

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 21, 2021
APPROVED: JUNE 17, 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 and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Todd Lainhart, Faith Cross, Edward Lyon, Stephen Morris, Rosemary Van Dorpe, Mark Mikitarian, Jack Maloney, Steve Rettew, Karen Levitt, Maynard Hansen, Dan Wolfe (Ross Associates), Jack Maloney (Dillis & Roy Civil Design), Nicola Cavicchio, John Mechlin and Dan Mesnick

Wetland Enforcement

- **92 South Shaker Road**

The Thayer's are awaiting a decision from the Harvard Historical Commission before filing an application with the Commission. After briefly discussing the current wetland violations on the property and the lack of action on part of the owners over the last year, Wendy Sisson made a motion to issue an Enforcement Order requiring all activity cease and desist until an Order of Conditions is issued by the Commission. 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; and Don Ritchie, aye.

- **129 Poor Farm Road**

After a brief discussion in regards to the fill within the riverfront area of Bower's Brook, Jaye Waldron made a motion to issue an Enforcement Order to remove the fill. 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; and Don Ritchie, aye.

Approve 2020 Annual Report

A draft was circulated to the members today, with approval scheduled for the February 4, 2021 meeting.

Approve Invoice & Reimbursement:

- **Rob Traver, Haskell Land** – Information for this reimbursement has not been received, pass over

Allocation of Funds for Boardwalks on the Shaker Spring House Trail

With total amounts to be allocated still unsettled this item was passed over until February 4, 2021.

Approval of Mass Trail Grant Application

Paul Willard made a motion to approve the application to Mass Trail Grants in the amount of \$5,000.00 for boardwalk material and trail signage throughout Town. 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; and Don Ritchie, aye.

Approve Minutes

Minutes were unavailable for approval this evening.

ZBA Request for Comments – 53 Turner Lane

This location is before the Commission this evening for an Order of Conditions (OOC). The Commission will request the OOC be part of the decision made by the Zoning Board of Appeals.

Request for a Certificate of Compliance – 18 Park Lane, DEP#177-683

Wendy Sisson made a motion to approve the Request for Certificate of Compliance for 18 Park Lane, DEP#177-683. Joanne Ward Second 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.

Request for *De Minimis* Finding on Amended Site Plan – 2 Wilroy Ave, DEP#177-689

Paul Willard made a motion to accept the addition of a shed at 4 Wilroy Avenue, (original application includes the installation of a new well to be shared by 2 & 4 Wilroy, as shown on the plan), with said shed being shown on the final as-built plan, as a *De Minimis* change, which does not require the public hearing be reopened to amend the Order of Conditions. 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; and Don Ritchie, aye.

Harvard Conservation Trust Request for Support Letter re: Fund Raising for Community Harvest Project Agricultural Preservation Restriction

Wendy Sisson made a motion to send a letter to the Harvard Conservation Trust supporting their efforts to raise appropriate funding for the Agricultural Preservation Restriction for the property at 115 Prosect Hill Road owned by Community Harvest Project. 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; and Don Ritchie, aye.

Continuation of the Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations. Opened at 7:30pm and 8:53pm.**Notice of Intent Hearing, Nicola Cavicchio, 53 Turner Lane, DEP#177-697, Harvard#1220-03.** Opened at 7:31pm**Continuation of a Notice of Intent Hearing – Dan Mesnick, 94 Ayer Road, DEP#177-695, Harvard#1020-01.** Opened at 7:50pm**Notice of Intent after Enforcement Order Hearing – Robert DiGeronimo, 225 Bolton Road, Harvard#0121-01.** Opened at 8:27pm**Continuation of a Request for a Determination of Applicability Hearing, Harvard#1120-01, Victoria LoChiatto, 42 Old Mill Road.** Opened at 8:43pm.**Update on Pine Hill Village Stow Road**

Liz Allard and Don Ritchie were onsite this week with Steve Ventresca, from Nitsch Engineering. Boulders from the site have been placed at the rear of the Pine Bank dwellings and are serving a much better purpose than the proposed grading that would have been much closer to the wetland resource area. Mr. Cricones was asked to provide a solution for the swale installed in the front of the Pine Bank homes as it is very deep.

Adjournment

Jim Burns made a motion to adjourn the meeting at 8:53pm. 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; and Don Ritchie, aye.

Respectfully submitted,
Liz Allard, Land Use Administrator/Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated January 21, 2021
- Site Plan Nicola Cavicchio 53 Turner Lane Harvard, MA Job No.: 33465, Plan No.: L-14145, prepared by David E. Ross Associates, Inc., dated 1/20/21
- Sewage Disposal System Design 94 Ayer Road (M: 12, PCL: 61) Harvard, Massachusetts, Job No. 6482, Drawing No. 6482-SDS, prepared by Dillis & Roy Civil Design Group, dated 12/18/20
- Site Plan Robert DiGeronimo Lot 4 - #225 Bolton Road Harvard, MA Job No.: 31327, Plan No.: L-14171, prepared by David E. Ross Associates, Inc., dated 1/4/21
- 42 Old Mill Road RDA Application Harvard#1120-01, received Jan 19, 2021

**Harvard Conservation Commission
Continuation of the Revisions to Code of Harvard
Chapter 147 Harvard Wetland Bylaw Regulations Hearing
January 21, 2021**

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 and Eve Wittenberg (Associate Member)

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

This hearing was continued from December 17, 2020.

Wendy Sisson made a motion to continue this hearing to 8:30pm this evening. 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; and Don Ritchie, aye.

This hearing was ultimately opened at 8:53pm.

With the Stormwater section of these regulations being the only section remaining for revision, Liz Allard requested Chapter 147 be approved with the exception of section 147-13C. Ms. Allard makes this request because the Select Board have adopted new fee schedules as of January 1, 2021, which is included as part of Chapter 147. After briefly discussing the need to review and revise additional sections of Chapter 147, Jaye Waldron made a motion to accept the revisions to Form F Fee Schedule as drafted. 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.

Jaye Waldron made a motion to continue the hearing to February 18, 2021 at 7:30pm. Wendy Sisson 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.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing
Nicola Cavicchio, 53 Turner Lane,
DEP#177-697, Harvard#1220-03
January 21, 2021**

The public hearing was opened at 7:31pm 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 and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Dan Wolfe (Ross Associates), Nicola Cavicchio and John Mechlin

This hearing is for a Notice of Intent filed on behalf of Nicola Cavicchio for the construction of an addition to a single-family dwelling and deck within 200' of Bare Hill Pond at 53 Turner Lane, Harvard.

Dan Wolfe, of Ross Associates, stated the new owner of the existing cottage is planning a number of renovations with the main structure remaining. Mr. Wolfe detailed the proposed additions, including the expansion of an existing deck with the use of helical screw piles. The proposed deck will eliminate the existing stone steps to the pond. A proposed flat stone walkway will mender down to the pond, with no existing trees to be removed. The work to install this walkway will be done by hand. Wendy Sisson would like to see the 22" oak tree protected and would ask that the walkway be moved away from that tree. Mr. Wolfe agreed to revise the detail in that area. Further discussion about the installation of the deck determined that the oak tree will be protected as the helical screw pile will be 6' – 8' from the oak tree. Members determined any proposed landscaping will need approval from the Commission.

Jim Burns made a motion to close the hearing with the special conditions that any landscaping proposed on the site shall be approved by the Commission and the infiltration trench will require annual maintenance and reporting to the Commission. 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; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Dan Mesnick, 94 Ayer Road,
DEP#177-695, Harvard#1020-01
January 21, 2021**

The public hearing was opened at 7:50pm 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 and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Jack Maloney (Dillis & Roy Civil Design) and Dan Mesnick

This hearing was continued from January 7, 2021 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.

Jack Maloney, from Dillis & Roy Civil Design, has attempted to work with the new owner at 96 Ayer Road to provide an easement on his property to locate the septic system. Unfortunately, the owner at 96 Ayer Road was unable to get an answer from his mortgage lender. Mr. Maloney stated the existing shallow well will need to be replaced with a new dug well at the front of the house.

Mr. Maloney stated the Department of Environmental Protection has issued the file number with comments that have been reconciled. The Board of Health (BOH) has approved a Singlular system, which requires testing for the first two years. Mr. Maloney was not certain what additional testing beyond that the BOH will require.

Wendy Sisson stated she would like a tight tank as opposed to the proposed system due to the proximity to Bower's Brook. Dan Mesnick stated the system has been designed to be state of the art that will cost a substantial amount of money. Mr. Mesnick stated a tight tank is not an option as a two-family dwelling the cost associated with maintaining would require him to walk away from being able to purchase this home.

The Commission discussed the need to get written confirmation from the mortgage lender that they are unwilling to allow for the easement at 96 Ayer Road. Mr. Maloney was asked to investigate moving the system away from the wetland resource as much as possible and to further investigate a shared system at 96 Ayer Road.

With more information requested, Jim Burns made a motion to continue the hearing to February 4, 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; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent after Enforcement Order Hearing
Robert DiGeronimo, 225 Bolton Road, Harvard#0121-01
January 21, 2021**

The public hearing was opened at 8:27pm 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 and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Dan Wolfe (Ross Associates) and Steve Rettew

This hearing for a Notice of Intent filed on behalf of Robert DiGeronimo for work that includes clearing, filling, grading, the installation of footing drains and the placement of rip-rap for stabilization at the toe of the slope, all within the 100' foot wetland buffer zone 225 Bolton Road, Harvard.

Dan Wolfe, of Ross Associates, detailed the landscape and grading work performed within the 100' wetland buffer zone without an Order of Conditions from the Commission. A request was made to extend the existing area of riprap once the ground is suitable for such activity, but in the mean time the silt sack will be extended in that area. As noted on the site walk, the existing blue berry bush will be preserved and the stone around it will be pulled back. After briefly discussing removing all of the downed tree material at the toe of the slope and establishing the 100' buffer zone line, it was agreed that doing so would cause more disturbance. A plan for restoration within the 50' – 100' buffer zone to maintain stability of the slope and prevent it from being converted to lawn shall be submitted for approval of the Commission.

With additional information requested, Wendy Sisson made a motion to continue the hearing to February 4, 2021 at 8:30pm. 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; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Request for a Determination of Applicability Hearing
Victoria LoChiatto, 42 Old Mill Road, Harvard#1120-01,
January 21, 2021

The public hearing was opened at 7:31pm 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 and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Vicki LoChiatto

This hearing was continued from January 7, 2021 on a Request for Determination of Applicability Notice filed by Victoria LoChiatto for the installation of a culvert and bridge within a wetland resource area at 42 Old Mill Road, Harvard.

Vicki LoChiatto has submitted a revised bridge design similar to that of the Harvard Snowmobile Club, as requested by the Commission. The proposed bridge would be placed on boulders, would be 2' in height and 30' in length, which includes a ramp to the approach.

After briefly discussing, Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the conditions that all work is to be done during the dry season and the Conservation Agent is informed as to when the work is to occur. 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.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent