

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
DECEMBER 17, 2020  
APPROVED: APRIL 15, 2021**

Chair Don Ritchie called the meeting to order at 7:05pm 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), Mark Adams (Harvard Snowmobile Club), Vicky LoChiatto, Melissa Tracey, Dan Daley, Jason Cole (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Jack Maloney (Dillis & Roy), Daniel Tracey, Matt Marro, Dan Mesnick, Jeff McKearney, Glenn Berger, Don Osmer, Joe Pulido and Brandon Ducharme (Ross Associates)

**Harvard Snowmobile Club Request to Re-route Trail on Sturdy Land**

Mark Adams, president of the Harvard Snowmobile Club (HSC), was present seeking permission to use a portion of the Study conservation land for a snowmobile trail. The trail would run along the edge of the existing fencing to an existing opening in the stone wall; the route is clear and would not require any work to improve. Mr. Adams and the Commission discussed the inability of the HSC to use the common driveway on Littleton Road to access the Fuller Dudley Woods conservation land.

A motion was made by Wendy Sisson and seconded by Jim Burns to allow the Harvard Snowmobile Club to re-route the snowmobile trail onto the Study conservation land and create a loop trail on the Dunlap land to eliminate a dead-end trail on the Fuller Dudley Woods conservation land. 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.

Mr. Adams reported the work along the Blomfelt trail has been completed and reviewed by the Land Stewardship Subcommittee. The Commission requested a 2020 snowmobile trail map be provided to the Land Use Office.

**Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations.** Opened at 7:15pm

**Request for a Determination of Applicability Hearing, Harvard#1120-01, Victoria LoChiatto, 42 Old Mill Road.** Opened at 7:30pm

**Continuation of a Notice of Intent Hearing – Dan Mesnick, 94 Ayer Road, DEP#177-695, Harvard#1020-01.** Opened at 7:59pm

**Continuation of a Request to Amend the Order of Conditions, DEP#177-679, Harvard#0619-02, Matthew Ellis, 62 South Shaker Road.** Opened at 8:02pm

**Request for a Determination of Applicability Hearing, Harbor Classic Homes, 132 Poor Farm Road, Harvard#1220-01.** Opened at 8:19pm

**Interview candidates for Deer Management Subcommittee**

The Commission interviewed Joe Pulido and Don Osmer for the available seat on the Deer Management Subcommittee (DMS). Mr. Pulido was involved with the qualifying of hunters this

season with the DMS and Mr. Osmer became interested in deer management while working in Andover. Both are experienced hunters and have familiarity with the land in Harvard. Mr. Osmer is no longer a resident of Harvard, which brought up the ability for him to serve on the DMS. Questions in regards to how appointments are made on the Land Stewardship Subcommittee were raised. It was determined that a notice shall be posted on the Town website seeking any other interested candidates for the open seat on DMS. Liz Allard will follow up on the matter of a non-resident of Harvard being able to serve on the DMS.

#### **Review Letter to Select Board/Finance Committee Re: Conservation Agent Salary**

Members discussed the letter sent to the Finance Committee on December 2, 2020 which mistakenly listed items that are not funded by the same account the Agent's salary is funded by. The members discussed a full-time agent with new initiatives and coordination between the Agent and Director of Community and Economic Development responsibilities have changed making it necessary. The Commission understands the creation of a full-time Agent will create a need for a part-time position to serve the Planning Board and Zoning Board of Appeals. The budget narrative submitted for Fiscal Year 2022 stated the need for a full-time Agent moving forward. The Commission agreed a letter to Select Board was necessary to get the process going. Don Ritchie will draft the letter; details to be included should be sent to him.

#### **Review Snake Hill Road Right of Way Notice of Intent, Town of Ayer**

The Commission discussed the Notice of Intent currently before the Ayer Conservation Commission for the construction of a water and sewer main using horizontal directional drilling within the buffer zone of Shaker Mill Pond and the riverfront area for Bennett's Brook. Dan Tracey, who lives in the area of this location, stated he has feels this is an issue for the Harvard Conservation Commission in regards to impacts to Bennett's Brook. Eve Wittenberg asked the Conservation Agent how other Towns interact with each other when projects abut so closely to the town lines. Liz Allard stated this has never come up, but she would reach out to her peers in other communities to see how they coordinate these types of effort. Mr. Tracey stated the Town of Ayer approved the plan this evening. After briefly discussing the Commission agreed there would be no adverse impact to Bennett's Brook by the proposal, therefore they had no comments on this application.

#### **Review Park & Recreation Community Preservation Committee (CPC) Applications**

Dan Daley was present to discuss with the Commission the intent of the CPC applications submitted by the Athletic Field Planning Subcommittee for the feasibility studies for Harvard Park and land managed by Parks & Recreation Commission on the corner of Pond and Whitman Roads. Mr. Daley stated these studies would address a longstanding need for recreation land. Wendy Sisson stated she is concerned with the allocation of funding for something that in the end would be unable to be accomplished due to the existing wetland resource areas in both locations. Mr. Daley further explained the study may very well result in the areas not being viable for use as recreation land, but these are the areas current available for that use. After discussing a bit further, it was agreed a letter will be drafted to the CPC detailing the concerns the Commission has with these applications.

#### **Approve Invoice – Beals & Thomas, \$1,713.75**

Jim Burns made a motion to approve the invoice for Beals & Thomas in the amount of \$1,713.75. 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.

#### **Approve Minutes**

This item was passed over this evening.

#### **Deer Management Subcommittee (DMS) Update**

This item was passed over this evening.

**Pine Hill Village Update**

The letter detailing the wetland violations that occurred last month along with the \$1200.00 in associated fines was delivered this week to the developer. There has been no response as of yet.

**Adjournment**

Jim Burns made a motion to adjourn the meeting at 9:44pm. 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; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated December 17, 2020
- Plot Plan of Land in Harvard, Massachusetts at 62 South Shaker Road Prepared for the Acton Woodworks, Inc., by Summit Surveying Inc., 11-15-20
- Sewage Disposal System Harbor Classic Homes, LLC Poor Farm Road Harvard, MA, Job No.: 33360, Plan No.: L-13233, prepared by Ross Associates, Inc., 12/7/2020

**Harvard Conservation Commission  
Revisions to Code of the Town of Harvard Chapter 147  
Harvard Wetland Regulations  
December 17, 2020**

The public hearing was opened at 7:15pm 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),

The members discussed the addition of a new section under new Article IV Plans §147-14 Vegetation Removal and Replacement.

With the Stormwater section of the Bylaw in need of further revisions Joanne Ward made a motion to continue the hearing to January 21, 2021 at 7:15pm. 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

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing Minutes  
Victoria LoChiatto, 42 Old Mill Road, Harvard#1120-01  
December 17, 2020**

The public hearing was opened at 7:30pm 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) and Vicky LoChiatto

This hearing is for a Request for Determination of Applicability filed by Victoria LoChiatto for the installation of a culvert and bridge within a wetland resource area at 42 Old Mill Road, Harvard.

Vicky LoChiatto explained she has owned the property at 42 Old Mill Road for eight years and is seeking to repair the existing crossing to be able to use the trails on the upland area at the rear of her property. Don Ritchie noted the hay field is wet and wondered if Ms. LoChiatto has issued with getting equipment to the upland area. Wendy Sisson feels this is an extensive wetland crossing and that the addition of fill will dam water. Ms. LoChiatto stated her intent is to allow water to flow freely. In regards to equipment uses in the upland area, Ms. LoChiatto stated she would need to get a tractor over there if a tree was down and needed to be removed and to maintain the trail, which would be on a very rare occasion. Ms. LoChiatto stated the Harvard Snowmobile Club also uses the crossing during the snowmobile season. Ms. Sisson stated if this was a project on conservation land then a bridge would be the solution.

Members discussed the usage of the crossing and how to come to a solution that improves the existing crossing and preserves the wetland resource area. Mr. Ritchie stated it is not so much about the crossing itself, as it is about getting to the crossing that is very wet. Ms. LoChiatto will follow-up with Mark Shaw on his suggested solution for the crossing. Ms. LoChiatto stated early summer and early fall are the toughest times to try and cross the area. Ms. Sisson stated the Commission may look at allowing the use of the crossing seasonally. Ms. LoChiatto stated she would not want to use the crossing during the wet seasons.

With additional information requested by the Commission in regards to the replacement of the existing culvert, Jim Burns made a motion to continue the hearing to January 7, 2021 at 7:45pm. 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

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing Minutes  
Dan Mesnick, 94 Ayer Road,  
DEP#177-695, Harvard#1020-01  
December 17, 2020**

The public hearing was opened at 7:59pm 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) and Jack Maloney (Dillis & Roy)

This hearing was continued from November 19, 2020 for a Notice of Intent filed on behalf of Dan Mesnick for the construction of a replacement septic system within 100' of a wetland resource area at 94 Ayer Road, Harvard.

At the request of the representative, Jack Maloney, from Dillis & Roy, Wendy Sisson made a motion to continue the hearing to January 7, 2021 at 8:00pm. 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

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Continuation of a Request to Amend  
the Order of Conditions Hearing Minutes  
Matthew Ellis, 62 South Shaker Road,  
DEP#177-679, Harvard#0619-02  
December 17, 2020**

The public hearing was opened at 8:02pm 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), Matt Marro and Glenn Berger

This hearing was continued from December 3, 2020 on a Request to Amend the Order of Conditions filed on behalf of Matthew Ellis for modifications to the existing driveway within the 100' wetland buffer zone at 62 South Shaker Road, Harvard.

Members of the Commission have reviewed the site further in order to confirm the trees to be removed. Matt Marro, representative for the applicant, has provided a planting plan as requested previously. Mr. Marro detailed that planting plan. The area between wetland flags WFA7 and WFA9 are to be added to the planting plan, along with the management of Bittersweet. A revised plan detailing the trees allowed to be cut will be provided.

Paul Willard made a motion to close the hearing and amend the Order of Conditions to include the additional special condition that the trees to be cut are reviewed with the individual who will be performing the work and the Conservation Agent or member of the Commission no less than seven days prior to the proposed cutting. 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

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing Minutes  
Harbor Classic Homes, 132 Poor Farm Road, Harvard#1220-01  
December 17, 2020**

The public hearing was opened at 8:19pm 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) and Brandon Ducharme (Ross Associates)

This hearing is for a Request for Determination of Applicability filed on behalf Harbor Classic Homes for clearing and installation of a geothermal well within the 100' wetland buffer zone at 132 Poor Farm Road, Harvard.

Brandon Ducharme, of Ross Associates, explained a wet meadow on the abutting property created buffer zone into the property at 132 Poor Farm Road. Planting of Northern Red Oaks and White Pines have been proposed to mitigate the clearing that has occurred already with that buffer zone. Boulders will be placed along the 100' wetland buffer zone line and have the protected wetland marks attached to them. Members of the Commission had reviewed the site last week and were satisfied with the proposed mitigation of the disturbed areas.

Jaye Waldron made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the condition of the erosion control barrier to be inspected by the Conservation Agent prior to additional activity. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent