

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 4, 2021
APPROVED: JUNE 17, 2021**

Chair Don Ritchie called the meeting to order at 7:08pm, 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Bob O'Shea (Parks & Recreation Commission), Peter Dorward (Open Space Committee), Dan Wolfe (Ross Associates, Inc.) Jack Maloney (Dillis & Roy Civil Design Group), Dan Mesnick, Jim Bolduc (TRC), Dave Crossman (B&C Associates) and Dan Daley

Request for a Certificate of Compliance – 262-264 Ayer Road, 177-530

Wendy Sisson made a motion to approve the Request for Certificate of Compliance for 262-264 Ayer Road, DEP#177-530. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Invoice & Reimbursement: Rob Traver, Haskell Land, \$136.25

Wendy Sisson made a motion to approve the reimbursement of Rob Traver in the amount of \$136.25 for the purchase of seed for the Haskell land. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

As discussed at the January 21, 2021 meeting, Wendy Sisson made a motion to approve the invoice for Moore's Lumber in the amount of \$480.16 for boardwalk material on Shaker Spring House Trail. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve Minutes

Jim Burns made a motion to approve the minutes of September 17, 2020 as drafted. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Approve 2020 Annual Report

Wendy Sisson made a motion to accept the 2020 annual report as drafted. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Update on Pine Hill Village Stow Road

Wendy Sisson made a motion adjusting the water quality sampling times to April and October. 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.

Request for Determination of Applicability Hearing – Massachusetts Electric Company, 85 & 87 Oak Hill Road, Harvard#0121-02. Opened at 7:30pm

Request for Determination of Applicability Hearing – B&C Associates, Inc., 169 Littleton County Road, Harvard#0121-03. Opened at 7:47pm

Continuation of a Notice of Intent Hearing – Dan Mesnick, 94 Ayer Road, DEP#177-695, Harvard#1020-01. Opened at 8:01pm

Continuation of a Notice of Intent after Enforcement Order Hearing – Robert DiGeronimo, 225 Bolton Road, DEP#177-698, Harvard#0121-01. Opened at 8:33pm

Response to Park & Recreation Commission's Proposed Feasibility Study

Bob O'Shea, chair of the Parks & Recreation (P&R) Commission, was present to discuss the proposed feasibility studies for the land at the corner of Pond Road and Whitman Lane and at the McCurdy Track on Lancaster County Road. The idea of swapping land between the Conservation Commission (ConCom) and P&R would be a last resort. The process in which to complete such a swap would be held to the requirements under Article 97 of the State constitution. It is Don Ritchie's opinion that a land swap could be possible. Mr. O'Shea stated the P&R would entertain a land swap. The land along Whitman Road is not within 200' of Bare Hill Pond or 100' of any wetland resource area, but is within the Interim Wellhead Protection area, which is a limiting factor to developing the land for playing fields. Wendy Sisson thinks the idea of taking land out of conservation needs to be opened up too many more boards and committees before a decision is made. Ms. Sisson noted the deed for the Stone land on Old Mill Road states athletic fields would be permissible. Dan Daley has been working on ways to determine, on very a preliminary basis, if it is feasible to use these areas for playing fields.

Jim Burns is not in favor of using conservation land for playing fields. Mark Shaw is kind of torn – the Stone land is a good spot as it abuts other recreation land and not a great agricultural field in its current state. However, the woods separating the Stone land and McCurdy track is very wet. Mr. Shaw is not familiar with land on Whitman Road. Mr. Shaw would be somewhat open to a conversation for the Stone land. Jaye Waldron does not have an opinion on using conservation land for active recreation; it is helpful that the Stone land does allow for playing fields; would like more information on what the actual needs are, because perhaps a larger field is actually needs rather than having a lot of smaller fields. Mr. O'Shea stated reports have been generated and the last two Master Plans indicated the need for more fields. Not having enough playing fields causes the existing fields to be over used. Mr. O'Shea stated a feasibility study opens the door to other options. It was questioned as to whether or not the requested funds from the Community Preservation Committee could be used for other studies.

The issues the ConCom has with the requested funding from the Community Preservation Committee was not going to be resolved this evening. Mr. O'Shea is hoping to have a Memorandum of Understanding with the ConCom to study the Stone land. ConCom members wanted "need" studies to be conducted; these studies have been completed; links to them were sent by email to the members during the meeting by Liz Allard.

Dan Daly noted that Open Space Committee is actively researching available land for recreation purposes. Mr. O'Shea really wants to come to agreement with the ConCom on the process of swapping land; otherwise, P&R has to resolve the issue of a lack of playing fields with the lands they have.

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:08pm. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated February 4, 2021
- HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, September 17, 2020
- Residential Development & Request for Determination of Applicability Existing Condition Lot 4A 169 Littleton County Road "Oak Meadows Way" Harvard, Mass Spencer & Gabriella Holland, JOB 181080A prepared by GPR, Inc. dated Jan_21, 2021
- 94 Ayer Road 6482-SDS-CC 01262021.pdf, prepared by Dillis & Roy Civil Design Group
- Site Plan Robert DiGeronimo Lot 4 - #225 Bolton Road Harvard, MA Job No.: 31327, Plan No.: L-14171, prepared by David E. Ross Associates, Inc., dated 2/1/21

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Massachusetts Electric Company,
85 & 87 Oak Hill Road, Harvard#0121-02
February 4, 2021**

The public hearing was opened at 7:30pm 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Jim Bolduc (TRC)

This hearing is for a Request to for Determination of Applicability filed on behalf of Massachusetts Electric Company for the installation of new utility poles along the shared driveway within 100' of a wetland resource area at 85 & 87 Oak Hill Road, Harvard.

Jim Bolduc, from TRC, was present to represent National Grid. Due an existing safety issue National Grid installed electrical poles down the common driveway for 85 and 87 Oak Hill Road, which removed this line from the abutting conservation land. Replacing the poles on the conservation land would have created a greater impact to the wetland resource areas. As completed the installed poles created 5.9 square feet of disturbance in the wetland buffer zone. Some minor cutting of tree limbs was necessary for this installation.

Jim Burns made a motion to close the hearing and issue a Negative#2 Determination of Applicability. 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; 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
B&C Associates, Inc., 169 Littleton County Road, Harvard#0121-03
February 4, 2021**

The public hearing was opened at 7:47pm 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Dave Crossman (B&C Associates)

This hearing is for a Request to for Determination of Applicability filed on behalf of B&C Associates, Inc., for the removal and management of invasive plant species within the 100' buffer zone of a wetland resource area at 169 Littleton County Road, Harvard.

David Crossman, B&C Associates, detailed the areas he is requesting to conduct invasive management control on the property adjacent to the beaver pond. All proposed work is to be done by hand. Due to weather constraints the Commission was unable to view the site this week, and will need to do so in order to make a decision. Mr. Crossman agreed to continuing the hearing to the spring to allow for a proper site walk of the areas.

Wendy Sisson made a motion to continue the hearing to April 15, 2021 at 7:30pm. 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
Continuation of a Notice of Intent Hearing
Dan Mesnick, 94 Ayer Road,
DEP#177-695, Harvard#1020-01
February 4, 2021**

The public hearing was opened at 8:01pm 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Jack Maloney (Dillis & Roy Civil Design Group) and Dan Mesnick

This hearing was continued from January 21, 2021 on a Notice of Intent filed on behalf of Dan Mesnick for the construction of a replacement septic system within 100' of a wetland resource area at 94 Ayer Road, Harvard.

Jack Maloney, from Dillis & Roy Civil Design Group, stated the ability to locate the septic system on 96 Ayer Road or share the system at that location is not viable, as the mortgage company is not willing to entertain these proposals. Mr. Maloney stated the plan has been revised to move the septic system from the edge of the wetland to 14.6' from the edge of the wetland. Wendy Sisson was appreciative of the movement of the septic system and wondered if the existing driveway could be moved to gain an additional 10' off the wetland. Mr. Maloney stated by moving in that direction the system would have a higher mound with extended grading. Mr. Maloney detailed the testing required by the Board of Health, which includes quarterly inspections for the first two years to ensure the system is functioning properly. There after the effluent is to be tested annually. After briefly discussing the Commission's concerns due to the proximity to the wetlands, the potential buyer, Dan Mesnick, was amenable to continued testing for the life-time of the system.

Jim Burns made a motion to approve the requested waiver to allow for disturbance of natural vegetation within the 50' wetland buffer zone for the installation of a septic system due to the constraints on the property. Wendy Sisson seconded the motion. The vote was unanimously* in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the special condition requiring testing and inspections of the system in accordance with the Department of Environmental Protection; reports generated from the inspections and testing shall be provided to the Commission in a timely manner; inspections and testing shall be conducted over the life time of the system; these are permanent conditions. Jim Burns seconded the motion. The vote was unanimously* in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

*Paul Willard was ineligible to vote on this application as he was not in attendance at all of the hearings.

Respectfully submitted,

Liz Allard Land Use Administrator/Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent
after Enforcement Order Hearing
Robert DiGeronimo, 225 Bolton Road,
DEP#177-698, Harvard#0121-01
February 4, 2021**

The public hearing was opened at 8:33pm 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, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Dan Wolfe (Ross Associates, Inc.)

This hearing was continued from January 21, 2021 on a Notice of Intent filed on behalf of Robert DiGeronimo for work that includes clearing, filling, grading, the installation of footing drains and the placement of rip-rap for stabilization at the tow of the slope, all within the 100' foot wetland buffer zone at 225 Bolton Road, Harvard.

Dan Wolfe, of Ross Associates, Inc., stated the revised plan details the proposed planting of eight trees and a New England wildflower mix along the graded slope, with mowing of the area May 15 – August 15 each year. Placement of the proposed trees was discussed and agreed the planting of the trees shall not cause any new disturbance within the wetland buffer zone. Mowing was also discussed and agreed to be after October 1st of each year only.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions with the special condition that the area depicted as meadow on the plan shall be mowed no earlier than October 1st of each year; this area shall never be converted to lawn; these are permanent conditions. Jaye Waldron seconded the motion. The vote was unanimously* in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

*Paul Willard was ineligible to vote on this application as he was not in attendance at all of the hearings.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

