

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MAY 6, 2021  
APPROVED: SEPTEMBER 2, 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), Brian Sage, Daniel Tracey, Bob Douglas, Kristiina Sorensen, Marty Green (Harvard Press), Brandon Ducharme (Ross Associates, Inc.), The Hoffman's, Maryanne Boynton, Bruce Leicher, Dan Wolfe (Ross Associates, Inc.), Adam Meir, Colleen Yout, Patricia Nato, Gigi Sattonstall and Bruce Ringwall (GPR, Inc.)

**Interview Interested Volunteer**

- Brian Sage has recently moved to Harvard and has lived all over the country. Mr. Sage is an artist and teacher, who enjoys the outdoors. Mr. Sage would love to generate more interest and revenue for open space through art as his work has become more geared around conservation and highlighting the natural beauty of places. Wendy Sisson stated it seems like a long shot to add a revenue aspect to the role of a Commission member as it may be a conflict of interest, however Harvard Conservation Trust might gain from that angle.
- Dan Tracey has a PhD in biology and a personal interest in protecting wildlife, including volunteering at Tufts Wildlife Clinic. His interest in being appointed is still the same as last year - wetland protection. Mr. Tracey has attended courses with Mass Audubon, which gave him new insight and familiarization into the process of reviewing development. Mr. Tracey is also interested in adding another science orientated voice to the Commission. Mr. Tracey has followed the Deer Management Subcommittee since its inception and has concerns with the current approach; he would like to bring his voice to that topic.
- Bob Douglas has worked for many years in conservation science, including for the past 15 years in Andover as the Conservation Agent. Mr. Douglas has experience on both sides of the table, which is something he has always enjoyed. Mr. Douglas has a biology degree and has the experience and interest in joining the Commission. Wendy Sisson asked with all that he is involved with why volunteer with the Commission? Mr. Douglas stated it piques his interest. Eve Wittenberg stated she has concerns with his governing style, which is more exclusionary as opposed to inclusionary. In addition, Ms. Wittenberg has issues with respect to procedure and Open Meeting Law (OML) with Mr. Douglas as chair of the Deer Management Subcommittee. Ms. Wittenberg is surprised as a Conservation Agent there was not greater respect for OML. Ms. Wittenberg stated that conflicts with Mr. Douglas are not only experienced by her but, but by the Commission's Agent as well. Mr. Douglas stated anyone has an opportunity to speak at DMS meetings; he would ask that the Commission take a look at the meetings as he has worked on many different boards during his career.
- The Commission agreed they would discuss recommendations at the May 20, 2021 meeting.

**Board of Health Request to Support Application for an Alternative Mosquito Management Plan to Opt-Out of Spraying Conducted by the State**

After a brief discussion Wendy Sisson made a motion to support the Board of Health effort to submit an application for an Alternative Mosquito Management Plan to opt-out of spraying conducted by the State. Joanne Ward seconded the motion. The vote was 5-1 in favor of the motion, by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, nay; and Don Ritchie, aye; Paul Willard abstained from voting.

**Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Harvard#0321-04.** Opened at 7:44pm

**Continuation of a Request for Determination of Applicability Hearing – B&C Associates, Inc., 169 Littleton County Road, Harvard#0121-03.** Opened at 7:45pm

**Draft Priority Habitat Map of Rare Species Public Comment May 3 – July 3**

Wendy Sisson noted during the last update Harvard lost priority habitat along Bower's Brook. Oxbow Associates has offered to identify areas that might be worth investigating and then perhaps engage them to conduct surveys of those areas. Joanne Ward made a motion to request Oxbow Associates submit a proposal to identify rare species habitat in Harvard. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

**Wetland Violations:**

- 96 Ayer Road – Request for Determination of Applicability packet has been provided to the owners
- 129 Poor Farm Road – Enforcement Order issued in February; however, the fill remains; owner has stated fill will be removed in the next few weeks; Agent recommends if not completed within that timeframe then fines should be applied
- 14 Park Lane – Tree clearing; Don Ritchie will review site next week
- 71 Lancaster County Road – New deck constructed without a permit; send letter requiring Request for Determination of Applicability be filed
- 232 Still River Road – Tree clearing; Don Ritchie will review site next week
- 28 Shaker Road – Fill; Don Ritchie will review site next week
- 193 Old Littleton Road – Fencing installed without a permit; send letter requiring Request for Determination of Applicability be filed
- 320 Ayer Road – Fill has been removed; all set
- 25 Clinton Shore Drive – Stormwater runoff with some work to remediate; Agent needs to review

**Continuation of the Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations.** Opened at 8:00pm

**Request for Determination of Applicability Hearing – Toby Bazarnick, 12 Houghton Lane, Harvard#0421-01.** Opened at 8:10pm

**Notice of Intent Hearing – Collen Yout, 24 Mill Road, Harvard#0421-02.** Opened at 8:25pm

**Land Stewardship Subcommittee Updates:**

- Bare Hill Wildlife Sanctuary – boardwalks being repaired
- Small Nature trail – Bill & Robin Calderwood have volunteered to be the stewards of this area on which they will be eliminating one of the three existing trails and replacing rotting boardwalks that need to be replaced
- Holy Hill improvements are being made to the parking area
- Williams Land re-blazing of the trails and signage prepared by Phil Knottner has been installed

Paul Willard made a motion to allocate \$2500.00 of Community Preservation Act Invasive Management Funds for a summer intern. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Wendy Sisson made a motion to re-appoint Jim Adelson and Peter VonConta, each to a 3-year term. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

#### **Request to Place Educational Signs for the Apple Country Natural Climate Solutions Site Tour**

After briefly discussing the purpose and duration of the signs to be installed Wendy Sisson made a motion to approve the installation of the educational signs as proposed by the Apple Country Natural Climate Solutions group, with notification to the Conservation Agent once the sign is installed. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

#### **Notice of Intent Hearing - of Alma Gregory & Kristiina Sorensen, 23 Peninsula Road, Harvard#0421-03. Opened at 8:54pm**

#### **Zoning Board of Appeals Request for Comments – 24 Mill Road**

This application is before the Commission this evening for a Notice of Intent. The Commission, through its Agent, will express the recommendation of the variance as it would reduce any additional encroachment on to Bower's Brook.

#### **Approve Minutes**

Minutes were unavailable this evening for approval

#### **Approve Invoices/Reimbursement**

Jim Burns made a motion to approve the invoice for the Bare Hill Pond 2021 Road Dues in the amount of \$200.00 and the reimbursement of Wendy Sisson in the amount of \$32.98. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

#### **Pine Hill Village Request to Install Foundations within the Sunrise Neighborhood**

Members of the Commission had received information regarding the request of Peter Cricones to remove the tree stumps and begin installing the foundations within the Sunrise neighborhood. After briefly discussing, the Commission agreed before any additional site work commences Mr. Cricones shall provide an assessment of the site, in particular the stormwater facilities, by confirming these facilities have been installed and are functioning properly. Liz Allard will follow up with Nitsch Engineering to determine when they feel the constructed wetland should be completed.

#### **Adjournment**

Paul Willard made a motion to adjourn the meeting at 10:15pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, 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  
Department of Public Works,  
Old Mill Road, Harvard#0321-04  
May 6, 2021**

The public hearing was opened at 7:44pm 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, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing was continued from April 15, 2021 for a Notice of Intent filed on behalf of Harvard's Department of Public Works to replace traffic safety features and minor patching along the substructure within the resource area and its 100' riverfront area at the bridge crossing of Bower's Brook between 6 and 22 Old Mill Road, Harvard.

Still without comments and a file number from the Department of Environmental Protection, Jaye Waldron made a motion to continue the hearing to May 20, 2021 at 7:25pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, 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 Determination of Applicability**  
**B&C Associates, Inc. 169 Littleton County Road, Harvard#0121-03**  
**May 6, 2021**

The public hearing was opened at 7:45pm 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 April 15, 2021 for a Request for Determination of Applicability filed by B&C Associates for the removal and management of invasive plant species within the 100' buffer zone of a wetland resource area at 169 Littleton County Road, Harvard.

At the request of the applicant, Dave Crossman, Paul Willard made a motion to continue the hearing to May 20, 2021 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Continuation of the Revisions to Code of Harvard  
Chapter 147 Harvard Wetland Bylaw Regulations  
May 6, 2021**

The public hearing was opened at 8:00pm 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 April 15, 2021.

Wendy Sisson has not yet drafted her revisions in regard to the vegetation replacement section, therefore, Paul Willard made a motion to continue the hearing to May 20, 201 at 8:00pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability  
Toby Bazarnick, 12 Houghton Lane, Harvard#0421-01  
May 6, 2021**

The public hearing was opened at 8:10pm 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), Brandon Ducharme (Ross Associates)

This hearing is for a Request for Determination of Applicability filed on behalf of Toby Bazarnick for the extension of an existing deck and constructing a 12'x15' screened porch within the 200' riverfront area at 12 Houghton Lane, Harvard.

Brandon Ducharme, of Ross Associates, representing the applicant, detailed the site, the wetland resource area and the activity. Although the activity is outside the 100' wetland buffer zone it is within the riverfront area. The expansion of the deck will be conducted with the use of Sonatubes in an existing lawn area. As discussed at the site walk, plantings have been provided on the plan, which will provide a barrier to demark the limit of work between the existing lawn and the bordering vegetated wetland adjacent to the stream.

Paul Willard made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the condition that the planting shall be inspected by the Conservation Agent once installed. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
Collen Yout, 24 Mill Road, Harvard#0421-02  
May 6, 2021**

The public hearing was opened at 8:25pm 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), Dan Wolfe (Ross Associates, Inc.), Adam Meir and Collen Yout

This hearing is for a Notice of Intent filed on behalf of Collen Yout for the construction of an addition and covered patio within the 200' riverfront area at 24 Mill Road, Harvard.

Dan Wolfe, of Ross Associates, representing the applicant, detailed the plan for a proposed addition. Mr. Wolfe states site constraints limited the ability to move the addition outside of the 75' wetland buffer zone. Those constraint including steep slopes and ledge. Infiltration trenches have been proposed to remediate stormwater runoff. The construction for the addition will not require a major excavation work on the site. Mr. Wolfe further explained the need for a waiver for a structure within 75' of a wetland resource area.

Wendy Sisson made a motion to approve the waiver, close the hearing and issue an Order of Conditions with the standard conditions. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, 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  
Notice of Intent Hearing  
Alma Gregory & Kristiina Sorensen,  
23 Peninsula Road, Harvard#0421-03  
May 6, 2021**

The public hearing was opened at 8:54pm 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), Kristiina Sorensen, The Hoffman's, Maryanne Boynton, Bruce Leicher, Patricia Nato, Gigi Sattonstall and Bruce Ringwall (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of Alma Gregory & Kristiina Sorensen for the replacement of existing steps and railings with new stairs and deck platform, the addition of boulder steps, stone pavers, landscape walls, new landscaping throughout, extension of an existing shed, removal of nine trees and replacing the existing dock with a bigger prefab pier structure 23 Peninsula Road, Harvard.

Bruce Ringwall, of GPR, representing the applicant, stated the 2016 Notice of Intent was for the reconstruction of the existing house and only focused on the development of the house and not the landscaping. Mr. Ringwall explained the existing recharge system on the site. Mr. Ringwall explained GPR had prepared the hardscape plans, whereas the landscaping plans were prepared by G2 Collaborative. Mr. Ringwall stated if an Order of Conditions is issued the owners are aware a Chapter 91 application will need to be submitted to the State for the dock. The plan details the removal of 9 trees, in differing states of health.

Gigi Sattonstall, of G2 Collaborative, detailed the woodlands on either side of the property, with an area of 9,876 square feet of lawn. The proposed plan would establish similar woodland vegetation and reduce the lawn to 3,626 square feet, with minimal grading on the site. Invasive plants will be removed by hand and will be supplemented with additional plantings. The expansion of the existing dock will provide the ability to be out on the pond beyond the existing ledge outcropping. The existing stairs from the upper deck will be moved as detailed on the plan.

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee (BHPWMC), stated he reviewed the site on Tuesday. In regard to the requested trees to be removed, Mr. Leicher stated the majority of the requested trees to be removed are far long from diseased, with one live tree that is leaning toward the pond. Mr. Leicher stated the sense of the BHPWMC is you should not be taking down live trees. Mr. Leicher agreed any stormwater mitigating from the proposed shed will be up to Commission. Mr. Ringwall stated there are many sheds on the pond; this one in particular will be located in an area of leaf litter and existing lawn; the area under shed would be crushed stone.

The number and location of the trees requested to be removed was reviewed. Eve Wittenberg questioned the rational to take out nine trees – are they being taken out because they are at risk of dying or improve the view from the house. Ms. Sattonstall felt it was both; there are plenty of trees in poor health, but the understory will be maintained. Mr. Ringwall stated the trees are to be removed to enhance the view. Liz Allard provided her recommendations of trees to be removed and suggested the site be reviewed again in regard to the request to remove nine trees.

Mark Shaw wanted to know if the dock could be located in the existing opening of vegetation along the shore. It was explained that is the area in which there is direct access to the water from the ponds edge. The proposed dock will be similar to what exist now with wood with metal post.

Mary Anne Boynton, of 12 Peninsula Road, asked if the vegetated edge will be maintained at a lower level to maintain the view. It was confirmed it would be.

Paul Willard would prefer the area be left in its natural wild state.

Jaye Waldron stated dead trees make good habitat, especially if they are not creating a safety issue. Ms. Waldron stated the shed is a concern as it should not be there, nor should it be allowed to be increased in size.

With a number of items outstanding, including a Department of Environmental Protection file number and comments, Jim Burns made a motion to continue the hearing to May 20, 2021 at 8:10pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, 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 May 6, 2021
- Site Plan, 12 Houghton Lane, Harvard, Mass, Job #31274, N3821-56, Plan #S-14953, prepared by David E. Ross Associates, Inc., 4/29/21
- Site Plan, 24 Mill Road, Harvard, MA, Job No.: 33244, Plan No.: L-14313, prepared by David E. Ross Associates, Inc., 4/20/2021
- Residential Development Notice of Intent Site Plan, 23 Peninsula Road, Harvard, MA, Job 16057A, April 2021
- G2 Collaborative, Landscape Architecture, 23 Peninsula Road, Harvard, MA 01451, G2 Project #:2009, L1.1 Site Preparation, L1.2 Layout + Materials, L1.3 Grading and L1.4 Plantings, 4/22/2021
- 23 Peninsula Road Proposed tree removal
- Photos of Trees to be removed