

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
OCTOBER 6, 2022  
APPROVED: FEBRUARY 2, 2023**

Vice Chair Eve Wittenberg called the meeting to order at 7:09pm, virtually, pursuant to Chapter 107 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 July 16, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Jim O'Leary (Harvard Youth Baseball & Softball Association), Bob Douglas (Deer Management Subcommittee), Joe Pulido (Deer Management Subcommittee), Dan Tracey, Bob Kody (Envision Homes), Dan Wolfe (Ross Associates), and Marisa Khurana

**Harvard Youth Baseball & Softball Association Request for Input on Community Preservation Committee Applications for Ryan Land and Ann Lee Fields**

Jim O'Leary, representing the Harvard Youth Baseball & Softball Association, stated there are two proposed applications for the Community Preservation Act funding in Fiscal Year 2024. The first is to provide upgrades to the Ryan Land and Ann Lees fields including new hitting cages, electricity to the cages and scoreboards at Ryan Land. Along with the purchase of bleachers, scoreboards and portable mounds for both fields; as well as safety improvement for all fields (fenced-in on deck areas). The second proposal is to provide irrigation for Ann Lee Softball Field, which would require a new well and irrigation for infield and outfield, with an option for a solar array to be installed to power the irrigation system.

Members of Commission provided feedback on both applications by questioning why the school budget does not pay for some or all of these items from funds allocated for sports and expressing their desire not to allow the installation of a well for irrigation of the Ann Lees field.

Joanne Ward stated with no significant impacts to the Ryan or Ann Lees field she makes a motion to support the Harvard Youth Baseball & Softball Association application to the Community Preservation Committee for Baseball and Softball Field Improvements in the amount of \$47,000. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

There was no vote of support for the Ann Lee Softball Field Improvement application as proposed by the Harvard Youth Baseball & Softball Association.

**Notice of Intent Hearing – Pradeep & Marisa Khurana, 110 Warren Avenue, DEP#177-716, Harvard#0922-04.** Opened at 7:33pm

**Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01.** Opened at 7:51pm

**Deer Management Subcommittee (DMS) Request to add the Coke Land to Allowed Bow Hunting Areas for the 2022 Season**

As requested the Land Stewardship Subcommittee has reviewed and approved the Coke Land to be part of the Deer Management Program with conditions that are acceptable to the DMS. With the need for

abutter notification to those properties that abut the Coke Land, Liz Allard requested that hunting start no sooner than October 31, 2022.

Eve Wittenberg asked what the logic is to have more parcels within the program. Bob Douglas, chair of the DMS, stated having hunters in the fields will assist with movement of the deer. This is a land that has been identified as one in need of deer management. When asked about hunter assignments, Joe Pulido stated the addition of this land will shift things round a bit, along with adding a new hunter. The number of hunters qualified this season was discussed. Mr. Douglas stated two of the hunters are sharing a parcel of land, therefore accounting for one hunter assigned to that specific property, for a total of 19 hunters this season on 13 parcels.

Paul Willard made a motion to add the Coke land to the parcels on which Deer Management Program is allowed with the following conditions:

- Hunting will commence on October 31, 2022;
- Qualified hunters shall maintain a 75' buffer from the community garden;
- Parking of vehicles shall be within 50' of the entrance to the Coke land and in a manner as to not block the agricultural access; and
- Increase the number of qualified hunters for the 2022 season to nineteen (19).

Jaye Waldron made a friendly amendment to include notification of the abutters prior to October 31, 2022. Mr. Willard was amenable to the amendment. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

**Continuation of an Abbreviated Notice of Intent Hearing - Town of Harvard Conservation Commission, the Barton Land, located between the dam of Bare Hill Pond and Still River Road, Harvard#0922-03.**

Opened at 8:12pm

**Notice of Intent Hearing – John Iacomini, 310 Ayer Road, Harvard#0922-05.** Opened at 8:16pm

**Request to Remove Tree on Reuben Reed Land**

After briefly discussing the request Paul Willard made a motion to allow the tree warden to remove the tree on Reuben Reed land as requested. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

**Proposal for 400 Beaver Brook, Boxborough (former Cisco property)**

With the proposed development of the above-mentioned property, Joanne Ward thinks this is something the Town needs to keep an eye on as there could be impacts to dark skies, the aquifer and wetlands in the area. Jim Burns stated there is always a concern in regard to light pollution with large developments such as this. Ms. Ward agreed with the impacts due to light pollution; further determinations need to be made as to potential impacts on habitat and/or wetlands in the area. Ms. Ward stated letters expressing concern can be sent to the Boxborough Planning Board and Conservation Commission. Ms. Ward will look into some of these issues as well as the determine timelines. This item will be discussed at the next meeting of the Commission.

**Approve Minutes**

Jim Burns made a motion to approve the minutes of July 7, 2022 as drafted. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

**Approve Invoices**

Joanne Ward made a motion to approve the invoices from Harvard Press for the abbreviated notice of intent in the amount of \$72.00. Jim Burns seconded the motion. The vote was unanimously in favor of

the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

#### **Update All Boards Meeting**

Eve Wittenberg attended on behalf of the Commission and found the event to be very stimulating. The Commission's focus was on Wendy Sisson's tenure, with confirmation from the Select Board chair. Ms. Wittenberg raised the issue of filling the administrative position in order for the Commission to have a full-time Conservation Agent.

#### **Ayer Road Meadow Access Improvements**

#### **Pine Hill Village Update**

Liz Allard stated weekly updates from the developer are lacking certain information, including work being conducted on the invasive plants on the site. Ms. Allard is working with developer to provide accurate weekly reports.

#### **Adjournment**

Paul Willard made a motion to adjourn the meeting at 9:20pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

#### **EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated October 6, 2022
- Site Plan Pradeep & Marisa Khurana, 110 Warren Avenue Harvard, MA Job No.: 33383, Plan No.: L-14572, prepared by David E. Ross Associates, Inc., 9/06/2022
- Site Plan John Iacomini #310 Ayer Road Harvard, MA Job No.: 32614, Plan No.: L-14610, prepared by David E. Ross Associates, Inc., September 2022

**Harvard Conservation Commission  
Notice of Intent Hearing  
Pradeep & Marisa Khurana, 110 Warren Avenue  
DEP#177-716, Harvard#0922-04  
October 6, 2022**

The public hearing was opened at 7:33pm by Vice Chair Eve Wittenberg 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 107 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 July 16, 2022.

**Members Present:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Bob Kody (Envision Homes), Dan Wolfe (Ross Associates), and Marisa Khurana

This hearing is for a Notice of Intent filed on behalf of for Pradeep & Marisa Khurana for minor modifications to the existing sewage disposal system, the addition of a two-car garage, deck, covered porch, modified gravel driveway and walkway/retaining wall to an existing single-family home within the 200' buffer zone to Bare Hill Pond and the 100' wetland buffer zone to a wetland resource area at 110 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, stated the existing four-bedroom dwelling is on the banks of Bare Hill Pond. The proposed plan details the conversion of the existing garage into a living area, the construction of a new garage, covered porch and small deck on the pond side of the dwelling. Other site amenities include the installation of a walkway on the south side of the dwelling and a retaining wall for the septic system to accommodate the expansion of the existing gravel driveway; which will remain gravel. Roof runoff will be captured by infiltration trenches located along the side of the new and existing garage.

Waivers from the Wetland Bylaw Regulations, §147-12 Setbacks, include the 75' no structures or driveways for the deck and the expansion of the driveway; and the 50' no disturb zone in which there shall be undisturbed natural vegetation, for the walkway along the south side of the garage. Mr. Wolfe felt these proposed activities were an improvement to the area and would enhance the wetland buffer zones as opposed to be averse to them.

When asked the planned timing of construction, Bob Kody stated he would like to have the foundation installed this fall to be able to frame the interior this winter. Liz Allard asked that the erosion control barrier be extended past the crossing of the driveway, which she acknowledged is on conservation land. Comments received from the Bare Hill Pond Watershed Committee concerning stormwater were addressed.

Mark Shaw made a motion to approve the waivers as requested as the site is a pre-existing site altered by fill and grading, as well as the addition of stormwater mitigation to assist in added protection of the wetlands and Bare Hill Pond. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Joanne Ward made a motion to close the hearing and issue an Order of Conditions with the standard conditions, contingent on the Commission receiving a revised plan detailing the extension of the erosion control barrier. Jaye Waldon seconded the motion. The vote was in favor of the motion by a roll call, Jim

Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, nay; Mark Shaw, aye; and Eve Wittenberg, 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, DEP#177-711, Harvard#0322-01  
October 6, 2022**

The public hearing was opened at 7:51pm by Vice Chair Eve Wittenberg 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 107 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 July 16, 2022.

**Members Present:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

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

This hearing was continued from September 15, 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.

At the request of the applicant's representative, Jaye Waldron made a motion to continue the hearing to November 3, 2022 at 7:30pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Continuation of an Abbreviated Notice of Intent Hearing  
Town of Harvard Conservation Commission,  
Barton Land, located between the dam of Bare Hill Pond and Still River Road,  
DEP#177-715, Harard#0922-03  
October 6, 2022**

The public hearing was opened at 8:12pm by Vice Chair Eve Wittenberg 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 107 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 July 16, 2022.

**Members Present:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

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

This hearing was continued from September 15, 2022 for an Abbreviated Notice of Intent filed by the Town of Harvard Conservation Commission, for the management of invasive plant species within a wetland resource area on the Barton Land, located between the dam of Bare Hill Pond and Still River Road, Harvard.

With the DEP file number received with no comments, Jim Burns made a motion approve the waiver to §147-12 Setbacks for invasive plant management within a wetland resource area. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Joanne Ward made a motion to close the hearing and issue an Order of Conditions with the standard conditions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
John Iacomini, 310 Ayer Road, Harvard#0922-05  
October 6, 2022**

The public hearing was opened at 8:16pm by Vice Chair Eve Wittenberg 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 107 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 July 16, 2022.

**Members Present:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

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

This hearing is for a Notice of Intent filed on behalf of John Iacomini for the construction of an in-ground swimming pool and patio area, surrounded by a security fence within the 100' wetland buffer zone to a wetland resource area 310 Ayer Road, Harvard

Dan Wolfe, of Ross Associates, detailed the project to construct an in-ground swimming pool and patio with an existing lawn area. The area would be surrounded by a security fence and the patio would be surrounded by an infiltration trench to capture and store any runoff and to provide a mechanism to infiltrate runoff from the proposed impervious areas.

Waivers from the Wetland Bylaw Regulations, §147-12 Setbacks, include the 75' no structures or driveways for the pool and concrete patio/walkway; and the 50' no disturb zone in which there shall be undisturbed natural vegetation, for to accommodate a reasonable sitting area within the patio area and to allow for a minimal walkway around the itself. The disturbance proposed is within 46' of the wetland resource area on the property. Mr. Wolfe stated the area in which these waivers are requested are previously disturbed portions of the yard that is currently yard area. No trees or shrubbery will be removed as a result of this project.

The proposed location of the pool provides the most privacy and buffers noise from Ayer Road. Mr. Wolfe agreed the site contains other areas where the pool could be located, but for the reasons just stated the owner has chosen the location shown on the plan.

Concerns with a structure within the 75' wetland buffer zone were expressed by members of the Commission. Mr. Wolfe was not surprised by those concerns, but felt as proposed there was no detriment to the resource area. Mr. Wolfe read directly from the purpose of the Wetland Protection Bylaw, with the sentiment that this proposal was not in conflict with any of the purposes. Jaye Waldon felt a good trade-off could be to allow the remaining lawn area to revegetate naturally. John Iacomini feels there should not be a trade-off for more wetlands. Ms. Waldron explained it would not be for more wetlands, but for more vegetated buffer zone to the wetlands. A discussion pertaining to the differences of distinguishing between the existing and preferred uses when determining allowances within the setbacks was had. Some Commission members did not agree with re-establishing vegetated buffer within 50', but did with the concerns of a pool within 75'. Others thought if there were alternatives to locate the pool on the property then those areas should be considered. Those who had not previously visited the site were encouraged to do so in order to have a better understanding of the proposal before the Commission.



With the request to look into alternatives to locate the pool, the need for other to visit the site and no DEP File number, Jim Burns made a motion to continue the hearing to October 20, 2022 at 8:00pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent