

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
APRIL 4, 2024
APPROVED: APRIL 18, 2024**

Chair Eve Wittenberg called the meeting to order at 7:03pm, 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates, Inc.), Brendon Kelly (Clinchfield), Bob O'Shea (Harbor Master), Matt Marro, Anne McWaters (Recreation Director), Gerry Gaw, John Cushing, Nick Pauling (GPR, Inc.), Lou Russo, Bruce Leicher (Bare Hill Pond Watershed Management Committee), Chris Horne, Joe Pettirossi (Bare Hill Pond Watershed Management Committee), Lucas Thayer, Kerry Shrives (Bare Hill Pond Watershed Management Committee), Wendy Sisson, Joe Portuando, and Bruce Ringwall (GPR, Inc.)

Continuation of a Notice of Intent Hearing – CSX Transportation, Inc, CSXT Railway Right-of-Way at Route 2, DEP#177-743, Harvard#0124-03. Opened 7:03pm.

Notice of Intent Hearing – Gerald & Carole Gaw – 4 Wilroy Avenue, Harvard#0324-03.
Opened at 7:05pm.

Notice of Intent Hearing – John Cushing & Kristyna Reisberg – 10 Houghton Lane, Harvard#0324-04.
Opened at 7:29pm.

Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee – Bare Hill Pond, 31 Pond Road, Harvard#0324-05.
Opened at 7:40pm.

Approve Invoices

Jaye Waldron made a motion to approve the invoice for Oxbow Associates in the amount of \$2,450.00. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Approve Minutes

Jaye Waldron made a motion to approve the minutes of March 21, 2024 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Jessie Panek made a motion to approve the minutes of October 19, 2023 as amended. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Notice of Intent Hearing – Yellow Boots Property Trust – 351 Ayer Road, Harvard#0324-06.
Opened at 8:05pm.

Notice of Intent Hearing – Anne DeBoalt – 79 Shaker Road, Dep3177-744, Harvard#0324-07.
Opened at 8:28pm.

Notice of Intent Hearing – Joseph Portuando –19 Warren Avenue, Harvard#0324-08.

Opened at 8:40pm.

Continuation of Notice of Intent Hearing – Harvard Parks & Recreation – 31 Pond Road, Harvard#0324-02. Opened at 9:04pm.

Discuss the Proposal for the Abbott Land

Jim Burns made a motion to approve the Proposal from Owl Rock Farm for the pruning, mowing/pest control and harvesting of the Abbott Land for 2024. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Request for Certificate of Compliance – 92 South Shaker Road, DEP#177-700

Joanne Ward made a motion to issue a Certificate of Compliance for 92 South Shaker Road. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Request for Certificate of Compliance – 175 Littleton County Road, DEP#s177-694, 712, 724

After a review of the site by the Conservation Agent, there are some outstanding items that need to be addressed before a Certificate of Compliance can be issued.

Updates from Representatives & Liaison

A written update was provided within the [meeting packet](#).

203 Ayer Road, DEP#177-707 & 711

- **Act on Proposal for Site Monitor**

Don Ritchie made a motion to accept the revised Beals & Thomas proposal dated April 4, 2024 for a Site Monitor. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

- **Act on Revised Invasive Plan**

Jim Burns made a motion to approve the revised 203 Ayer Road, Harvard MA Japanese Knotweed removal procedure received April 2, 2024. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

- **Act on Approval of Qualified Wetland Scientist**

Jim Burns made a motion to approve Matt Marro as a Qualified Wetland Scientist for the wetland replication at 203 Ayer Road. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Adjournment

Jim Burns made a motion to adjourn the meeting at 10:26pm. Jaye Waldron seconded the motion. By a show of hands, the vote was unanimously in favor of the motion.

Respectfully submitted,
Celia Jornet,
Recording Secretary

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated March 21, 2024
- Gerald & Carol Gaw, 4 Wilroy Ave - Site plan prepared by David E Ross Associates Inc., Plan L-14734, Job No 34406, 3/7/2024.
- John Cushing & Kristyna Reisberg, 10 Houghton Lane – Site Plan prepared by David E Ross Associates Inc., Plan M-6756, Job 34424, March 2024
- Bare Hill Pond Watershed Management Committee Notice of Intent Narrative, March 19, 2024
- Yellow Boots Property Trust, 351 Ayer Road – Site Plan prepared by McCarty Engineering, Inc, Plan L-1, Job 350, March 14, 2024
- Anne DeBoalt, 79 Shaker Road – Site Plan prepared by Innovative Septic Design, Inc., Plan 12112307, Revised 4/3/2024, Original plan date December 27, 2023
- Joseph Portuando, 19 Warren Avenue – Site Plan prepared by Dave E Ross Associates, Inc., Plan L-14724, Job No 34420, February 2024

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
CSX Transportation, Inc., CSXT Railway Right-of-Way at Route 2, DEP#177-743,
Harvard#0124-03
April 4, 2024

The public hearing was opened at 7:03pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent) and Brendon Kelly (Clinchfield)

This hearing was continued from March 21, 2024 for a Notice of Intent filed on behalf of CSX Transportation, Inc., for improvements to the existing bridge clearance within the 100' wetland buffer zone along the CSXT Railway Right-of-Way at Route 2, Harvard.

Now that a Department of Environmental Protection File Number has been received, Don Ritchie made a motion to close the hearing and issue an Order of Conditions with the additional special condition of receipt of a stamped engineered Stormwater checklist and Natural Heritage Endangered Species Program condition, along with the standard special conditions. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,
Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Gerald & Carole Gaw, 4 Wilroy Avenue, Harvard#0324-03,
April 4, 2024**

The public hearing was opened at 7:05pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Dan Wolfe (David Ross Associates), and Gerry Gaw
This hearing is for a Notice of Intent for the demolition and reconstruction of a single-family home and attached garage within 200' of Bare Hill Pond at 4 Wilroy Avenue, Harvard.

Dan Wolfe, with Ross Associates, gave the Commission an overview of the project: the current home will be demolished and a new single family residence will be constructed on the same 30'x40' footprint, with the addition of a garage connected to the house by a covered walkway; the driveway and area in front of the garage will be paved; 9 trees will be removed from around the house, several of which are leaning towards the house; the current patio area in front of the house will be replaced by a brick paver surface. No activity will take place in the slope area, which heads to Bare Hill Pond. Mr. Wolfe stated he is aware the hearing cannot be closed tonight and will need to be continued due to the Department of Environmental Protection (DEP) not issuing a number yet. Mark Shaw asked about the waste water system for the home. Mr. Wolfe stated the property owners have a written agreement with their neighbor, the Woods, to share the same septic system. A new pipe will be run from the house to the septic system during construction. Eve Wittenberg had questions regarding an increase in area of impervious surfaces, as well as the lack of a robust replacement plan in place for the 9 trees being removed, and increasing erosion control by the slope. Mr. Wolfe said he has no issue adding an additional line of 100' of silt fence for erosion control and will discuss the aforementioned issues with the property owners. Jessie Panek stated she has an issue with the removal of the oak trees, especially the one near the northeast corner of the house, as its roots most likely have grown towards the pond and are holding the slope in place, and the large oak in the area proposed for the paved parking adjacent to the garage.

With no comments from DEP or a file number, along with items to be addressed, Jim Burns made a motion to continue the hearing to April 18, 2024 at 7:05pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,
Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
John Cushing & Kristyna Reisberg, 10 Houghton Lane, Harvard#0324-04,
April 4, 2024**

The public hearing was opened at 7:29pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates) and John Cushing and Kristyna Reisberg

This hearing is for a Notice of Intent for the construction of a pervious paver walkway and patio within the 100' wetland buffer zone at 10 Houghton Lane, Harvard.

Dan Wolfe, with Ross Associates, discussed how he had an informal meeting with the Commission several weeks ago and took into consideration modifications specified by Commission members. The area for the patio is currently sloped and would be excavated and leveled, with a layer of clean sand under the bricks, to provide better water infiltration.

Eve Wittenberg stated she would prefer a wood deck instead of pavers as the moss that currently covers the area would provide good infiltration. Mr. Wolfe stated the current area is sloped and if sono tubes and a wood deck were installed, the area would still be sloped and water would not have time to infiltrate the ground. Jaye Waldron asked Mr. Wolfe what the front of the house looked like and would it be a better option for the patio. Mr. Wolfe stated the front yard is sloped and mounded for the septic system. In addition, it would not provide privacy for the family. Mr. Wolfe stated the proposed brick patio gives utility to the back area of the house.

Don Ritchie agrees with Ms. Wittenberg that a wood deck is better than a 2-foot-high brick wall. Jessie Panek and Joanne Ward both agreed with Mr. Wolfe that leveling the area and putting a sand base will provide better infiltration into the ground.

With no comments from DEP or a file number, Don Ritchie made a motion to continue the hearing to April 18, 2024 at 7:20pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,
Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Bare Hill Pond Watershed Management Committee (BHPWMC), Bare Hill Pond, 31 Pond Rd,
Harvard#0324-05,
April 4, 2024**

The public hearing was opened at 7:40pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Bruce Leicher (BHPWMC), Joe Pettirossi (BHPWMC) and Kerry Shrives (BHPWMC)

This hearing is for a Notice of Intent for diver assisted suction hose (“DASH”) removal of invasive fanwort and milfoil within the swim area, boat launch and moorings areas within a wetland resource area on Bare Hill Pond.

Bruce Leicher, representing the BHPWMC, stated divers from Pristine Waters LLC, would be on-site for a week in June and a week in August/September to remove invasive species by hand at the root and then have them suctioned-out by hose to a lined dumpster placed in the parking area adjacent to the boat launch area. The lining in the dumpster will be replaced daily and plant material will be taken to a recycling center. Liz Allard stated the application is for both Phase 1 and Phase 2, which include the swim area as well as the adjacent boat launch area and mooring areas and the order is good for three (3) years. Ms. Allard also stated the stormwater management check list, which was submitted with the application, needs to be stamped by an engineer.

With no comments from DEP or a file number, Jim Burns made a motion to continue the hearing to April 18, 2024 at 7:40pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,
Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Yellow Boots Property Trust, 351 Ayer Road, Harvard#0324-06,
April 4, 2024**

The public hearing was opened at 8:05pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Matt Marro and Chris Horne (abutter)

This hearing is for a Notice of Intent for the replacement of a septic line and 3,500 square feet of restoration in the form a rain garden within the 100' wetland buffer zone after enforcement at 351 Ayer Road, Harvard.

Matt Marro discussed how work was done on the property without proper notification, which resulted in the issuance of an Enforcement Order. The property owner plans to install a rain garden to act as a vegetative buffer between two wetland areas on the north and south adjacent properties, and will place plantings in the disturbed area in the 75' buffer zone. Jessie Panek questioned why red oaks were being used as they are not a wetland species. Mr. Marro explained they would act as extra shading for the lawn and wetland areas.

Eve Wittenberg requested that instead of lawn in the 50' buffer, that a wildflower mix or native grasses be used instead.. Mark Shaw stated he has received comments from an abutter that the property owner is not abiding by lot lines and that he is bringing in heavy equipment at all times of day and night. Ms. Wittenberg advised Mr. Marro that the site needs to be monitored, a time line needs to be put in place, and lot lines need to be addressed with the property owner.

Chris Horne, an abutter who resides at 349 Ayer Road, expressed concern that work has been going on for over three (3) years and he would like a timeline for the project. Mr. Horne also stated excavators are being stored on the property, the property has been clear cut and the property owner removed from Mr. Horne's property trees, 60' of fencing (which he has since replaced for Mr. Horne), as well as other plantings. Mr. Marro told Mr. Horne to email him anytime should he have any further issues or questions. In response to Mr. Horne's question regarding the future of the property, Mr. Marro said the property owner intends to replace the septic, rehabilitate the house, and then sell the property.

Ms. Wittenberg advised Mr. Marro to discuss these issues with the property owner and bring responses to the next meeting, including a time line with specific dates for work to be completed.

With no comments from DEP or a file number, along with items to be addressed, Jessie Panek made a motion to continue the hearing to April 18, 2024 at 7:50pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,
Celia Jornet, Recording Secretary

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Anne DeBoalt, 79 Shaker Road, DEP#177-744, Harvard#0324-07,
April 4, 2024**

The public hearing was opened at 8:28pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent) and Matt Marro

This hearing is for a Notice of Intent for the replacement of a septic system within the 100' wetland buffer zone and the 200' riverfront area at 79 Shaker Road, Harvard.

Matt Marro explained that the septic system failed under Title V and needs to be replaced. A waiver is requested due to the need for minor grading to better offset the ground water at the request of the Board of Health. Extended erosion protection was requested by Liz Allard on their site walk. Several trees and a bush will need to be removed for the leach field. The existing lawn that is disturbed during the work will be replaced upon completion.

Eve Wittenberg questioned whether there will be replacement trees planted. Jim Burns stated that in his opinion, the remaining trees will benefit from the removal, which will now allow adolescent trees to grow and spread in the area. Ms. Wittenberg stated she is satisfied with that and replacement is no longer an issue. Liz Allard will approve the small tweak to the erosion control on site.

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

Respectfully submitted,
Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Joseph Portuando, 19 Warren Avenue, Harvard#0324-08,
April 4, 2024**

The public hearing was opened at 8:40pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent) Dan Wolfe (Ross Associates), and Joseph Portuando

This hearing is for a Notice of Intent for the cleanup and restoration of previous tree clearing, repair of existing pool/patio area, construction of a new patio, farmer's porch and side egress stairs, along with overall drainage improvements zone within the 100' wetland buffer zone at 19 Warren Avenue, Harvard.

Dan Wolfe, from Ross Associates, gave an overview of the project: the owner was having trees and invasives removed by tree company, who removed trees across the property line as well as in the wetlands. The Conservation Agent issued a cease and desist on August 16, 2023] that all work be stopped and all removed trees be identified. In the current application, in addition to clean-up of the downed trees and logs that remain, replanting of trees and shrubs are proposed in multiple areas, the existing pool needs to be relined, the concrete patio around the pool needs to be replaced, an addition of a farmer's porch, a patio to connect new porch and side porch, and repave driveway. The previous owner hand-dug a trench to reroute runoff, so an infiltration trench, filled with stone and piping, will be put in place instead of the hand dug trench. The Notice of Intent includes written authorization from the neighbor authorizing the property owner to replace trees that were removed from their property in error.

Jaye Waldron asked where the septic field is on the property. Mr. Wolfe showed the area on the plan. Ms. Waldron also questioned if there is a plan to keep water from flowing down the driveway to the street, which creates an ice hazard in the winter months. Mr. Wolfe stated the homeowner is working with the Department of Public Works to address this in the repaving permit process. Mr. Wolfe also stated there is an existing swale that handles the runoff.

Don Ritchie questioned the need for the patio area between the farmer's porch and the side porch, when they have a large patio in the pool area. The property owner stated he would be okay with a path connecting the porches in lieu of the patio area. Jessie Panek asked if they would consider adding wet tolerant trees to wetland area to aid in keeping out invasives. Liz Allard said there is a large amount of debris in the area, once that is cleared she will do a site visit with Mr. Wolfe to discuss the additional plantings.

With no comments from DEP or a file number, Don Ritchie made a motion to continue the hearing to April 18, 2024 at 8:10pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,
Celia Jornet, Recording Secretary

**Harvard Conservation Commission
Continuation of Notice of Intent Hearing Meeting Minutes
Harvard Parks & Recreation, 31 Pond Road, Harvard#0324-02
April 4, 2024**

The public hearing was opened at 9:04pm by 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 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: Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Bob O'Shea (Harbor Master), Anne McWaters (Recreation Director) and Nick Pauling (GPR Inc.).

This hearing was continued from March 21, 2024 for a Notice of Intent for public safety improvements, stormwater management and handicapped access within the 200' wetland buffer zone to Bare Hill Pond at 31 Pond Road, Harvard.

Bob O'Shea stated Parks & Recreation hired a consultant, GPR Inc., to prepare a plan showing the specifications for the two new ADA compliant parking spots. Nick Pauling, of GPR Inc., presented the plan to the Commission.

Liz Allard stated the new plan is a great improvement to the area, including the new berm along the west side of the parking area, which will assist in draining storm water from the parking area toward an existing rain garden. Ms. Allard will send the plan to the Bare Hill Pond Watershed Management Committee for their comments, which she will present at the next meeting. Mr. Pauling mentioned to Ms. Allard that he is aware that he still needs to submit the formal request for a waiver.

With no comments from DEP or a file number, along with items to be addressed Jim Burns made a motion to continue the hearing to April 4, 2024 at 8:20pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,
Celia Jornet,
Recording Secretary