

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 16, 2022
APPROVED: SEPTEMBER 15, 2022**

Chair Don Ritchie called the meeting to order at 7:06pm, 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 (arrived at 7:20pm), Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Bruce Ringwall (GPR, Inc.) and Carolyn Porter

Discuss Wetland Violations – 101 & 118 West Bare Hill Road

The wetland violation at 101 West Bare Hill Road includes the removal of vegetation within 200' of a pond. Disturbance was minimal and at about 125' from the pond. The Commission agreed that an enforcement order was not necessary, but the owners shall work with the Conservation Agent to plant some type of ground cover, grass or woody vegetation within the disturbed areas. The Agent was encouraged to continue to educate local landscape companies on the requirements under the Wetland Protection Act and the local Bylaw.

The wetland violation at 118 West Bare Hill Road consisted of fill within the 200' buffer zone to an existing pond. The property owner has indicated the pond is clayed-lined and therefore not a jurisdictional wetland resource area. The previous owners had filed an application with the Commission for activity around the pond leading the Agent to believe the pond is jurisdictional. The Agent will follow up with the Department of Environmental Protection to determine the jurisdictional status of this area. The Commission agreed, should it be determined the pond is jurisdictional, a request for Determination of Applicability shall be submitted. The Agent will also work with the property owner for proof the pond is in fact clay-lined.

Land Stewardship and Deer Management Subcommittees Annual Appointments

Jaye Waldron made a motion to appoint the following individuals to the Land Stewardship Subcommittee each for a 3-year term: Wendy Sisson, Jim Burns and Rob Traver. Paul Willard 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.

Wendy Sisson made a to appoint the following individuals to the Deer Management Subcommittee each for a 2-year term: Robert Douglas, Paul Willard, Tom Cotton, Joe Pulido and Ben Urquhart. Jaye Waldron seconded the motion. 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.

Climate Action Plan (CAP) – Input on Goals and Action Items under Natural Resources

Jaye Waldron stated at the meeting of the Climate Initiative Committee (CIC) last night several goals and action pertaining to Conservation were discussed. The Commission will still have an opportunity to provide comments. CIC may add forest to the land use goals. CIC is interested in knowing how the Commission could change the Wetland Protection Bylaws as it pertains to climate change, such as increasing the 75' no build zone. The Commission should be involved with the determination of preserved open space under the Planning Board's proposed revised Open Space Residential Development as done in the Town of Ayer. Under the residential goals Jaye Waldron had suggested a community compost, which

may be include that as a goal in the final Plan. The intent of the CIC is to take the CAP to the fall town meeting. Comments are due by June 30th. Wendy Sisson asked that the Land Stewardship Subcommittee be included on any topic that relates to that group.

Continuation of a Request for Determination of Applicability Hearing - Girl Scouts of Central & Western Massachusetts, Inc., 69 Still River Road, Harvard#0522-03. Opened at 7:39pm.

Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177- 711, Harvard#0322-01. Opened at 7:40pm

ZBA Request for Comments – 37 Pine Ridge Drive

The public hearing for the Notice of Intent filed for this location opened on June 2, 2022. The Commission will request the subsequent Order of Conditions be included as part of the decision made by the Zoning Board of Appeals.

Land Stewardship Subcommittee Update

- **Ayer Road Meadow Access** – Jim Picard needs 12’ clearance to get into the meadow. The grading and fill from the septic system for the bowling alley has encroached into the easement. Ira Grossman, the Town Sanitarian, has stated that grading can be moved back and suggested a retaining wall. The occupants at 206 Ayer Road should be notified if the necessary work within the easement to regain access. Scott Patterson, the owner of the bowling alley, should also be contacted to resolve the grading issue.
- **Tully Land Culvert** - beavers have blocked it, but the Department of Public Works is unable to assisting in removing the dam. Wendy Sisson proposed engaging Beaver Solutions in removing the debris and install fencing with the hope the area will be less quick to flood. Ms. Sisson is also suggesting the Harvard Snowmobile Club build up the causeway with loam tailings as used on the Blomfelt land.
- **Bowers Springs boardwalk and bridge repair**- Peter von Conta engaged an incredible group to successfully get the work done in a day.
- **Prospect Hill culvert and causeway over beaver wetland** – see Tully Land culvert
- **Haskell land update** – The seeding of the field has been pushed out until the fall
- **Request to use the Stone Land for AKC Search & Rescue Tracking Training, June – October** – On a motion made by Wendy Sisson and seconded by Jaye Waldron the Commission approved the use of the Stone land for AKC Search & Rescue Training from June to October. 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.

Notice of Intent – Luciano Manganella, 171/175 Littleton County Road, DEP#177-712, Harvard#0522-04. Opened at 8:01pm

Request for Certificates of Compliance

Jim Burns made a motion to issue Certificates of Compliance for the following locations:

- 129 Ayer Road, DEP#177-154 & 255
- 165 Littleton County Road, DEP#177-288
- 113 Poor Farm Road, DEP#177-696

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.

Bare Hill Pond Watershed Management Committee Update – Algal Bloom

After discussing the proposal suggested by the Bare Hill Pond Watershed Management Committee (BHPWMC) to operate the pump at a low speed 15Hz (with an option to increase it up to 20Hz during

periods of significant rainfall) to remove water from below 10 feet in lieu of surface water flowing over the Dam between June 20th and August 19th as a trial, Jim Burns made a motion to allow for this trial to occur as detailed with the letter from the BHPWMC with the possible extension through mid- September to assist in reducing the potential of algal blooms in the pond. Paul Willard 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.

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

After reviewing the letter drafted by Wendy Sisson, Jaye Waldron made a motion to approve the letter as revised this evening. 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.

Approve Minutes

This item was passed over this evening

Approve Invoices

Jim Burns made a motion to approve the invoice for Moore's Lumber in the amount of \$333.62 and Gatsby grounds in the amount of \$1,950.00. 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.

Pine Hill Village Update

The Conservation Agent continues to try to find the time to assess the site for compliance with the Order of Conditions and Comprehensive Permit.

Adjournment

Paul Willard made a motion to adjourn the meeting at 8:39pm. 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 June 16, 2022
- Letter to the Conservation Commission from Bare Hill Pond watershed management Committee
Re: Summary of Summer Low Volume Pumping Plan, June 6, 2022

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing
Girl Scouts of Central & Western Massachusetts, Inc.,
69 Still River Road, Harvard#0522-03
June 16, 2022

The public hearing was opened at 7:39pm 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: 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 June 2, 2022 for the installation of a changing room within 200' of Bare Hill Pond at 69 Still River Road, Harvard.

With abutter notification verified, Wendy Sisson made a motion to close the hearing and issue a Negative#3 Determination of Applicability with no additional conditions. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Wendy Sisson, aye; Paul Willard, 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
Yvonne Chern, 203 Ayer Road, Harvard#0322-01
June 16, 2022**

The public hearing was opened at 7:40pm 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: 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 May 5, 2022 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard.

With the applicant's representative requested the hearing be continued to July 7, 2022 to allow for time to prepare responses to the peer consultant review of the project, Jim Burns made a motion to continue the hearing to July 7, 2022 at 8:00pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Wendy Sisson, aye; Paul Willard, 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
Luciano Manganella, 171/175 Littleton County Road, DEP#177-712, Harvard#0820-04
June 16, 2022**

The public hearing was opened at 8:01pm 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: 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 Bruce Ringwall (GPR, Inc.)

This hearing is 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 171/175 Littleton County Road, Harvard.

Bruce Ringwall, of GPR, Inc., stated the Department of Environmental Protection file number and appropriate review from Natural Heritage and Endangered Species Program has been received. However, the revised plans have still not been provided to the Commission. Under the enforcement order no activity under this application or the previous Order of Conditions, DEP#177-694, was allowed to be conducted until an Order of Conditions was issued under this current Notice of Intent. Mr. Ringwall asked if the Commission would allow for the work associated with the new wetland crossing. After briefly discussing, Paul Willard made a motion to motion to allow the work to continue under the Order of Conditions, DEP#177-694 for 175 Littleton County Road. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Wendy Sisson, aye and Don Ritchie, aye.

Jim Burns made a motion to continue the hearing to July 7, 2022 at 8:45pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Wendy Sisson, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent