



## Open Space Committee

Town of Harvard, MA

### Meeting Minutes of Thursday, October 2, 2020

Conducted via videoconference

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**Attending Members:** Peter Dorward (Chair); Paul Cohen; Jo-Anne Crystoff; Dan Daly; Jim Lee. **Missing:** Robert Duzan; Linda Dwight; Gwen Leonard; Rich Maiore. **Other Attendees:** Liz Allard, Land Use Administrator/Conservation Agent; Chris Ryan, Director of Community & Economic Development; Tim Kilhart – Director of the Department of Public Works. **Public:** None

#### Procedural items

- *Call to Order* – Dorward called the meeting of the Open Space Committee (OSC) to order at 8:32 AM
- *Next Meeting* – Staying with 8:30 AM on the first Tuesday of the month
- *Minutes* of the September 3, 2020 meeting were approved 4-0 by rollcall vote; Cohen abstained.

#### Old Business

- *Open Space Inventory* – Dorward shared the result of analysis conducted with the Assessors and Allard, which is an update to the inventory conducted in 2016 (“ToH Open Space Inventory 9/29/2020”). Dorward acknowledged and discussed coding discrepancies, especially those parcels in Chapter 61. Dorward asked Allard to help go through the differences.

Cohen asked why Harvard Conservation Trust (HCT) lands are recorded as unprotected. Dorward explained that only a small percentage of HCT lands has conservation restrictions on them, so that they are technically unprotected; but for the purposes of the open space prioritization, the working assumption is that all such land is protected even if it is not legally protected. Lee further explained that since HCT controls those properties, it is effectively protected. Ryan noted that land trusts commonly maintain flexibility in their holdings in order to prospectively use them as leverage or assets when other, more valuable properties come available. Dorward explained the definitions of key categories. Daly raised the concern that readers might misconstrue a trend of “unprotected open space” in the 2016 OSPR versus 2020 update.

- *Committee Charge* – Dorward explained recommended changes to the committee’s charge and invited member input (“Open Space Committee charge - suggested edits 9-28-20”). There being none, on a motion by Lee seconded by Daly, the edits were approved 5-0 by rollcall vote. The approved changes will be brought to the Select Board as part of the semi-annual update.

#### New Business

- *Right of First Refusal, “Stone Land”* – Lee explained the status of the parcels known as the “Stone Land” --- distinguishing the .78 acre house lot located at 19 South Shaker Road owned by the *Stone Realty Trust* from the approximately 19 acre “cornfield” at the intersection of Ayer Road and South Shaker Road, to be bequeathed to HCT by *The Robert and Frances Stone Family Trust* --- and what was being asked of the Town of Harvard (“ROFR\_Stone Land\_19 South Shaker Rd\_09.25.2020”). In order for the non-conforming house lot to accommodate a new septic system, HCT renounced and disclaimed a 50,404 sq. ft. portion of the 19-acre “cornfield”, lying adjacent to the house lot, in order for this portion to be converted from Chapter 61A designation to residential use so that it can be combined with the

house lot. OSC is being asked by HCT to make a recommendation to the Select Board to waive its Right of First Refusal on the 50,404 sq. ft. portion being taken out of Chapter 61A designation in order to fulfill the outcomes negotiated between the parties as set forth in the agreement. Lee summarized that the rest of the “cornfield” land is going to HCT with the understanding that it should never be developed and built out with houses or commercial buildings, that it remains open fields preferably in active/productive agricultural use, and that the Stone family name is memorialized and forever tied to this land. While the agreement was written so that the land could potentially be considered for playing fields, HCT is committed to keeping it in agriculture first.

Ryan asked whether the Ayer Road frontage of the 19-acre cornfield parcel should be re-zoned from commercial to agriculture/residential to remove any incentive to take any restriction off of that land. Doing so would reflect consistency with Town values, and he recommended HCT consider pursuing it.

On a motion by Daly seconded by Lee, the committee voted 5-0 to approve its recommendation to the Select Board that it decline to exercise its first right of refusal on the portion of the Chapter 61A land to be converted to residential use and combined with the house lot.

- *Community Preservation Committee (CPC) Application* – Dorward briefed members on the Community Harvest Project’s (CHP) effort to obtain Agricultural Preservation Restriction (APR) at the Prospect Hill property to be funded via the proposed FY2022 CPC application. Last year CPC approved \$150,000 for the APR and this year the requested amount is the same, with Dorward’s recommendation that OSC take the lead on this year’s CPC application. Conservation Commission (ConComm) review and recommendation is to be sought, and if there approved, brought to CPC indicating such. Dorward compared the relative evaluation criteria rankings of CHP to other recent purchases that the Town and HCT have made to emphasize that CHP is one of the town’s premier open space protection initiatives.

On a motion by Lee seconded by Daly, the committee voted 5-0 to approve the application and to proceed to ConComm for their recommendation, upon which it will be submitted and presented to CPC.

*Legacy Forest Program (LFP)* – Allard and Crystoff reviewed the Massachusetts Department of Conservation & Recreation’s LFP and some of its stringent criteria, like the 500-acre minimum, requirement for contiguous parcels, limited road interruptions and that it must be 75% forested. Allard reported that ConComm thinks OSC should take it on; Dorward pointed out that OSC is charged with working with such boards to seek grants. The next meeting of DCR’s LFP is October 15<sup>th</sup>. Crystoff volunteered to represent OSC given she is already involved on behalf of the Town of Ayer.

**Active Recreation** – Daly suggested that the next step should be application of the three so-called “knockout criteria” in order to apply them to the list of parcels and created tiered bands of amenable properties. Dorward pointed out that there probably should be a 4<sup>th</sup> criterion that identifies wetlands.

**Open Space** - Dorward presented various maps from ARCGIS layers he has constructed indicating potentially attractive properties for open space protection and potential active recreation. Dorward requested help looking through the properties to find errors and for improvement of the analysis.

On a motion by Lee seconded by Daly, the committee voted 5-0 to adjourn the meeting at 9:34 AM.

**Next meeting:** Thursday, November 5, 2020 at 8:30 AM EST

*Minutes by Dan Daly*

#### **Referenced Documents**

ToH Open Space Inventory 9/29/2020

Open Space Committee charge - suggested edits 9-28-20

ROFR\_Stone Land\_19 South Shaker Rd\_09.25.2020