

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MARCH 7, 2019
APPROVED: APRIL 4, 2019**

Chair Don Ritchie called the meeting to order at 7:02pm 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, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin), Margaret Kusner, Jason Cole (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Ben Urquhart (Deer Management Subcommittee), Libby Levison (Board of Health), Tom Cotton (Deer Management Subcommittee), Neil Gorman (Ross Associates), Marc Sevigny (Deer Management Subcommittee), Carla Page (Pine Hill Village, LLC), Peter Feltus, Colleen Feltus, Joseph Gibbons (Harvard Snowmobile Club), Peter Dorward (Harvard Conservation Trust), Matt Brassard (Nitsch Engineering) and Tom Murphy (NV5)

Deer Management Committee Update

Bob Douglas, chair of the Deer Management Subcommittee (DMS), updated the Commission as to where the Subcommittee has come thus far in the process and where they are headed. Dave Stainbrook, Deer and Moose Biologist for Massachusetts Division of Fisheries and Wildlife, has conducted browse surveys in Town, which has concluded the Town is being impacted by the deer population. With State setbacks of 500' from any residential structure, locations where hunting is allowed in Harvard is very limited. A property owner has the ability to allow hunting on their property.

Ben Urquhart, a member of the DMS, detailed deer hunting, the perception of a problem with deer populations, State census data, which indicates deer populations in Zone 9 are 20 -40 deer per square acre, where hunting could or is taking place and the logistics of how bow hunting could be implemented on conservation land. Wendy Sisson explained Harvard is within Zones 9-10, where the majority of Harvard is within Zone 9 and Zone 10 on the east side of Interstate 495. State quotas are quite different in Zone 10, which is managed for higher deer densities.

Jason Cole, a member of the DMS, explained the suggested process of certifying hunters for bow hunting on conservation land. This process would require a potential hunter to hit a designated target three times out of five attempts. DMS is recommending the hunters be highly experienced on the skills of bow hunting, with a preference for local bow hunters. Membership into the program will require a liability waiver. DMS is hoping to start the vetting process early this summer to allow for them to determine stand locations. DMS is still in discussion on the number of hunters to allow. Mr. Douglas detailed the selection of land, which includes the Prospect Hill Management Area, Willard/Sprague/Poitras lands, Barrett, Brown, Tripp, and Stephenson lands.

Libby Levison, chair of the Board of Health and concerned resident, stated she and other neighbors allow an individual to bow hunt on their land collectively; has DMS considered expanding areas to neighborhoods that may be willing to allow bow hunting. The DMS will investigate this suggestion further. Wendy Sisson asked about places that hunters are already hunting. Mr. Douglas stated they would be able to qualify for a permit. Ms. Sisson suggested giving those hunters preference and that it is good to be sensitive to those who have been hunting Harvard for years.

Margaret Kusner, a resident of Town, asked how has it been determined hunting is necessary besides State information? Marc Sevigny, a member of DMS, stated there is no understory, which is necessary to regenerate the forest. Ms. Sisson commented that conditions have not

degraded to the point of no understory in Harvard, but that the understories of Harvard's woodlands are currently being suppressed by deer browsing. She would like to see the DMS complete additional browse studies, to include creating baselines for the lands that are to be chosen for this program. The DMS would like to conduct a public meeting within the next two to three months, which would include Dave Stainbrook. Ms. Sisson will discuss the land choices with members of the Land Stewardship Subcommittee, who have a better sense of the use of the properties. Ms. Sisson further suggested having a public meeting on the problem first and then one later on the solution.

Continuation of a Request for Determination of Applicability Hearing – Steve Ernst, 2 Wilroy Avenue, Harvard#0219-01. Opened at 7:32pm

Notice of Intent Hearing – Depot Real Estate Trust, 111 Depot Road, Harvard#0219-02. Opened at 7:34pm

Continuation of a Notice of Intent Hearing – Nitsch Engineering, 27 Massachusetts Avenue, Harvard#0119-02. Opened at 7:45pm

Update on trail use by snowmobiles on Holy Hill

Joe Gibbons, of Harvard Snowmobile Club (HSC), was present to discuss the recent event of off-trail riding on Holy Hill. Mr. Gibbons is the HSC member who installs all of the signage around Town during the snowmobile season. Mr. Gibbons stated additional signage has been installed at both Holy Hill and the Clapp land; which he believes has resolved the issues. Peter Dorward, a volunteer at Community Harvest Project, stated there was off-trail snowmobiling in the orchard over the weekend. In addition, he noticed today there are tracks into the abutting Davis land, which is private land and where snowmobiling is not allowed. Mr. Gibbons stated he has installed signage that states "Snowmobiling is a privilege and not a right".

A discussion ensued in regards to the new owners at 140 Littleton Road who has concerns with the use of the common driveway to access the Fuller-Dudley Woods land.

On another subject matter, Mark Shaw provided a letter of support from HSC in regards to the purchase of the Capobianco land along Willard Lane.

Open Space Committee Update – Select Board Meeting February 26th

Don Ritchie attended the Select Board (SB) meeting last week to present the Open Space Committee (OSC). The SB did not respond favorably to the recommendation of forming the OSC. The SB asked if there is buy-in from the boards and committees that are recommended to serve on the OSC. Mr. Ritchie had explained to the SB the Commission was seeking approval of the OSC before approaching others to serve. Members of the SB recommended there be representation from the Municipal Affordable Housing Trust and Park & Recreation Commission.

Peter Dorward stated he has since spoke with the chair of SB, Lucy Wallace, who feels the Commission can handle both open space and the Wetland Protection Act, therefore negating the need to create an additional committee. Mr. Dorward stated a recent conversation with SB member Kara Minar indicated she does not agree with Ms. Wallace. The SB has agreed to further discuss the request to create an OSC at their strategic planning session in June. The Commission needs to provide information to the SB that delineates the current roles of the Commission, along with additional detail on what the OSC will be tasked with.

Request to Amend & Extend the Order of Conditions – Pine Hill Village, Stow Road (Map 36 Parcels 85 & 86.1)

Carla Page was present to discuss the request to amend and extend the Order of Conditions for Pine Hill Village. Ms. Page reviewed the plan set and the plan that calls out all of the revisions from the 2011 approved plan. Wendy Sisson inquired about the ability to ask for the stormwater

calculations to be assessed using new precipitation frequency statistics published by the National Oceanic Atmospheric Administration (NOAA) Atlas 14. Ms. Sisson noted that although these new standards have not been accepted by the State, there are some communities within Massachusetts that are requiring the use of the new data. The members discussed the matter, but did not formally require the stormwater calculations be reviewed using the new data.

The phasing of the tree clearing was discussed. The applicant will consider two phases of the tree clearing. Snow storage locations were discussed as it pertains to the Pine Bank area and rain garden #12. The applicant will look at eliminating snow storage around rain garden #12 and for other locations for snow storage in the Pine Bank area.

The Commission intends to engage professional monitoring for this project as allowed for under the Order of Conditions. The Commission will need to determine the scope of work for a contracted monitor.

Approve Minutes

This item was passed over this evening.

Approve Invoice

Wendy Sisson made a motion to approve the invoice for Hamwey Engineering in the amount of \$1430.00. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Land Stewardship Subcommittee 2019 Appointments

This item was passed over this evening.

Request to Participate at the 3rd Annual Environmental Conference on May 30th

This item was passed over this evening.

Approve Municipal Certification – Conservation Restriction, South Shaker Road

At the request of David Outman, Director of Harvard Conservation Trust, this item was passed over this evening.

Request for a Certificate of Compliance – SCD Builders, LLC, 223 Bolton Road, DEP#177-639

After a brief discussion, Jim Burns made a motion to issue the Certificate of Compliance for 223 Bolton Road, DEP#177-639. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Request to locate Telecommunications Facility on Conservation Land – Boca along Old Shirley Road

This item was passed over this evening.

Executive Session

This item was not necessary this evening.

Adjournment

Mark Shaw made a motion to adjourn the meeting at 10:20pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing
Steve Ernst, 2 Wilroy Avenue, Harvard#0219-01
March 7, 2019

The public hearing was opened at 7:32pm by Chair 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, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin) and Neil Gorman (Ross Assoc.)

This hearing was continued from February 21, 2018 for a Request for Determination of Applicability filed on behalf of Steve Ernst for the upgrade of a sewage disposal system within 200 feet of Bare Hill Pond at 2 Wilroy Avenue, Harvard.

Neil Gorman, of Ross Associates, was present to represent the applicant. The hearing had been continued to allow for proper notification of the homeowners association, which has now been complete.

Jim Burns made to close the hearing and issue a Negative 2 Determination of Applicability. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing
Depot Real Estate Trust, 111 Depot Road, Harvard#0219-02
March 7, 2019**

The public hearing was opened at 7:34pm by Chair 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, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin), Neil Gorman (Ross Assoc.) Peter Feltus and Colleen Feltus

This hearing is for a Notice of Intent filed on behalf of Depot Real Estate Trust for the upgrade/replacement of a failing septic system within the 100' wetland buffer zone at 111 Depot Road, Harvard.

Neil Gorman, of Ross Associates, explained the property is surrounded by a wetland resource area on both sides and to the rear; therefore the entire property is within the 100' wetland buffer zone. Soil testing was limited to the front of the property adjacent to Depot Road. The plan calls for the use of a Presby© system to replace the failing septic system. Although a site walk was not able to be conducted due to current weather conditions, members of the Commission are familiar with the site and agreed this is the only suitable location for the septic system. A condition indicating any future active beyond that permitted this evening will require a review of the wetland delineation.

Wendy Sisson made a motion to allow for a waiver for the toe of slope within 50' of wetland buffer zone because the application is for an upgraded sewage disposal system, which is an improvement to the system that is in place currently, as well as the site does not allow for the location of the proposed sewage disposal system outside of the 50' wetland buffer zone. Paul Willard seconded the motion. The vote was unanimously in favor of the motion.

Jim Burns made a motion to close the hearing and issue an Order of Conditions with the condition that due to current weather conditions, the Conservation Commission did not review the delineated wetland line, therefore any future activity on the site within the 100' wetland buffer zone or the wetland resource area beyond that permitted within the Order will require confirmation of the wetland delineation. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Nitsch Engineering, 27 Massachusetts Avenue,
DEP#177-676, Harvad#0119-02
March 7, 2019**

The public hearing was opened at 7:45pm by Chair 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, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

Others Present: Liz Allard (LUB Admin), Matt Brassard (Nitsch Engineering), Tom Murphy (NV5) and Larry Sprang (Arrowstreet)

This hearing was continued from February 21, 2019 for a Notice of Intent filed on behalf of Nitsch Engineering for the replacing of the existing Hildreth Elementary School building with a new facility within the 100' wetland buffer zone at 27 Massachusetts Avenue, Harvard.

Matt Brassard, of Nitsch Engineering, was present to represent the School Building Committee. The Department of Environmental Protection issued the file number today with comments. Comments include compliance with stormwater standards 4 and 6 as a project within an Interim Wellhead Protection Area (IWPA) and compliance with the requirement to remove 80% of total suspended solids (TSS) from stormwater before it is discharged within the detention/recharge field at the front of the property. Mr. Brassard explained the TSS was calculated on a 1" rainfall instead of ½" rainfall as required. The detention/recharge field at the front of the property is compliant with the IWPA requirements as none of the roadways are tributary to the system. Mr. Brassard stated there are inconsistencies between the plan and the report that will be corrected within the final version. It was requested the second level spreader be shifted north to move it further from the wetland on the final plan.

With a final plan still needed to make a decision, Wendy Sisson made a motion to continue the hearing to March 21, 2019 at 8:15pm in the Town Hall Meeting Room, 13 Ayer Road. Jim Burns 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 March 7, 2019

Notice of Intent Hearing – Depot Real Estate Trust, 111 Depot Road, Harvard#0219-02

- Sewage Disposal System, designed for Peter & Colleen Feltus, 111 Depot Road, Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 32517, Plan No. L-13708, dated January, 2019

Continuation of a Notice of Intent Hearing – Nitsch Engineering, 27 Massachusetts Avenue, Harvard#0119-02

- Existing Conditions Plan, designed for Arrowstreet, 27 Massachusetts Ave., Harvard, MA, prepared by David E. Ross Associates, Inc., Job No. 13784 & 19655, Plan No. L-13200B, dated 2-18-19

Request to Amend & Extend the Order of Conditions – Pine Hill Village, Stow Road (Map 36 Parcels 85 & 86.1)

- Notice of Intent Snow Storage Plan for Pine Hill Village in Harvard, Mass., Definitive Plans for the Comprehensive Permit Application, Pine Hill Village LLC, prepared by R. Wilson and Associates, File No. 1009/5086, dated 2/20/19

Approve Invoice

- Hamwey Engineering Inc., Invoice No. 4470, dated February 19, 2019