

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 4, 2022
APPROVED: NOVEMBER 17, 2022**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 22 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 February 15, 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, Janet Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Racheal Broadhurst, Matt Marro, Bob O'Shea, Steve Nigzus, Erin McBee, Bill Johnson, Jim Lee, Tom Cotton, Wendy Sisson and Peter Dorward

Update to the Wetland Violation – 41 Pinnacle Road

As requested, the wetland line has been delineated by Matt Marro. The property owner, Racheal Broadhurst, explained the area was previously used as a pasture for horses and she has spent a considerable amount of money to have a barn constructed on the site. Members of the Commission agreed a site visit would be necessary in order to determine the next step in this process. A site visit was scheduled for August 16, 2022 at 5:30pm.

Request to Amend the Determination of Applicability – 72 Warren Ave, Harvard#0419-03

Bill Johnson was present to request the Determination of Applicability issue by the Commission in 2019 be amended to include an additional pine and hemlock trees. The request to remove these two trees in additions to those already removed under the Determination is due to the proximity to the house. Both trees appear to be dead and have no value. Mr. Johnson is willing to plant other vegetation in place of these trees. Jaye Waldron, speaking as an abutter and not a voting member of the Commission, disagrees with removing the pine tree. Eve Wittenberg stated the pine had more growth than the hemlock. Mr. Johnson stated both trees have declined over the past five years. After briefly discussing the replanting, which is to be done with a number of plants similar to what has been previously approved in the 2019 Determination, Mark Shaw made a motion to modify the Determination of Applicability, Harvard#0419-03 to allow the removal of two additional trees as discussed this evening. Joanne Ward seconded the motion. The vote was in favor (4-1) of the motion by a roll call, Jim Burns, aye; Jaye Waldron, abstained; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; nay; and Don Ritchie; aye.

Environmental Notification Form (ENF) – Massachusetts Avenue Research Campus, Buxborough

Joanne Ward stated the proposed development has the potential to adversely impact wetlands within Harvard through the increase of impervious area and lighting. Ms. Ward urged other to read the ENF and to submit comments to the State by August 11, 2022.

ZBA Request for Comments – 175 Littleton County Road

After briefly discussing the request for a variance, Eve Wittenberg made a motion supporting the issuance of a variance by the Zoning Board of Appeals to allow for a 10% slope of the proposed driveway at 175 Littleton County Road. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Continuation of a Determination of Applicability Hearing - Richard Fellows, 328 Still River Road, Harvard#0522-01. Opened at 7:30pm.

Request for a Certificate of Compliance – 277 Stow Road, DEP#177-692

Jim Burns made a motion to issue the Certificate of Compliance for 277 Stow Road, DEP#177-692, Harvard#0920-01 as requested. Jaye Waldon seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Short-, Mid- and Long-term Playing Field Solutions

Erin McBee, Select Board liaison to the Conservation Commission (ConCom), apologized for not sharing the memo prepared by the Town Administrator and the Assistant Town Administrator on this subject matter. Peter Dorward, chair and the ConCom representative on the Open Space Committee (OSC), stated the OSC will discuss the matter at their meeting on August 11th; they will also be looking at other sites for recreation fields. Mr. Dorward thinks it is premature to suggest Old Mill Road (Stone Land) be the site of choice. Mr. Dorward made it clear the OSC was not contacted before this memo was sent out. Ms. McBee assumed the assessments had been done on these fields and knows there are no permanent structures allowed on the Stone Land (Old Mill Road) per the deed. Mr. Dorward stated that the legislation is clear that a vote is necessary from the state legislature in order to convert conservation land to another use. Mr. Dorward asked that the OSC be allowed to complete the evaluation of land as detailed within their charter.

Jim Lee, a member of Harvard Conservation Trust and its representative to the OSC, urged ConCom not pick up the pieces for others. Mr. Lee would personally not like the ConCom facilitating a swap of land with the Parks & Recreation Commission. Wendy Sisson, former ConCom member and chair of the Land Stewardship Subcommittee, would like the Select Board to understand that it is not their purview to make this type of swap, but that of the ConCom. This is the third time this matter has come up. The first time fell flat, the second time a letter from the ConCom was sent to the Select Board expressing why this was not a feasible solution. Ms. Sisson feels the same letter should be sent again.

Ms. McBee thinks the Stone Land is so close the McCurdy track and that is why it has a bullseye on it. Ms. McBee feels something needs to happen in terms of additional playing fields and indicated that the Select Board has not taken any votes on the suggestion by the Town Administrator and the Assistant Town Administrator. Ms. McBee is hopefully there is another solution. Mark Shaw stated the land adjacent to the Ryan Playing Fields on Depot Road had been previously mentioned; he understands there is a wetland there, but something is going to have to give in order to resolve this situation. Marisa Steel, a member of the Parks & Recreation Commission, felt that area would not be suitable. Liz Allard will share the location Mr. Shaw is suggesting with Ms. McBee and Mr. Dorward.

Parks & Recreation Commission Request for Improvements at Ann Lees Field and Ryan 2 Field

Marisa Steel, a member of the Parks & Recreation Commission, detailed the requested improvements to the **Ann Lees Field**, which include:

1. move home plate closer to back stop
2. adjust the infield distances to accommodate the new home plate position
3. move 1st & 3rd base foul poles to follow the new base lines. First base foul pole will move to the right (northward)
4. install Shade Sail type covers on the two dugouts (remove & Store at season end)
5. new storage shed/changing shed (approx. 12' x 8') to be placed adjacent to current storage shed, likely at a slight angle to follow shrub/tree line
6. batting cage: constructed of netting & poles – approx. 50' x 10' to be placed along 3rd base line (near the sheds). This structure will be disassembled at season's end and stored in shed.
7. score board: details TBD- this might be a manual style scoreboard so no electricity would be required. Ideally it would be portable & small- possibly attached to dugout or backstop then stored during off season

Wendy Sisson, chair of the Land Stewardship Subcommittee (LSS), stated the LSS was good with all of the requested improvements at the Ann Lees field.

Ms. Steel detailed the requested improvements to the **Ryan Playing Fields** which include:

1. No new structures are needed.
2. Dug out covers will be placed (similar to those at Ann Lees)
3. Infield grass to be removed and replaced with clay play surface

After a brief discussion Jim Burns made a motion to approve the improvements to the Ann Lees and Ryan playing fields as stated above. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Pine Hill Village Update

Liz Allard had previously shared the developers "Invasive Species Treatment Plan" dated August 3, 2022. Ms. Allard suggested a plan for invasive management be provided by an individual with experience in the field as opposed to the developer. The Commission agreed with this recommendation. Ms. Allard will be in touch with the developer to obtain a formal management plan for the invasive plants on the site.

Ms. Allard was on site this week to review some of the outstanding items addressed in her July 12th progress report. The rock lined swale at the entrance to the site has been installed, however it is wider and deeper than the detail submitted by Markey & Rubin, Inc., dated December 1, 2021. Don Ritchie stated he would review the structure to determine if it needs to be adjusted in any manner.

Ayer Road Meadow Access Improvements

Liz Allard stated she has spoken with the owner of the bowling alley at 204 Ayer, Scott Patterson, to discuss the removal of fill that encroaches on the easement to the Ayer Road Meadow. Mr. Patterson has agreed to pull back the grading and if need be, install a retaining wall to retain the material used to cover the septic tanks. Ms. Allard has also reached out to the property owners at 206 Ayer Road, the property on which the easement to the Ayer Road Meadow is a part of, to explain the other necessary improvements for the farmer to gain access to the meadow for the cutting of hay. Ms. Allard is working with Wendy Sisson, chair of the Land Stewardship Subcommittee, to provide additional information to the owners at 206 Ayer Road.

Approve Transfer of Wetland Protection Bylaw Fees to the Conservation Fund

After discussing the fees collected under the Wetland Protection Bylaw in fiscal year 2022, Joanne Ward made a motion to annually maintain a balance of \$5,000.00 in the Wetland Protection Bylaw fee account, with the remaining balance to be transferred to the Conservation Fund. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Discuss Wetland Violation at 131 Bolton Road

After a brief discussion of the violation that has occurred, the regrading and paving of the existing driveway, Jim Burns made a motion to issue an enforcement order for a violation of the Wetland Protection Bylaw. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Approve Minutes

Joanne Ward made a motion to approve the minutes of July 21, 2022 as amended. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Adjournment

Eve Wittenberg made a motion to adjourn the meeting at 8:47pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated August 4, 2022

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing
Richard Fellows, 328 Still River Road, Harvard#0522-03
August 4, 2022

The public hearing was opened at 7:30pm 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 22 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 February 15, 2022.

Members Present: (eligible voters): Eve Wittenberg, Joanne Ward, Mark Shaw and John Iacomini (Associate Member)

Others Present: Don Ritchie, Jaye Waldron, Jim Burns and Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from July 21, 2022 for the restoration of an open meadow and removal of invasive plants within the 100' wetland buffer zone 328 Still River Road, Harvard.

With the applicant unable to attend this evening Mark Shaw made a motion to continue the hearing to August 18, 2022 at 8:45pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Mark Shaw, aye; Joanne Ward, aye; and Eve Wittenberg; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent