

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 3, 2020
APPROVED: JANUARY 7, 2021**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, 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, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Peter Dorward (Open Space Committee), Wendy Gendron (Aquatic Restoration Consulting, LLC), Bruce Leicher (Bare Hill Pond Watershed Management Committee), Tom Cotton (Deer Management Subcommittee), Jason Cole (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Ed Bernice, Daniel Tracey, Bruce Ringwall (GPR, Inc.), Steve Franzeim, Emma Franzeim, Brandon Ducharme (Ross Associates, Inc.), Christian Landry, Kyle Burchard (GPR, Inc.), Robert Stoffel and Greg Smith

Open Space Committee Update

Peter Dorward, chair of the Open Space Committee (OSC) and Conservation Commission (ConCom) representative, was present to provide an update to the Commission. Mr. Dorward shared the breakdown of the goals as set out by the charter into three categories; Ongoing Activity, Develop for 2020 and Future Work. OSC has developed a metric for evaluating land by creating three categories: high priority, priority, low priority. In addition, OSC is developing an early detection system for land that will be removed from the Chapter 61 programs.

Clarification has been made in regard to the OSC role as it pertains to maintenance of open space; which is the OSC has no responsibility to maintain land. What OSC will do is make recommendations to the Select Board and ConCom for purchases of open space.

Mr. Dorward reviewed the metric for evaluating land based loosely on that of Sudbury Valley Trustees metrics and the maps he has created thus far for the OSC based on those metrics. At some point Mr. Dorward would like to discuss available funding for open space purchases.

Bare Hill Pond Watershed Management Committee Annual Update and Draw Down Request, DEP#177-659

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee (BHPWMC), was present along with Wendy Gendron, of Aquatic Restoration Consulting, LLC, to provide the annual update and request the draw down for 2020. This year there was a decline in the invasive plant species. Data collected in regard to wildlife was good, including an eagle nest with eaglets. The reduction on the overall phosphorus level within the pond has assisted in the minimizing of algal blooms. However, there is active bloom currently that has closed the pond to water activities. Test results of the water received today were good and may allow the Board of Health to change the current advisory, but it may not lift the band on swimming due to clarity.

As for the draw down last year, BHPWC reached its targeted level and experienced a good freeze. There has been a small expansion of the phragmites. There have been no big changes within the monitored wetland areas. July water samples indicate change occurring within the lower levels of the pond. Sediment samples will reveal how much phosphorus is being stored and released; this helps in monitoring algal blooms. Water clarity during the July sampling was at twelve-feet.

The request from BHPWMC this year is for a six and a half foot draw down.

Don Ritchie asked how the existing drought may affect the refill in the spring. Ms. Gendron stated is hard to tell as we do not know what the snow melt will be in the spring. Mr. Leicher stated the 2011-2012 refill was sufficient despite the extensive drought in 2011. Mr. Leicher indicated that both an improvement in water clarity and no signs of toxins within the water, will be necessary to proceed with the draw down this year. A discussion was had in regard to other potential point sources of contamination, such as potential failures within the BMP's installed a number of years ago to control and treat stormwater runoff into Bare Hill Pond. It was noted the BMP's need to be tested every three years to ensure they are still functioning properly. Ms. Gendron will include this testing in her 2021 proposal to the BHPWMC.

Wendy Sisson made a motion to approve the request of the Bare Hill Pond Watershed Management Committee for a six and a half foot draw down for 2020 as allowed for under the Order of Conditions, DEP#177-659, subject to improved water clarity. In addition, the required monitoring of the pond will now include additional sediment sampling and well as the testing of the BMP's as required by those Orders of Condition. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Notice of Intent Hearing – Edward Bernice, Lot C Old Shirley Road (Map 8 Parcel 72), DEP#177-691, Harvard#0820-02. Opened at 7:35pm

Request for Determination of Applicability Hearing – Steven Franzeim, 21 Eldridge Road, Harvard#0820-03. Opened at 7:52pm

Notice of Intent Hearing – Luciano Manganella, 175 Littleton County Road, Harvard#0820-04. Opened at 8:08pm

Continuation of a Request for Determination of Applicability Hearing – Robert Stoffel, 21 Candleberry Lane, Harvard#0820-01. Opened at 8:40pm

Deer Management Subcommittee

- **Data Collection Forms** –Edits were suggested to the hunter's log
- **Qualification of Hunter's** – 15 hunters' have been qualified to date; with a potential to have 30 qualified hunters by the start of the season
- **Hunter Outreach** – A presentation is scheduled for Tuesday September 8 at 7:00pm with an Environmental Police Officer and the hunters
- **Request to Add Voting Member** – The Deer Management Subcommittee (DMS) has engaged Don Osmer throughout this process as he has extensive background in the field of archery. Bob Douglas believes it is important for Mr. Osmer to be recognized for his efforts and requested he be added as a voting member of the DMS, which would increase the number of voting members. Eve Wittenberg would like to discuss this more broadly, as she has volunteered to be a part of the DMS repeatedly for activities such as monitoring and data collection. Dan Tracey echoed Ms. Wittenberg's point. After discussing, the Commission agreed to not increase the number of voting members of the DMS. The Commission recommended a letter of gratitude be sent to Mr. Osmer for all of his efforts towards this cause.
- **Request for Minutes** – The Commission agreed the minutes of the DMS meetings shall be shared with the Commission within one week of each DMS meeting in order for the members to remain informed of the proceedings
- **Parking Plan** – The parking for the Rodriguez land will need to be re-evaluated, as the Commission just asked the owner of Mill Road Auto to no longer park along Mill Road, which is adjacent to a wetland resource area. Jim Burns suggested accessing this area through the Hazel's land. The parking along Stow Road at the Interstate 495 overpass may be problematic as well.
- **Subcommittee Appointments** – Joanne Ward made a motion to re-appoint the existing members of the Deer Management Subcommittee, those members being Bob Douglas, Jason

Cole, Paul Willard, Tom Cotton and Ben Urquhart, to another two-year term. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Request for Certificate of Compliance – Lot 1 Brown Road (Map 35 Parcel 33), DEP#177-317

Jim Burns made a motion to issue a Certificate of Compliance for Lot 1 Brown Road (Map 35 Parcel 33), DEP#177-317. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Minutes – August 6, 2020

Minutes were unavailable for approval this evening

Approve Invoice

Jim Burns made a motion to approve the invoice from Nitsch Engineering for the site motioning of Pine Hill Village in the amount of \$1240.00 and the allocation of \$50.00 to Massachusetts Association of Conservation Commissioners for a plant identification workshop to be attended by Wendy Sisson. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Request for Comments

- **Planning Board – 175 Littleton County Road-** The public hearing for a Notice of Intent for this location is being opened this evening. The Commission will be working with the Planning Board on obtaining peer review for these applications.
- **Zoning Board of Appeals – 15 Harris Lane –** As an application for an Accessory Apartment within an existing structure the Commission has no comments

Update on Pine Hill Village Stow Road

During the installation of the septic system for the Pine Bank neighborhood it was determined the foundation for building 1 was installed lower than designed. At its current elevation the septic system will require pumping from this building. Nitsch Engineering has been alerted to this error for their documentation. In addition, the developer's engineer should verify the elevations of the stormwater management facilities.

Adjournment

Jim Burns made a motion to adjourn the meeting at 10:01pm. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Minutes
Edward Bernice, Lot C Old Shirley Road (Map 8 Parcel 72)
DEP#177-691, Harvard#0820-02
September 3, 2020**

The public hearing was opened at 7:35pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

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

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Brandon Ducharme (Ross Associates, Inc.), Edward Bernice and Chris Landry

This hearing is for a Notice of Intent filed on behalf of Edward Bernice for the construction of a single-family dwelling within the 100' wetland buffer zone on Lot 1 Old Shirley Road (Map 8 Parcel 72)

Brandon Ducharme, of Ross Associates, was present to represent the applicant, Edward Bernice, who was also present. Mr. Ducharme explained this location had previously received an Order of Conditions from the Conservation Commission, but it has since expired. A site walk with members of the Commission took place on August 25th. The plan details the construction of a single-family dwelling in compliance with the setbacks under the Wetland Protection Bylaw. There is a significant embankment between the proposed disturbance and the wetland resource area. The proposed septic system and reserve area are outside the 100' wetland buffer zone.

Chris Landry, an abutter at 51 Old Shirley Road, stated the proposed location of the dwelling retains a lot of water, therefore he questions whether the wetland delineation is accurate considering it has been some time since it was originally delineated. Mr. Ducharme stated he located the previous delineation in the field and feels strongly that it is on target, if not conservative. Wendy Sisson did not attend the site walk, but asked if the wetland line was reviewed by the Commission; it was not. Both Ms. Sisson and Paul Willard agreed, given the concerns of the abutter, the delineation should be reviewed prior to approval. The Commission members agreed to schedule another site walk and requested the hearing be continued. Mr. Ducharme agreed to the continuance on behalf of his client.

Wendy Sisson made a motion to continue the hearing to September 17, 2020 at 7:30pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing Minutes
Steven Franzeim, 21 Eldridge Road, Harvard#0820-02
September 3, 2020**

The public hearing was opened at 7:52pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

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

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Steve Franzeim and Emma Franzeim

This hearing is for a Request for Determination of Applicability filed on behalf of Steve Franzeim for the installation of a walkway and underground propane tank within 200' of a pond at 21 Eldridge Road, Harvard.

As an abutter to this location, Joanne Ward, recused herself from this discussion.

Steve Franzeim was present to discuss his request to install a walkway and propane tank within the 200' buffer zone of an existing pond. Mr. Franzeim detailed the need for the walkway to gain better access to the existing front door. The propane tank will allow for the use of gas-powered appliances within the home. The site has been reviewed by the Conservation Agent, who has no issues with the request as submitted and recommends a negative #2 Determination.

Wendy Sisson made a motion to close the hearing and issue a Negative#2 Determination of Applicability. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Minutes
Luciano Manganella, 175 Littleton County Road, Harvard#0820-04
September 3, 2020**

The public hearing was opened at 8:08pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

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

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

This hearing is for a Notice of Intent filed on behalf of Luciano Manganella for the construction of a single-family dwelling, barn, driveway, culvert replacement and stormwater facilities for the control of stormwater, involving the alteration of an intermittent stream and bordering vegetated wetland and activity within their associated 100' wetland buffer zone at 175 Littleton County Road, Harvard.

Bruce Ringwall and Kyle Burchard, from GPR, Inc., were present to represent the applicant. Mr. Ringwall gave an overview of the property, which is the remaining lot to be developed off a common driveway. The location of the existing driveway extension was developed prior to the current setbacks under Chapter 147 Wetland Protection Regulations. The site consists of an existing pond, used for fire suppression by the Town of Harvard, an intermittent stream and associated bordering vegetated wetlands. The development of the property will require the replacement of an existing crossing. Both the crossing and the driveway, as proposed, require waivers of Chapter 147-17. The existing culvert will be removed and replaced with one that meets Massachusetts stream-crossing and ecological restoration standards. The plan proposed rebuilding the area between the discharge of the pond to the crossing. A filing has been made under the Massachusetts Endangered Species Act, as well as with Natural Heritage Endangered Species Program for activity within the Blanding's Turtle habitat.

The Commission expressed their desire to engage a peer consultant for this project as it is beyond the experience of the Commission members and staff. The Commission will work with the Planning Board to obtain a consultant. Members who have not visited the site were encouraged to do so. Don Ritchie and Liz Allard will develop a scope of work for the consultant.

The details of the requirements under the stream crossing standards were explained in detail by Mr. Burchard.

Wendy Sisson made a motion to continue the hearing to October 1, 2020 at 7:30pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability
Hearing Meeting Minutes
Robert Stoffel, 21 Candleberry Lane, Harvard#0820-01
September 3, 2020

The public hearing was opened at 8:40pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

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

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Robert Stoffel and Greg Smith

This hearing was continued from August 20, 2020 and is for a Request for Determination of Applicability filed on behalf of Robert Stoffel for the conversion of an existing deck to a three-season porch with new footings within the 100' wetland buffer zone at 21 Candleberry Lane, Harvard.

Greg Smith, the contractor for Robert Stoffel, explained the Cultec system he has proposed to control stormwater on the site. Although Mr. Stoffel provided a plan detailing the location of the wetland delineation, members of the Commission would like the 50' and 75' buffer zones added to the plan. In addition, the members requested the proposed Cultec system be added to that same plan. Mr. Stoffel granted permission to continue the hearing.

Jim Burns made a motion to continue the hearing to September 17, 2020 at 7:30pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call amongst the members eligible to vote on this application, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated September 3, 2020
- Sewage Disposal System, Edward Bernice, Old Shirley Road, Harvard, MA, Lot No.: Lot C, Assessor Map: 8, Assessor Parcel:72; Job No.: 20765, Plan No.: L-14100, prepared by David E. Ross Associates, Inc., dated July 2020
- Residential Development, 175 Littleton County Road, Harvard, MA, JOB No. 181080, prepared for Luciano Manganella, 135 Commonwealth Avenue, Unit #8, Boston, MA 02116, prepared by GPR, Inc., dated August 2020
- Proposed Drainage for 3 Season Roof – 21 Candleberry Lane, Harvard, MA, undated
- Sewage Disposal System, 21 Candleberry Lane, Harvard, MA, Job No.: 24748, prepared by David E. Ross Associates, Inc., undated