

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MAY 19, 2022
APPROVED: JUNE 2, 2022**

Chair Don Ritchie called the meeting to order at 7:02pm, virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022, 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Bruce Ringwall (GPR, Inc.)

Continuation of a Request to Amend the Order of Conditions Hearing – Luciano Manganella, 175 Littleton County Road, DEP#177-694. Opened at 7:02pm

Discuss & Ratify Wetland Enforcement Order - 175 Littleton County Road

Bruce Ringwall, of GPR, Inc., explained without authorization the site contractor removed the existing culvert at the inlet to the existing pond and replace it with a larger culvert. In addition, the utilities were located within the area of the culvert crossing as opposed to under the pond as request by the amendment to the Order of Conditions previously before the Commission. Paul Willard suggested the area be restored to the way it was prior to the violation. When asked Mr. Ringwall indicated the violation occurred on Tuesday. In determining how to apply the \$300.00/day fine, as allowed under the Wetland Protection Bylaw, Wendy Sisson stated one could conclude that the violation is in existence until a new permit is issued for the work. Ms. Sisson also noted the property owner is well seasoned with the process of receiving approvals for such activities before they occur. Mr. Ringwall stated the owner is extremely upset over the events that occurred without his approval.

Eve Wittenberg asked what procedures will be in place to further prevent circumstances from happening again. Mr. Ringwall stated he has worked hard with owner to rectify a situation where he did not authorize the work to occur. The work has stopped and waddles are in place. Don Ritchie stated the problem he has is this is not the first time the property owner has not played by the rules. Ringwall explained how the violation that occurred pertaining to the removal of invasives around the pond had been rectified. It was asked if the site contractor is still working on the site. Mr. Ringwall stated he believed so, but site work has stopped for the time being. Paul Willard stated all work under the jurisdiction of the Commission is to stop until this issue is resolved.

Jim Burns asked if there is a sense in what the difference is between the amended request to locate the utilities under the pond and what has occurred. Mr. Ringwall stated what occurred is more expensive. Ms. Wittenberg circled back on the process to make sure this doesn't happen again. Mr. Ringwall stated he and the property owner have had lengthy and strong conversation with the site contractor. Ms. Wittenberg was looking for more in way of process. Mr. Ringwall stated the property owner has been informed he cannot do any work without go through Dave Crossman or GPR, Inc. Mr. Ringwall suggested a better presence on site by GPR, Inc.

Wendy Sisson stated other matters on the site include the owners cleaning of the stream, which is work in a wetland and should not be conducted without permission from the Commission. Ms. Sisson also wants to address the release of water periodically, which she herself has witness along the Black Pond trail that abuts the property. Perhaps this is caused by the breaching of the beaver dam, which requires permitting from the Commission to do so. Ms. Sisson suggested a beaver deceiver be installed. Mr. Ringwall Bruce will make it a priority to figure out the beaver issue

Wendy Sisson made a motion to fine the owner \$300/day until a Notice of Intent (NOI) is filled, no work within the Commission's jurisdiction is to take place until a new Order of Conditions is issued and other issues discussed this evening shall be addressed under the NOI. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Wendy Sisson, aye and Don Ritchie; aye.

Adjournment

Jim Burns made a motion to adjourn the meeting at 8:14pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Wendy Sisson, aye and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated May 5, 2022

Harvard Conservation Commission
Continuation of a Request to Amend the Order of Conditions Hearing
Luciano Manganella, 175 Littleton County Road, DEP#177-694, Harvard#0820-04
May 19, 2022

The public hearing was opened at 7:02pm 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, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

Members Present (and able to vote on this application): Don Ritchie, Wendy Sisson, and Jim Burns

Others Present: Paul Willard, Jaye Waldron, Mark Shaw, Eve Wittenberg and Bruce Ringwall (GPR, Inc.)

This hearing was continued from May 5, 2022 for a Request to Amend the Order of Conditions filed on behalf of Luciano Manganella to revise the utility connections to a single-family dwelling with temporary impacts to the wetland resource area and the 100' wetland buffer zone at 175 Littleton County Road, Harvard.

At the request of the applicant's representative, Bruce Ringwall, the Request for an Amendment to the Order of Conditions has been withdrawn.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent