

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JUNE 2, 2022  
APPROVED: AUGUST 18, 2022**

Acting Chair Wendy Sisson called the meeting to order at 7:03pm, 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:** 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), Jim Lee (Harvard Conservation Trust), Bruce Ringwall (GPR, Inc.), Carol Hanlon, Richard Fellows, Greg Roy (Dilis & Roy Civil Design Group), Greg Fiori, Carolyn Porter, Libby Levison, Wendy Gendron (Aquatic Restoration Consulting, LLC), Brian Cook (Planning Board liaison to the Commission), Carl Sciple, The Bilodeau's and Jessie Panek

**Executive Session with Harvard Conservation Trust**

On a motion made by Jaye Waldron and seconded by Joanne Ward the Conservation went into executive session with a member of the Harvard Conservation Trust to discuss the purchase, exchange, lease or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position, only to return to the open session of the public meeting. 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; and Mark Shaw, aye. (Paul Willard joined the meeting during the executive session)

At the end of the executive session a motion was made by Jaye Waldron and seconded by Joanne Ward to return to the open session of the public meeting. 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; and Mark Shaw, aye.

**Request for Determination of Applicability Hearing – Richard Fellows, 328 Still River Road, Harvard#0522-01.** Opened at 7:35pm.

**Notice of Intent Hearing – Christine DeGuglielmo, 37 Pine Ridge Drive, Harvard#0522-02.** Opened at 7:55pm.

**Request for Determination of Applicability Hearing - Girl Scouts of Central & Western Massachusetts, Inc., 69 Still River Road, Harvard#0522-03.** Opened at 8:18pm.

**Notice of Intent – Luciano Mangarella, 175 Littleton County Road, Harvard#0522-04.** Opened at 8:28pm.

**Bare Hill Pond Watershed Management Committee Update – Algal Bloom**

Bruce Leicher, chair of the Bare Hill Pond watershed Management Committee, along with Wendy Gendron, of Aquatic Restoration Consulting, LLC, were present to discuss with the Commission the potential of allowing the Committee to run the pump at Bare Hill Pond in an effort to avoid an algal bloom this summer. By running the pump at a low speed (15Hz) it would draw the water that would normally follow over the dam. The loading of phosphorus at the bottom of the pond is a trigger for algal blooms. Mr. Leicher is suggesting the pump be turned on in late June and allowed to run for about six weeks to remove some of the anoxia water. The Committee will monitor the level of the pond along with the temperature of the water to make sure there are no changes. Mr. Leicher is confident this will work and

can be allowed under the current Order of Conditions for the draw downs, which is for the reduction of invasive plant species and nutrients.

Wendy Gendron explained the layers of lake water during the different seasons. Iron, that in typical conditions is released into the water instead of binding to phosphorus, is causing more phosphorus for the algae. Ms. Gendron detailed the options available to assist in the potential avoidance of an algal bloom. Those options include dredging, oxygenation, phosphorus inactivation or selective draw down, with selective draw down being the recommended option.

Wendy Sisson asked about any potential downstream impacts. Ms. Gendron stated the selective draw down of water from the pond will result on a small amount of phosphorus being flushed through a large path of wetlands. Paul Willard asked if there were to be extended periods of rain would there be more pumping necessary to achieve this goal. Mr. Leicher stated the goal is not to increase the speed of the pump in order to maintain no effect to the downstream wetland.

The Commission was agreeable the request in theory and is willing to approve a formal written request detailing the process, including timeframes. Mr. Leicher will provide that information for approval at the next meeting of the Commission.

#### **Discuss Recommendations for Vacancy on the Conservation Commission**

With Eve Wittenberg expressing interest in being appointed to replace the seat being vacated by Wendy Sisson, Paul Willard made a motion to recommend to the Select Board the appointment of Eve Wittenberg as a voting member of the Commission. 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; Jim Burns, aye; and Mark Shaw, aye.

After both Eve Wittenberg and Wendy Sisson advocated for Dan Tracey to be recommend to the Select Board for the associate member seat, Paul Willard made a motion to recommend John Iacomini to the associate member seat. Jaye Waldron seconded the motion. The vote was 5-1 in favor of the motion by a roll call, Paul Willard; aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Wendy Sisson, nay.

#### **Discuss Japanese Knotweed on Harvard's Roadside & Town-Owned Land**

Wendy Sisson stated Japanese Knotweed continues to expand along the roadways and wetlands including conservation land. Currently the only management of this invasive is mowing by the Department of Public Works (DPW) for line-of-sight safety. The DPW Director, Tim Kilhart, has stated a plan developed for the management of invasives needs to be completed town-wide as opposed to a site-by-site plan. However, is it Ms. Sisson's impression that if you focus on a single invasive you do not have to a town-wide plan. Ms. Sisson suggested the Commission write a letter to the Select Board detailing the spread of this invasive and how it will become an issue for the Town if it is not dealt with. Ms. Sisson further suggested the DPW be the lead on this effort as it is affecting more roadways.

Libby Levison suggested the Harvard Press and the public be made aware of this issue. Jessie Panek was grateful the Commission was talking about this and that is critical the Town address this issue sooner rather than later.

Ms. Sisson will draft a letter for review by the Commission at the next meeting.

#### **Approve Minutes**

Jim Burns made a motion to approve the minutes of April 4 and May 19 as amended. 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; Jim Burns, aye; and Mark Shaw, aye.

**Approve Invoices**

Jim Burns made a motion to approve the invoice for Bare Hill Pond Homeowners Association \$200.00. 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; Jim Burns, aye; and Mark Shaw, aye.

**Pine Hill Village Update**

Liz Allard stated she is continuing to gather the appropriate information detailing the outstanding items on the site.

**Wetland Violation Update – 41 Pinnacle Road**

Liz Allard stated the property owner has indicated she is trying to schedule Matthew S. Marro, Environmental Consulting from Leominster for the delineation of the wetland.

**Adjournment**

Mark Shaw made a motion to adjourn the meeting at 9:49pm. Paul Willard 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; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated June 2, 2022

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Richard Fellows, 328 Still River Road, Harvard#0522-01  
June 2, 2022**

The public hearing was opened at 7:35pm by Acting Chair Wendy Sisson 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:** 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 Richard Fellows

This hearing is for a Request for Determination of Applicability filed on behalf of Richard Fellows for the restoration of an open meadow and removal of invasive plants within the 100' wetland buffer zone at 328 Still River Road, Harvard.

Richard fellows stated after discussing his proposed project with Wendy Sisson he understands that what he wants to do would be a multi-year project. The area in question is so over grown that it is difficult to access. The wetland area is part of the Oxbow Wildlife Refuge. Mr. Fellows intent is to clear the area of invasive and other undesirable vegetation which would allow him the ability to access the area as he did when he first developed the property. Ms. Sisson has suggested he engage a wetland scientist to delineate the wetland to determine where the proposed work will take place. Jaye Waldron asked if the intent was to clear all of the trees. Mr. Fellows stated it was not; just seeking access to the area.

With a wetland delineation necessary to determine what could potentially be done on the site, Jim Burns made a motion to continue the hearing to July 7, 2022 at 7:30pm. 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; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
Christine DeGuglielmo, 37 Pine Ridge Drive, Harvard#0522-02  
June 2, 2022**

The public hearing was opened at 7:55pm by Acting Chair Wendy Sisson 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:** 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 Greg Roy (Dillis & Roy Civil Design Group)

This hearing is for a Notice of Intent filed on behalf of Christine DeGuglielmo for the removal and reconstruction of a single-family dwelling within the 200' wetland buffer zone of Bare Hill Pond at 37 Pine Ridge Drive, Harvard.

Greg Roy, of Dillis & Roy Civil Design Group, detailed the property and proposed plan to remove the existing structure and rebuild within the same footprint. The plan details a walking path to the pond that will not require the removal of any trees to do so, just saplings. The plan does show the removal of three trees, 2 oaks and 1 hemlock, to allow for a deck on the pond side of the structure. The driveway will remain the same and the septic system was recently upgraded. An application is before the Zoning Board of Appeals (ZBA) as a pre-existing non-conforming structure, with the public hearing opening later this month. Comments and a file number have not yet been received from the Department of Environmental Protection (DEP).

Liz Allard request additional language pertaining to the require inspections for the erosion control barrier be added to the plan. The comments provided by the Bare Hill Pond Watershed Management Committee (BHPWMC) were discussed. With no proposed change in drainage patterns Mr. Roy did not see a need to include a rain garden on the site. In regards to the walking path the Commission would like to see a meandering path as opposed to the proposed. Mr. Roy noted that depending on whether or not ledge is encountered during construction will determine if the structure will have a full basement or a crawl space. Mr. Roy also noted the structure is intended for seasonal use.

Wendy Sisson asked about the comment from BHPWMC pertaining to the septic system. Mr. Roy explained new septic systems do not require a Title V inspection within the first two years. The capacity has been limited to one-bedroom by the Board of Health, which is intended to be maintained.

Wanting to know what the ZBA has to say about the application and without comments from DEP or a file number, Mr. Roy agreed to continue the hearing.

Paul Willard made a motion to continue the hearing to July 7, 2022 at 7:35pm. 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; Jim Burns, aye; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Girl Scouts of Central & Western Massachusetts, Inc.,  
69 Still River Road, Harvard#0522-03  
June 2, 2022**

The public hearing was opened at 8:18pm by Acting Chair Wendy Sisson 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:** 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 Carolyn Porter

This hearing is for a Request for Determination of Applicability Hearing filed on behalf of the Girl Scouts of Central & Western Massachusetts, Inc., for the installation of a changing room within 200' of Bare Hill Pond 69 Still River Road, Harvard.

Carolyn Porter, a representative from the Girl Scouts of Central & Western Massachusetts, Inc., apologized to the Commission for moving forward with this project without the proper permits. There has been no work since being notified an application was necessary. The changing room will be a simple construction of decking and walls on posts with an opened air top. The location is within 200' of Bare Hill Pond, but outside the 75' no structure buffer zone. Liz Allard has reviewed the site and recommended a Negative #2 Determination be issued.

Without confirmation of notification to the abutters Jim Burns made a motion to continue the hearing to June 16, 2022 at 7:25pm. 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; Jim Burns, aye; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
Luciano Manganella, 175 Littleton County Road, Harvard#0522-04  
June 2, 2022**

The public hearing was opened at 8:28pm by Acting Chair Wendy Sisson 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:** 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 Bruce Ringwall (GPR, Inc.)

This hearing is for a Notice of Intent filed on behalf of Luciano Manganella for the replacement of the existing 12" culvert with an 18" culvert, including the reconstruction of the gravel crossing, and the installation of utility connections to the single-family residence within the wetland resource area and its associated buffer zone at 175 Littleton County Road, Harvard.

Brice Ringwall, of GPR, Inc., explained the site contractor had gone ahead with the installation of the new culvert and utilities line before the existing Order of Conditions (OOC) were amended by this Commission. That amendment request has been withdrawn and this application serves to satisfy the Enforcement Order issued for this unpermitted activity. Liz Allard noted that although the previously requested amendment to the OOC for the installation of utilities within the resource area and the buffer zone was to be conducted for and on the property at 175 Littleton County Road, the culvert is actually located on 171 Littleton County Road, which is also owned by Mr. Manganella. The legal notice only stated 175 Littleton County Road. Therefore, a new notice will need to be advertised at the applicant's expense.

With that said Jim Burns made a motion to continue the hearing to June 16, 2022 at 7:45pm. 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; Jim Burns, aye; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent