trust), Martian Feehan (MassWildlife Biologist), Steven DiPrizio, Joe Pulido (Deer Management Subcommittee), Camden Holland, Marty Green (Harvard Press) and Peter Cricones (Pine Hill Village)

Deer Management Subcommittee 2021 Report

Members of the Deer Management Subcommittee presented the 2021 Season Report: Deer Management Subcommittee. There were 13 conservation lands open for archery hunting of deer in 2021; an increase from the five approved for the 2020 hunting season. The 14 qualified hunters were assigned to specific lands, with each of them participating in the hunting season in one form or another. Six hunters accounted for 80% of the trips to scout or hunt. 81% of all hunting and scouting activity was on Blomfelt, Daman/Stephenson, Gillette, Great Elms, Hermann Orchard and Vesenska properties. One doe each was harvested on the Blomfelt, Gillette and Hermann Orchard parcels within the month of December. There were two instances of hunter harassment reported; one had a tree stand that was vandalized and the second a trail camera was stolen. In general, over all the season was successfully.

Don Ritchie asked about the reduction in the deer population this year. Martin Feehan, the MassWildlife Biologist, stated the data has not yet been received, therefore he is unable to comment on the deer population for the 2021 season.

Eve Wittenberg stated the program has had a very successful implementation and the DMS should be commended for their effort as survey results indicate the hunters are happy. Ms. Wittenberg detailed the inefficiency of bowing hunting to yield deer. It would be very hard to argue that four deer over two years is reducing the deer populations. Carlisle cancelled their deer hunt after two years due to low yields. Higher yields are found in areas that do not have other lands around them being hunted as well. There are many people in Town that are uncomfortable with the program. Ms. Wittenberg feels strongly there are other ways to preserve forest health.

Wendy Sisson stated she has been looking at this for 20 years along with other aspects of the forest. The deer management program is a legal managed program, which is better than what was previously happening on conservation land. Ms. Sisson cannot support shotgun due to the limited land area. Two years is not enough time to gather appropriate data. Ms. Sisson stated the program is not to reduce numbers, but to keep the numbers in check, and feels it is way too premature to make a determination on whether or not the program is working. There is an education element that needs to be **more** evolved.

Joanne Ward stated both Ms. Wittenberg and Ms. Sisson have made a good number of points. Archery is time consuming and the program is deterring illegal hunting on conservation land. From a safety standpoint, archery is the best option.

Dan Tracey, a resident of Harvard, stated **that** Ms. Sisson's points are clearly benefits of the program, but at what cost. As Ms. Wittenberg stated, there are those opposed to hunting on conservation land. The purpose of the program was to reduce the deer populations. With all the time and effort put into this program over the last two years there has been no impact to that population. Mr. Tracey thinks Zone 9 is well regulated by other recreational hunters in Town and it makes no sense to continue hunting on conservation land. Mr. Tracey noted MassWildlife has already shorten the season for 2022 to six weeks.

Mark Shaw stated it is all about numbers, the more people you can get in the woods the more deer that will be taken. Mr. Shaw would not be opposed to shotgun on some of the larger areas. Prior to the program the number of people who walked right by a hunter in blaze orange was probably high. Mr. Shaw stated the program will keep the deer population level; without any program those numbers could jump pretty quickly. Mr. Shaw feels the program should continue.

Jim Burns stated the public needs to realize there needs to be some type of program to control deer on conservation land. If nothing at all, this program gets the public in tuned with what is going on with the deer population. Mr. Burns feel the program is a good thing to have in place.

Paul Willard stated there is always going to be people opposed to hunting, and there are those who are deathly afraid to go in the woods during the hunting season – that's just the way it is. The small quantity culled is discouraging, but good data about what is happening in the woods is being collected.

Joanne Ward made a motion to accept the 2021Season Report: Deer Management Subcommittee. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Continuation of a Notice of Intent Hearing - Stanton Henderson, 265 Stow Road, Harvard#1221-02.
Opened at 7:37pm

2022 Wild and Scenic Community Grant Proposal

Wendy Sisson explained she is seeking to submit an application grant funding for educational signs pertaining to Bower's Brook. Ms. Sisson has been in touch with Kim Becker who designed the signs at Holy Hill, for an estimate for the design and fabricate of said signs. Members were amenable to the submittal of this application.

Open Space Committee Update

Peter Dorward, chair and Conservation Commission liaison to the Open Space Committee (OSC), stated the OSC is due to go before Select Board soon for an update. Mr. Dorward reviewed the OSC goals and potential active recreation sites. Next step is to review the list to determine which are appropriate for recreational development. The OSC submitted two applications for funding to the Community Preservation Committee. The first for \$100,000 as part of the funding from the Town for the Agricultural Preservation Restriction on the Community Harvest land on Prospect Hill Road. With the second request in the amount of \$50,000 toward the open space purchase of the Still River Woods on Willard Lane. Both of these applications have been approved. An application for a recreational facility had been submitted to the Capital Investment & Planning Committee, who have allocated \$50,000 for the active recreation stabilization fund. The OSC is proposing **to** move forward with a request for \$200,000 in funding annually, however there is no clear direction on where the funds would come from, which is a question for the Select Board. Mr. Dorward noted the 2016 Open Space & Recreation Plan indicated the Town was in support of creating such a fund, but with Community Preservation Act funds becoming more competitive,

achieving \$200,000 annually may be difficult. Paul Willard wondered if it was impossible to have a tax for land purchases.

Mr. Dorward noted the OSC's terms are up this May and will be asking the Select Board to continue for the foreseeable future. Mr. Dorward thinks the OSC has done good work to determine what lands to protect. However, it has been difficult to get a quorum for the monthly meetings. Mr. Dorward stated the Agricultural Advisory Commission (AAC) representative has never attended a meeting. Mr. Dorward will request the Select Board replace the Department of Public Works Director with the Director of Community Education and Recreation. The "at-large" representative has low attendance as well, therefore Mr. Dorward is recommending to remove both the AAC and at-large representatives, which would reduce the total number of members to seven and reduce the quorum requirements.

Wendy Sisson thought there should be good conservation representation on the OSC and perhaps having Mr. Dorward appointed as the at-large and have a member of Conservation Commission be on the committee would provide better representation. Mr. Dorward pointed out that would make an eight-member committee and would not assist in reducing the quorum requirements. The makeup and representation of the OSC, as well as the language within the Charter pertaining to funding, was discussed at length, with no recommended solution. Mr. Dorward stated the OSC tentatively schedule to present to the Select Board on the 1st of February.

Guidelines for the Use of the Reuben Reed Land

Wendy Sisson thought since the use of the Reuben Reed land for public events comes up periodically, the Commission should develop a set of criteria for its use. The Harvard Rotary Club has used the area for the fruit sale, which has a good system for drive-thru pick up of the product. It would be good to reach out to them to get a sense on how that is staged. Don Ritchie will draft some regulations for approval by the Commission.

Discuss Extending Sunset Date for Capital Planning & Investment Committee (CPIC) Funds – Still River Woods

Jim Lee, from Harvard Conservation Trust, initially suggested the Commission request an additional year on the funds allocated by CPIC for the purchase of open space along Willard Road, but after a long discussion of the current status, funding and process, it was agreed an additional offer shall be made and if not accepted the funds will be allowed to sunset on June 30, 2022.

Approve Minutes

Jim Burns made a motion to approve the minutes of January 6, 2022 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a 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 Invoices

Jim Burns made a motion to approve the following invoices:

- Liz Allard - \$114.63 (mileage)
- Scott Zobbi - \$95.74 (Tripp land improvements)

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

2021 Annual Report

Joanne Ward made a motion to approve the 2021 Annual Report with the recommended edits. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul

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

Wetland Enforcement Update – 351 Ayer Road

Liz Allard stated she was unable to receive much advice from the Department of Environmental Protection (DEP) due to the fact the wetland in question is an isolated wetland and the wetland at 355 Ayer Road only has buffer zone that extends onto 351 Ayer Road. DEP does not regulate isolated wetlands or buffer zone. Ms. Allard stated she would recommend taking the applicant's consultant offer to file a Notice of Intent for the activity within the buffer zone from 355 Ayer Road. Members of the Commission agreed. Ms. Allard will be in touch with the consultant and property owner.

Pine Hill Village Update

Peter Cricones was present hoping to discuss his request to move onto the next phase of the project. Liz Allard stated no information had been provided by Mr. Cricones as requested, therefore the Commission was not prepared to discuss the matter this evening.

Don Ritchie and Liz Allard will review the site next week on a request to change the grass pavers to crushed stone on the walkway at building #1 by the new owner.

Craftsman Village Update

Liz Allard stated she had been on site last week as part of the requirements for obtaining a Certificate of Occupancy. Ms. Allard stated the site is in stable conditions and is maintaining a sufficient erosion control barrier. Additional stabilization of disturbed areas associated with the first five buildings will be completed as soon as the area can be hydroseeded in the spring.

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:08pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a 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 20, 2022

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Stanton Henderson, 265 Stow Road,
Harvard#1221-02
January 20, 2022**

The public hearing was opened at 7:37pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

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), and Gail Henderson-King

This hearing was continued from January 6, 2022 on a Notice of Intent filed on behalf of Stanton Henderson for the replacement of a failed sewage disposal system within the 100' wetland buffer zone at 265 Stow Road, Harvard.

A Department of Environmental Protection file number has been received with no comments. Wendy Sisson made a motion to close the hearing and issue a standard Order of Conditions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, 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

*Unable to vote