

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MAY 7, 2020
APPROVED: JUNE 18, 2020**

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, Wendy Sisson, Jaye Waldron and Mark Shaw

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Bruce Stamski, Bruce Leicher (Bare Hill Pond Watershed Management Committee), Marisa Khurana, Mark Lavelle (GPR, Inc.), Dan Wolfe (Ross Associates, Inc.), Mamie Wytral, Darrell and Willie Wickman, Eve Wittenberg and Kelvin Wiebe

Approve Electronic Signature for Conservation Permits under the Wetland Protection Act and the Harvard Wetland Protection Bylaw

Jaye Waldron made a motion to authorize the use of electronic signatures for conservation permits during the State of Emergency pursuant to the Order Suspending Certain Provisions of the Open Meeting Law, issued by Governor Charles D. Baker on March 12, 2020. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Ratify Revised Enforcement Order – 131 Bolton Road

Jaye Waldron made a motion to ratify the revised Enforcement Order, issued to Nathan Bailey on February 25, 2020. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Request to Amend the Order of Conditions – 5 Haskell Lane, DEP#177-668

Mark Lavelle, of GPR, Inc., explained the requested amendments to the approved site plan include relocation the generator at the rear of the existing dwelling, eliminating the shed in which the generator was to be housed in and moving the location of the above ground propane tank to new location, which will be buried as allowed by law. After a brief discussion, Wendy Sisson made a motion to approve the amendments as discussed this evening as field changes, which does not require an amendment to the Order of Conditions. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Ratify Emergency Certification – 288 Ayer Road

Wendy Sisson made a motion to ratify the Emergency Certification issued to Chris Holmes on April 8, 2020, for the property at 288 Ayer Road, and to extend said Order to June 8, 2020. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Continuation of a Request for Determination of Applicability Hearing – Bruce Stamski, 125 Clinton Shore Drive, Harvard#0220-01. Opened at 7:30pm

Notice of Intent Hearing – Darrell & Willie Wickman, 27 Willow Road, DEP#177-686, Harvard#0320-01. Opened at 7:40pm

Request for Enforcement of Wetland Violation – 105 Ayer Road

The Commission received an anonymous letter requesting a potential wetland violations at 105 Ayer Road be addressed. This site is a commercial business known as Mill Road Tire & Auto

Center and consists of a single-family dwelling. A pond at 99 Ayer Road is potential within 200' feet of activity at the rear of the property, which contains stored vehicles. The business tends to park vehicles along the north side of Mill Road during hours of operation. This area contains wetland resources.

Dan Wolfe, of Ross Associates, happen to be present and was able to inform the Commission the property recently was sold to the individual who has been operating the Tire Center. Mr. Wolfe is working on plans for an upgraded septic system and is willing to share contact information he has for the property.

The Commission agreed the time was right to reach out to the new owner to express concerns with activity on the site and discuss the potential to come to an agreement about these activities.

Review & Comment on Proposed uses at 162 East Bare Hill Road

Kelvin Wiebe, the new owner of 162 East Bare Hill Road, was present to discuss his intended use of the property. Liz Allard had conducted two site visits on the property; one included the consultant who delineated the wetland line. Ms. Allard detailed her findings in a memo to the Commission dated May 5, 2020, which had been previously shared with Mr. Wiebe. A map detailing the animals, bee hives, small orchard and garden Mr. Wiebe is interested in having on the property was displayed for the Commission. Due to the close proximity of the wetland resource area Ms. Allard is recommending the area behind the barn not be used for the pasturing of animals. Areas in front of the house are either significantly away from wetland resource areas or have a clear defining barrier between them and the wetland and would be suitable for the activities proposed. In regards to the proposed location of the garden, Wendy Sisson suggested it be rotated 90° in order to preserve the 50' no disturb zone from the wetland edge.

Mr. Wiebe will be upgrading the septic system, which will require a filing with the Commission; these items can be further addressed under that filing.

0 Ayer Road Conservation Restriction – Change in Ownership Estoppel Certificate

Wendy Sisson made a motion to approve the Estoppel Certificate for 0 Ayer Road. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Comments on US Fish & Wildlife Service Hunting Plan at Oxbow National Wildlife Refuge

Wendy Sisson will draft a letter for the members review and approval at the May 21, 2020 meeting.

ZBA Request for Comments – Special Permit, 134 Old Littleton Road

The Commission has received a Request for Determination of Applicability application for this location that will be on the May 21st agenda. A small corner of the addition will be within the 100' wetland buffer zone. Any concerns raised on the 21st in regards to this application will be forwarded to the ZBA before their public hearing on May 27th.

Planning Board Request for Comments – Scenic Road Consent, 110 Pinnacle Road

The Commission had no comments to this application.

Approve Minutes – February 20, and March 5, 2020

This item was passed over this evening.

Approve Invoice

- Jaye Waldron made a motion to approve the invoice for **Nitsch Engineering (Pine Hill Village Monitoring) in the amount of \$1240.00**. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

- Wendy Sisson made a motion to approve the invoice for **Favreau Forestry, LLC (White Lane Land) in the amount of \$815.00**. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.
- Wendy Sisson made a motion to approve the reimbursement for **Liz Allard (Publications) in the amount of \$51.50**. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.
- Wendy Sisson made a motion to approve the invoice of **Voss Sign (Trail Blazes) in the amount of \$195.00**. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.
- Jaye Waldron made a motion to approve the invoice of **Bare Hill Pond Homeowners Association (Road Dues) in the amount of \$100.00**. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Wetland Violation – 92 South Shaker Road – Update

The Commission had conducted a site walk at this property in February, at which it was determined a filing with the Commission will be required for the activity being conducted and activity that is proposed on the site. The Commission needed to determine if they want to wait for a filing from the property owner or issue an Enforcement Order for the existing violations. Since the property owner was cooperative with the assessment of the property in February the Commission is willing to wait for a filing as opposed to issuing an enforcement order.

National Grid Removal of line from Cobb Land #2

There was no new information on this item.

Update on Pine Hill Village Stow Road

Liz Allard stated she had been concerned with the sequencing of the project as it pertains to the stormwater management systems. The construction sequence details the installation and planting of some these systems prior to the construction of the structures; however that is not what is taking place on the site. Don Ritchie has reviewed the site and does not have an issue with the order of construction as the constructed wetland is currently functioning as a sedimentation basin during this phase of construction. Wendy Sisson would like Nitsch Engineering to point out to the Commission when the construction sequence is not being followed. It was agreed that the water level in the constructed wetland is a concern and should be re-addressed by the developer's engineer to determine its ability to function properly. Liz Allard will follow up with the Nitsch and the developer.

Driveway Easement for 98 Shaker Road

Recently the property owner installed a chain across the driveway along with a "No Trespassing" sign. The Commission has an easement along the existing driveway to access the property for maintenance. The sign leaves users of the land uneasy about accessing by foot. The Conservation Agent has made repeated attempts to receive the revised deed, as discussed last October, from the owner's attorney. The Commission agreed a certified letter should be sent directly to the property owner requesting an explanation of the chain and sign.

Adjournment

Wendy Sisson made a motion to adjourn the meeting at 8:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard, Land Use Administrator/Conservation Agent

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing Minutes
Bruce Stamski, 125 Clinton Shore Drive, Harvard#0220-01
May 7, 2020

The public hearing was opened at 7:30pm by Chair Don Ritchie under 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, Wendy Sisson, Jaye Waldron and Mark Shaw

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Bruce Stamski and Bruce Leicher (Bare Hill Pond Watershed Management Committee)

This hearing was continued from March 5, 2020 for a Request for Determination of Applicability filed on behalf of Bruce Stamski for an addition to an existing structure within 200' of Bare Hill Pond at 125 Clinton Shore Drive, Harvard.

Bruce Stamski explained the proposed addition to the existing structure at 125 Clinton Shore Drive would square off the corner of the north-west side of the structure. In addition, the front entry way would be improved to include a flat direct access into the structure as opposed to stairs. All work is outside the 100' buffer zone to Bare Hill Pond, but within 200', therefore requiring a filing under the Town's Wetland Protection Bylaw. Mr. Stamski also requested to remove limbs from an existing 30" oak tree that hangs over the structure.

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee, had no issues with the proposal as long as standard protections are in place.

After a brief discussion, Wendy Sisson made a motion to close the hearing an issue a Negative #3 Determination of Applicability with the condition that siltation barrier be inspected by the Conservation Agent or a member of the Commission prior to commencement of activity and the limbs of the 30" oak tree may be trimmed. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing Minutes
Darrell & Willie Wickman, 27 Willow Road, Harvard#030-01
May 720**

The public hearing was opened at 7:40m by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and 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, Wendy Sisson, Jaye Waldron and Mark Shaw

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Dan Wolfe (Ross Associates, Inc.), Mamie Wytral, Darrell and Willie Wickman, and Bruce Leicher (Bare Hill Pond Watershed Management Committee)

This hearing is for a Request for Determination of Applicability filed on behalf of Darrell and Willie Wickman for landscape improvements including installing granite steps and native plantings, and improving an existing patio within 200' of Bare Hill Pond at 27 Willow Road, Harvard.

Dan Wolfe, of Ross Associates, Inc, detailed the site which includes an existing gravel path to the pond, an overgrown area of vegetation and a patio in need of repair. Mamie Wytral detailed the proposed landscaping for the site, including the installation of granite steps, which will replace the existing gravel path. Wendy Sisson asked about the potential for erosion down the new pathway. Dan Wolfe explained the path way steps will consist of a wide tread of gravel, reducing a potential for erosion towards Bare Hill Pond. Ms. Sisson requested a siltation barrier be located on the plan to assure no erosion into the pond during installation.

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee, had no issues with the proposal as long as standard protections are in place.

Wendy Sisson made a motion to close the hearing an issue a Negative #2 Determination of Applicability. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated May 7, 2020
- Single Family Dwelling, Notice of Intent, Site Plan, 5 & 9 Haskell Lane, Harvard, prepared for John Oskirko, 5 Haskell Lane, Harvard, MA 01451, Job 3118A, prepared by GPR, Inc, dated 10/17/2018
- Photo – 125 Clinton Shore Drive, Addition Location, dated 2/12/20
- House Design Rendering, Proposed 6'x8' addition to 125 Clinton Shore Drive, Landscape and Entry Steps Not Accurate, dated 2/12/20
- Wickman Residence, Harvard, Massachusetts, Pond Hillside Garden, Schematic Master Plan, prepared by Mamie Wytral, Landscape Architect, revised 3 MAR 20, stamped by Daniel B. Wolfe, Ross Plan No. M-6682, dated 3-18-2020
- 162 zoom animals, dated March 14, 2020