

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
NOVEMBER 5, 2020  
APPROVED: MARCH 4, 2021**

Chair Don Ritchie called the meeting to order at 7:02pm, 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, 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), Tom Cotton (Harvard Conservation Trust and Deer Management Subcommittee), Keith Bilafer, Holly Carmody, Ben Urquhart (Deer Management Subcommittee) and Bob Douglas (Deer Management Subcommittee),

**Approve Municipal Certifications for Conservation Restrictions at 30 and 31 Cruft Lane**

Tom Cotton, from Harvard Conservation Trust, was present to request the Conservation Commission approve the Municipal Certification for the Conservation Restriction (CR) at 30 and 31 Cruft Lane. Wendy Sisson made a motion to approve the Municipal Certification as requested. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Mark Shaw and Holly Carmody expressed their issue with the clause within the CR that does not allow for dogs to be on the existing trails. Wendy Sisson explained the CR is on private land, therefore it is up to the property owner to allow or disallow certain activities. Ms. Sisson further explained the Conservation Commission is not involved with obtaining this CR, just approving the require Municipal Certification. Mr. Cotton further stated the property owner is under no obligation to allow access to the existing trail. Jim Burns asked if the next owners of the land could change the requirements. It was sated yes they could.

**Memorandum of Understanding (MOU) with Parks & Recreation Commission for the Playing Fields**

Bob O'Shea thanked the Conservation Commission for working with the Parks & Recreation Commission (P&R) on a situation neither were involved with from the start. Mr. O'Shea stated P&R wants the Ann Lees field to be Massachusetts Interscholastic Athletic Association compliant with a 200' fence around the perimeter of the ball field. Wendy Sisson explained the fence would include an addition area of 15' beyond it that would be maintained as a mowed area for the retrieval of balls. Ms. Sisson stated this mowed area would be extremely close to the wetland, which is typically not allowed. Mr. O'Shea stated the mowing of the field is based on the playing schedule, but as to when the 15' area should be mowed can be worked out with Ms. Sisson. With no available funds for a formal fence under the Title 9 guidelines, a temporary fence will be installed for now. Mr. O'Shea stated the boy's baseball field has a formal fence, so if the girl's field does not have one in the near future the P&R will have an issue. Ms. Sisson stated there is no requirement to have an outfield fence. Mr. O'Shea stated it will be ConCom's issue to maintain the field if a permanent fence is not installed. Other aspects of the MOU were discussed. Ms. Sisson and Mr. O'Shea will continue to work out the MOU.

**Planning Board Request for Comments – Scenic Road Consent, 108 Pinnacle Road**

The site plan submitted to the Planning Board is consistent with revised plan the Conservation Commission recently approved as part of the approved Order of Conditions, DEP#177-681. This information will be conveyed to the Planning Board.

### **Review Amendments to Chapter 147 Wetland Bylaw Regulations**

Members were reminded to provide any comments on the revisions to Chapter 147 to Liz Allard. The public hearing will be opened on December 3, 2020.

### **Request for a Certificate of Compliance – 26 Bolton Road, DEP#177-665**

Jim Burns made a motion to issue the Certificate of Compliance for 26 Bolton Road, DEP#177-665. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

### **Approve use of the Reuben Reed land for Bromfield Baseball Boosters Club, November 21 – December 20, 2020**

Wendy Sisson made a motion to approve the use of the use of the Reuben Reed land for Bromfield Baseball Boosters Club, November 21 – December 20, 2020, for the sale of Christmas trees with the same stipulation as last year. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

### **Approve Invoice – Beals & Thomas, \$4,714.23 (Peer Review)**

Jim Burns made a motion to approve the invoice from Beals & Thomas for the peer review of the 175 Littleton County Road application in the amount of \$4,714.23. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

Paul Willard made a motion to approve the allocation of \$55.00 for the attendance of Wendy Sisson at a MACC workshop. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

### **Approve Minutes – August 6, 2020**

This item was passed over

### **Continuation of a Notice of Intent Hearing – Luciano Manganella, 175 Littleton County Road, DEP#177-692, Harvard#0820-04. Opened at 7:36pm**

#### **Deer Management Subcommittee Update**

It appears the issue with hunter's logging-in with the police dispatch has been resolved. Eve Wittenberg requested the data from the hunter log be provided to the Conservation Commission (ConCom) members. Difficulties accessing the log by Liz Allard need to be resolved, so that she can share the log with the ConCom members.

There has only been one minor interference thus far within the program. Random audits of the hunter's have been conducted. The Deer Management Subcommittee will be hosting a meeting with the Department of Fish & Wildlife on November 19, 2020; time to be determined, as members of ConCom would like to attend, but have a regularly scheduled meeting that evening.

#### **Driveway Easement – 98 Shaker Road Update**

Prior to engaging Town Counsel in this matter, the Conservation Commission was informed the property owner moved the driveway as required by the deed. Don Ritchie & Liz Allard reviewed the site to find the driveway has in fact been moved. Wendy Sisson and Ms. Allard are working on the signage for the foot of the driveway as previously agreed upon.

### **Community Preservation Committee Meeting – November 18, 2020**

Both Don Ritchie and Wendy Sisson stated they could attend the meeting to represent the Conservation Commission on the application for funding toward the Agricultural Preservation Restriction for Community Harvard Project along Prospect Hill Road.

### **Wetland Enforcement Updates – 225 Bolton Road and 288 Ayer Road**

A Notice of Intent (NOI) has not been filed as of yet for 225 Bolton Road, nor has there been any communication from the contractor or property owner as to the status of the NOI. Paul Willard made a motion to issue an Enforcement Order to cease & desist any activity within the 100' wetland buffer zone and to file an NOI by December 3, 2020. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

Don Ritchie & Liz Allard reviewed 288 Ayer Road, along with the property owner, where a violation of the Wetland Protection Act and the Wetland Protection Bylaw has occurred. The violation is limited to the clearing of vegetation within 100' of a wetland resource area. The owner has had the area surveyed for the wetland boundary and will allow the areas cleared to revegetate naturally. Mr. Ritchie will monitor the activity at this site.

### **Update on Pine Hill Village Stow Road**

Liz Allard stated Steve Ventresca from Nitsch Engineering will be in Town on November 17<sup>th</sup> to review another site, therefore Liz Allard and Don Ritchie will review Pine Hill Village with as well on that day.

### **Adjournment**

Paul Willard made a motion to adjourn the meeting at 8:44pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, 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 November 5, 2020
- Conservation Restriction and Easement for 30 and 31 Cruft Lane, undated
- Memorandum of Understanding between the Harvard Parks & Recreation Commission and the Harvard Conservation Commission for Ann Lee's Field, November 5, 2020
- Beals & Thomas Invoice 3241.00-1, 10/30/2020
- Review of Notice of Intent (MassDEP File No. 177-0694) & Special Permit Modification 175 Littleton County Road Harvard, Massachusetts B+T Project No. 3241.00, October 27, 2020

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Minutes**  
**Luciano Mangarella, 175 Littleton County Road, DEP#177-694, Harvard#0820-04**  
**November 5, 2020**

The public hearing was opened at 7:36pm 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, 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)

This hearing was continued from October 1, 2020 for a Notice of Intent for the construction of a single-family dwelling, barn, driveway, culvert replacement and stormwater facilities for the control of stormwater, involving the alteration of an intermittent stream and bordering vegetated wetland and activity within their associated 100' wetland buffer zone at 175 Littleton County Road, Harvard.

Liz Allard reminded the members of the joint meeting for this application with the Planning Board of November 16, 2020. Ms. Allard, along with representatives from GPR, Inc. and Beals & Thomas, met today to go over the initial review of the project. GPR provided revisions to the plan and an amendment to the Notice of Intent application as a limited project, as recommended by Beals & Thomas.

In regards to the fire pond on the property, the hydrant is in good working order, but the pond itself will need to be dredged. The Fire Department will be putting out Request for Proposals within the next few months for this fire pond and others in Town, therefore this application will not include the work to dredge the pond.

As for the wetland restoration area necessary due to the new crossing, Wendy Sisson would recommend a 1:1 replication as opposed to the require 2:1 with the Wetland Bylaw Rules.

Jim Burns made a motion to continue the hearing to November 16, 2020 at 7:30pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, 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

