

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
AUGUST 20, 2020  
APPROVED: JANUARY 7, 2021**

Chair Don Ritchie called the meeting to order at 7:04pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Andrew Pomeroy, Nicole Pomeroy, Robert Stoffel, Greg Smith, Dan Tracey, Tom Cotton (Deer Management Subcommittee), Jason Cole (Deer Management Subcommittee) and Bob Douglas (Deer Management Subcommittee)

**Approve Minutes – June 18, and July 16, 2020**

Joanne Ward made a motion to approve the minutes of June 18 and July 16, 2020 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

**Election of Officers for Fiscal Year 2021**

Joanne Ward made a motion to maintain the existing Officers, Don Ritchie, Chair and Paul Willard, Vice Chair, for Fiscal Year 2021. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

**Driveway Easement for 98 Shaker Road**

Members briefly discussed the draft letter to Debra Murray of 98 Shaker Road, which details the proposed land swap to resolve the driveway easement issue between her property and the abutting conservation land. Failure to respond to this letter will initiate action from Town Counsel to resolve the matter. Jim Burns made a motion to send the letter as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

**Master Plan & Open Space & Recreation Plan Strategic Planning for FY2021**

Liz Allard updated the members on the items within the Action Plan of the 2016 Master Plan under their preview. A letter will be sent to the Planning Board detailing these updates.

**Update on Pine Hill Village Stow Road**

Nitsch Engineering provided a report this afternoon in regards to their most recent inspection of the site. Siltation barriers have been installed at the inlets of the recently installed drainage systems. They appear to be installed incorrectly; Joanne Ward will inspect the site tomorrow.

Peter Cricones shall be reminded that solutions to recommendations from Nitsch Engineering need to be discussed with and potentially approved by the Commission before acting upon them.

**Deer Management Subcommittee - Subcommittee Appointments**

Members discussed the reappointment of the existing members to the subcommittee. Liz Allard has spoken with Paul Willard in regard to his role on the subcommittee as the representative for the Conservation Commission (ConCom). The creation of this subcommittee has been controversial in Town; Ms. Allard feels the representative from the ConCom should be well involved; something Mr. Willard he himself admits has been lacking. Don Ritchie has not had an

opportunity to discuss the matter with Mark Shaw to determine if he would have interest in being the ConCom representative; therefore, the ConCom would need to delay the reappointments until other members are available.

Joanne Ward would support either Mark Shaw or Eve Wittenberg as the ConCom representative. Having someone, such as Eve Wittenberg, involved as the subcommittee as we venture into the first hunting season, which will include a large amount of data collection, would be useful in a number of ways. Bob Douglas feels Ms. Wittenberg would be counterproductive to the goals of the subcommittee. Ms. Wittenberg stated she is not trying to dissolve the subcommittee, but wants to work with them to achieve the goals.

This matter will be further discussed at the September 3<sup>rd</sup> meeting of the ConCom.

**Request for Determination of Applicability Hearing – Andrew Pomeroy, 114 Ann Lees, Harvard#0720-03.** Opened at 7:32pm

**Request for Determination of Applicability Hearing – Robert Stoffel, 21 Candleberry Lane, Harvard#0820-01.** Opened at 7:49pm

**Continuation Notice of Intent Hearing – Ed Potter, 105 Ayer Road, Harvard#0720-02.** Opened at 8:01pm

#### **Deer Management Subcommittee – Data Collection Forms**

Jason Cole reviewed the form used by the Town of Weston for data collection from the hunters. Edits were suggested by members of the Commission. The Harvard Police Chief has suggested hunter's check-in/check-out with dispatch, which could be cross referenced with the hunter log. Is there a penalty for not completing the log? Bob Douglas stated it is a requirement of the program, but will also confer with the Town of Weston on this matter. A draft of the log will be shared with the Commission for additional comments. Mr. Douglas stated qualifying of hunters is still on-going. Eve Wittenberg asked the minutes of the subcommittee meetings be provided in a timelier manner.

#### **Adjournment**

Jaye Waldron made a motion to adjourn the meeting at 8:43pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/Conservation Agent

#### **EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated August 20, 2020
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, June 18, 2020, prepared by Liz Allard
- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, July 16, 2020, prepared by Liz Allard
- Attachment A: Map & Quotes, undated, included with 114 Ann Lees Request for Determination of Applicability Application
- Site Plan, undated included with 21 Candleberry Lane Request for Determination of Applicability application

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing Minutes  
Andrew Pomeroy, 114 Ann Lees Road, Harvard#0720-03  
August 20, 2020**

The public hearing was opened at 7:32pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Andrew Pomeroy and Nicole Pomeroy

This hearing is for a Request for Determination of Applicability filed on behalf of Andrew Pomeroy for landscape improvements within the 100' wetland buffer zone at 114 Ann Lees Road, Harvard.

Andrew Pomeroy explained his desire to create a useable area in the back of his house at 114 Anne Lees Road for his family. A site walk had been conducted last week which provide the members a better understanding of the area and request. After briefly discussing compromises to the proposed design, Jim Burns made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the following conditions:

1. The lawn area is to be reduced from 120' to 100', with the 20' reduction along the wetland side of this area;
2. Harvard "Protected Wetland" markers shall be installed along the edge of the new lawn; and
3. Within the 100-foot buffer zone, no person shall use a registered pesticide in a manner that is inconsistent with its labeling or other restrictions imposed by M.G.L. Chapter 132B and its regulations promulgated at 333 CMR.

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

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing Minutes  
Robert Stoffel, 21 Candleberry Lane, Harvard#0820-01  
August 20, 2020**

The public hearing was opened at 7:49pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Robert Stoffel and Greg Smith

This hearing is for a Request for Determination of Applicability filed on behalf of Robert Stoffel for the conversion of an existing deck to a three-season porch with new footings within the 100' wetland buffer zone at 21 Candleberry Lane, Harvard.

Robert Stoffel and his contractor, Greg Smith, were present to discuss the proposed conversion of an existing deck to a three-season porch. A site walk was conducted on August 11, 2020, which raised a number of concerns from the Commission as it pertains to stormwater runoff on the site. Jaye Waldron requested a plan that details the distance for the existing/proposed structure and the wetland resource area. Mr. Smith explained all work will be conducted by hand due to the topography of the area and is willing to install a siltation barrier along the existing slope. As for roof runoff, the Commission would like to see either a drip edge with crushed stone or gutters, this detail should be provided on the plan.

With additional information required, and Mr. Stoffel's consent, Joanne Ward made a motion to continue the hearing to September 3, 2020 at 8:30pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing Minutes  
Ed Potter, 105 Ayer Road, DEP#177-690, Harvard#0720-02  
August 20, 2020**

The public hearing was opened at 8:01pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from August 6, 2020 for a Notice of Intent filed on behalf of Ed Potter for the installation of a replacement sewage system and related grading within 100' of a wetland resource area at 105 Ayer Road, Harvard.

The Department of Environmental Protection has issued a file number with no comments; therefore, the hearing can now be closed. Jim Burns made a motion to close the hearing and issue an Order of Conditions with the following special conditions:

1. The existing fencing at the rear of the auto repair shop shall be reinstalled along the 50' wetland buffer zone to Bower's Brook;
2. Parking of vehicles shall cease along the north side of Mill Road adjacent to the wetland resource area; and
3. To the entry of the work area, the siltation barrier shall be reinstalled at the end of each work day.

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

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent