

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JUNE 1, 2023
APPROVED: JULY 20, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw.

Members Present: Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw (arrived at 8:14pm)

Others Present: Liz Allard (Conservation Agent), Bruce Ringwall (GRP, Inc.), Diane Rayla, Tony Shaw, Margaret Nessler, John Lee (Harvard Conservation Trust), Tom Cotton, Peter Dorward (Open Space Committee), Bruce Leicher (Bare Hill Pond Watershed Management Committee), Wendy Sisson, Jessie Panek, Susan Coldwell, Kerry Shrives (Bare Hill Pond Watershed Management Committee), John McCormack (Planning Board), Guy Hermann, and Marshall Meeks

Presentation of the Crescent Valley Conservation Restriction Area by Margaret Nessler

Margaret Nessler detailed the unique land formations in the area at the end of Cruft Lane as a large drumlin that faces south and is surrounded by wetlands. The name, Crecent Valley, was what people used to call this valley. Ms. Nessler shared photos that detailed the value of the area, such as the native wildflowers, blue spotted salamanders, painted turtles, spotted salamanders, red spotted newt, spotted turtles, peepers, frogs, snakes, monarch butterflies, and damsel and dragon flies. These factors are why Ms. Nessler created the Conservation Restrictions (CR) for 30 and 31 Cruft Lane. Ms. Nessler further explained the area to the east has a substantial amount of water as opposed the western side, which has a much different ecology. The CR contains two 3.9 acre building envelopes for each property, which is primarily in the uplands. The goal was to create clear lines between human activity and the habitat. Ms. Nessler detailed the building envelopes and the newly created trail, which connects a large patch of conservation land. Ms. Nessler noted that she mowed the wet meadow at 30 Cruft Lane once a year in the fall as suggested by Mass Audubon. Don Ritchie thanked Ms. Nessler for the presentation and her willingness to protect the area.

Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03.
Opened at 7:34pm

Request for Determination of Applicability Hearing –Guy Hermann, 32 Madigan Lane, Harvard#0523-01.
Opened at 7:50pm

Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01. Opened at 8:03pm

Request to Add Rain Gutters and Down Spouts at 7 Pine Hill Village Way

After briefly discussing the request from Susan Coldwell to install rain gutters to her home at 7 Pine Hill Village Way, Jaye Waldron made a motion to allow the rain gutters as a De Minimus change to the approved plan under the existing Order of Conditions, DEP#177-586, with the condition of the use of rain barrels on the downspouts at the back of the house. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Eve Wittenberg; aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approval of the Community Harvest Project Agricultural Preservation Restriction

Don Ritchie made a motion to approve the Agricultural Preservation Restriction for Community Harvard Project as drafted. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Eve Wittenberg; abstained; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Interview Potential Volunteer for the Conservation Commission – Jessie Panek; make final recommendations to the Select Board

Jessie Panek provided her background with almost 30 years of experience in native and invasive plants and is curious to learn how she might use some of those skills to help the Town. Peter Dorward member of the 2016 Open Space & Recreation Plan Update Committee stated Ms. Panek was a major contributor to the flora section of the Plan.

Eve Wittenberg made a motion to recommend to the Select Board the re-appointment of Jaye Waldron, Jim Burns and Mark Shaw, as well as the appointment of Paul Willard as the Associate Members and Jessie Panek to fill the remainder of Mr. Willard's term as a voting member of the Commission. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Eve Wittenberg; aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Request to Mow within the 50' wetland buffer zone at 30 Cruft Lane

After a discussion of the area, the wetland buffer zones and previous care of the area, Jim Burns made a motion allowing the mowing of a six-foot path at the edge of the existing tree line adjacent to the common driveway from the barway in the stonewall to the garage at 30 Cruft Lane. 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; Mark Shaw, abstained; Eve Wittenberg, aye and Don Ritchie, aye.

Review Proposed Chapter 125-35 Open Space Residential Development Bylaw

John McCormack, the Associate Member of the Planning Board, wants the Commission to review the revisions and provide any comments they may have. The Planning Board is seeking to make the bylaw more desirable to developer and to encourage this type of development in Town. Mr. McCormack stated the Planning Board is hoping to bring the amendment to the Fall town meeting in October. Don Ritchie asked members of the Commission to review the document in order to provide comments to the Planning Board.

Approve Minutes

Joanne Ward made a motion to approve the minutes of February 2, 2023 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

Approve Invoice

Jaye Waldron made a motion to approve the invoice from Moore's Lumber & Hardware in the amount of \$179.97. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

Review Deer Management Annual Process and Procedures

Eve Wittenberg stated she has drafted an outline of standard operating procedures for the Deer Management Subcommittee. The intent is to streamline the process to avoid the hiccups of last season. Due to the lateness of the meeting the Commission agreed to review the document for discussion at the next meeting.

Approve Allocation of Funds for Legal Review of Littleton County Road Land Project Draft Conservation Restriction

Jaye Waldron made a motion to allocate up to \$500.00 for review of the Littleton County Road Land Project Draft Conservation Restriction by Town Counsel. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

Update on Enforcement Order – 320 Ayer Road

There was no update this evening on this matter, however Liz Allard mention she will be suggesting to Grant MacLean that he reach out to the property owner to discuss sharing the cost of the wetland delineation as opposed to hiring his own specialist to delineate the wetland in order to provide a site plan to the Commission.

Pine Hill Village Status Update

Liz Allard has re-inspected the erosion control barrier for Phase 3 of the project. Clearing of trees should begin within the next week or two, which requires approval from the Conservation Agent to do so.

Adjournment

Eve Wittenberg made a motion to adjourn the meeting at 9:34pm. Jaye Waldon seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated June 1, 2023
- Photos provided by Margert Nessler Crescent Valley Conservation Restriction Area
- Ariel photo of 30 & 31 Cruft Lane (Mass Mapper)
- Conservation Restriction and Easement Plan of Land in Harvard, Mass. owned by Turtle Rock Realty Trust, Job No. 37002, Plan No.: L-13327B, prepared by David E. Ross Associates, July 2020
- Seamless Gutters Job Estimate – Susan Colwell 7 Pine Hill Way
- Photos provided by Liz Allard 30 Cruft Lane
- Site Plan Shaw Properties, LLC #30 Cruft Lane, Harvard MA, Job No.: 34293, Plan No.: L-14644, prepared by David E. Ross Associates, Inc., May 2023
- Commercial Development Notice of Intent Wetland Replication Plan 203 Ayer Road Harvard, MA prepared for Yvonne Chern, prepared by GPR, Inc. 5/23/23
- 203 AYER ROAD, DEP#177-711, Harvard#0322-01 ADDITIONAL SPECIAL CONDITIONS

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Bare Hill Pond Watershed Management Committee, Harvard#0523-03
June 1, 2023**

The public hearing was opened at 7:34pm 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 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

Members Present: Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, and Jim Burns

Others Present: Liz Allard (Conservation Agent), Diane Rayla, Bruce Leicher (Bare Hill Pond Watershed Management Committee), and Kerry Shrives (Bare Hill Pond Watershed Management Committee)

This hearing is for a Notice of Intent filed on behalf of Bare Hill Pond Watershed Management Committee for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake & Pond General Environmental Impact Report to control phosphorus and invasive plant species.

Bruce Leicher, the chair of the Bare Hill Pond Watershed Management Committee (BHPWMC), stated the application before the Commission proposes no changes to the process or the conditions of the annual drawdown of Bare Hill Pond. Mr. Leicher stated the BHPWMC is happy with the work done by Wendy Gendron, of Aquatic Restoration Consulting, LLC, to monitor the pond annually. Funding at Town Meeting will allow for additional testing of Phosphorus and Dissolved Oxygen levels at different time points to determine potential for algal blooms. Ms. Gendron has been out on the pond since the rain events in May, which indicate oxygen begins to decline at 18 feet; at the 12 to 10 feet algal blooms may be triggered. At that time, clarity was at approximately 12 feet. There is no plan yet for the drawdown this year but BHPWMC does not plan to go beyond 6.5 feet. The data to make this determination will be available by the end of August.

Tony Shaw, a member of the Harvard Snowmobile Club, requested the refill start on March 1st as opposed to February 1st which assists in the ice on the pond being stable longer through the winter. Mr. Leicher explained there is an environmental impact that is the basis for the start date of the refill, however the refill is so slow it would not affect the ice on the pond.

Diane Rayla, a resident on the pond, questioned the reason for the drawdown in excess of the level that had been approved last fall by the Commission. Mr. Leicher explained an error between the manual and the automatic controls of the pump system that used to drawdown the pond. The error has been corrected to eliminate the manual controls as opposed to the automatic controls as the pump was designed. Mr. Leicher further explained when Ron Ricci, a former member of the BHPWMC, designed the pump he designed it with a sensor; that sensor has never been used as it was never validated. The staff gauge was initially used and now the markers on the intake pipe are used to determine the pond depth. To ensure this error does not occur again three people will be monitoring the pond level while the drawdown is taking place.

With the file number not received yet from the Department of Environmental Protection Eve Wittenberg made a motion to continue the hearing to July 6, 2023 at 7:30pm. 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; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted, Liz Allard, Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing Meeting Minutes
Guy Hermann, 32 Madigan Lane, Harvard#0523-01
June 1, 2023**

The public hearing was opened at 7:50pm 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 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

Members Present: Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, and Jim Burns

Others Present: Liz Allard (Conservation Agent), Guy Hermann and Joanne Crystoff

This hearing is for a Request for Determination of Applicability filed by Guy Hermann for the removal of approximately 1,200SF of existing asphalt driveway, regrading and replanting of the area, repairs to an existing stonewall, and repaving of the remaining driveway within 200' of a pond at 32 Madigan Lane, Harvard.

Guy Hermann and Joanne Crystoff explained a portion of the existing U-shaped driveway will be removed and re-vegetated. Stormwater currently runs off the roadway into the driveway and then into the pond on their property. By eliminating this portion of the driveway stormwater will have more of a vegetated area to flow over prior to entering the pond. Ms. Crystoff explained the disturbed areas will be replaced with grasses as opposed to a wildflower mix, as she is creating a meadow of wildflowers in the back yard. Ms. Crystoff further explained there are several trees, including willows and birches, between the pond and the existing driveway so the grass will not go right to the edge of the pond.

Jaye Waldron stated the Commission seeks to preserve the 50-foot wetland buffer zone in a natural state and would prefer a wildflower mix as opposed to lawn area. Eve Wittenberg agreed. Ms. Crystoff felt by putting in grass she is putting in a more natural area. When asked Ms. Crystoff further detailed the around the pond which is vegetated and consists of a slope down to the pond. Since the area is an already disturbed Ms. Waldron requested a non-manicured lawn within the 50-foot wetland buffer zone to allow the area to vegetate naturally. Mr. Hermann stated they were moving in that direction. Ms. Waldron further requested they allow the shrubs on the slope to continue to grow and spread into the lawn area and limit the amount of mowing.

Jim Burns made a motion to close the hearing and issue a Negative #3 Determination with the condition that the erosion control barrier is to be inspected by the Conservation Agent prior to the removal of the driveway. 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; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01
June 1, 2023**

The public hearing was opened at 8:03pm 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 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

Members Present: Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw

Others Present: Liz Allard (Conservation Agent) and Bruce Ringwall (GRP, Inc.)

This hearing was continued from May 18, 2023 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.

Bruce Ringwall, of GPR, Inc., detailed revisions made to the plan including increasing the wetland replication area and updating the plan set to reference the Order of Conditions. The draft special conditions were reviewed.

Eve Wittenberg made a motion to allow a waiver to the 50-foot no disturb zone as requested for the installation of a stormwater basin. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

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

Respectfully submitted,

Liz Allard,
Conservation Agent