

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
FEBRUARY 3, 2022  
APPROVED: FEBRUARY 17, 2022**

Chair Don Ritchie called the meeting to order at 7:03pm, virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Dan Wolfe (Ross Associates), Maya Minkin, Greg Maxwell, Jim and Mary Maxwell, Bruce Ringwall (GPR, Inc.) and Lillian Burkart

**Hub Foundation – 90 Warren Ave, DEP#177-647**

- **Review Order of Conditions (OOC) with New Owner**

The new owners, Jim and Mary Maxwell, were present, along with their son, Greg and daughter-in-law, Maya Minkin. Although the Maxwell's do not have a copy of the Order of Conditions (OOC), they are aware of the sensitivity of the site as it pertains to wetlands. Greg Maxwell read a letter from his father, Jim, into the record, which detailed his knowledge of development in and around wetlands as well as living with wetlands. A copy of the OOC will be provided to them by the Conservation Agent.

- **Request Soil Borings for Bridge Installation**

In order to determine the appropriate depths for the footings the Maxwell's requested a small excavator be allowed to be used to conduct soil borings within the area of the bridge crossing location. Erosion controls will be in place during this activity. The Commission was agreeable to the activity occurring, with notification to the Conservation Agent prior to the start of this work. In addition, the existing cess pool is to be filled.

- **Amended Site Plan – New Notice of Intent or Amend the OOC**

The Commission agreed to make this determination once final house plans are complete

**Mowing at Oxbow Wildlife Sanctuary**

Wendy Sisson informed the Commission there is a number of residents within the Still River area that are concerned with the field maintenance by the U.S. Fish and Wildlife as part of the Oxbow Sanctuary. An onsite meeting is scheduled for Tuesday February 8<sup>th</sup> at 9:00am to explain the plan for the Watt field. Ms. Sisson has a conflict and is unable to attend, but has encouraged any other Commission member interested should attend this discussion.

**Extension Request: Kevin O'Malley – 8 Wilroy Ave, DEP#177-674**

Jim Burns made a motion to extend the Order of Conditions for 8 Wilroy Avenue, DEP#177-674 for one year. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

**Request for a Certificate of Compliance: Ernst – 2 & 4 Wilroy Avenue, DEP#177-689**

Wendy Sisson made a motion to issue a Certificate of Compliance for 2 & 4 Wilroy Avenue, DEP#177-689. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

**Approve Minutes**

Joanne Ward made a motion to approve the minutes of January 20, 2022 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

**Approve Invoices**

Jaye Waldron made a motion to approve the invoice from Nitsch Engineering in the amount of \$744.00. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

**Notice of Intent – Doug Schad, 74 Poor Farm Road, Harvard#0122-01.** Opened at 7:30pm

**Guidelines for the Use of the Reuben Reed Land**

Don Ritchie has drafted a set of guidelines that was shared with the members this afternoon. Wendy Sisson will include additional details describing the land and its use for non-commercial uses. Any other members with suggested additions to the guideline should send them to the Conservation Agent for inclusion.

**Pine Hill Village Update**

Liz Allard detailed the recent violations on the site pertaining to snow storage. Ms. Allard had observed snow being stored on the edges of the constructed wetland last week. She notified Peter Cricones by email that the storage was in violation of the Order of Conditions and with the pending storm on Saturday all contractors should be made aware of the proper storage locations. Ms. Allard had request Mr. Cricones confirm receipt of this email; to date she has had no response.

On Monday Ms. Allard inspected the site to find snow has been stored with two additional non-approved locations; one adjacent to the bioretention cell and the other within close proximity of the wetlands behind building 1. Ms. Allard is recommending the Commission issue fines in the amount of \$900.00 for single violations or a daily fine for each violation, which would be a total of \$3600.00 to date. Ms. Allard further explained the developer has been unresponsive to other requests, such as the additional funding for the site monitoring by Nitsch Engineering, and the list of items detailed at the December 16<sup>th</sup> meeting.

Wendy Sisson was concerned with the potential for an inch or more of rain tomorrow and it being the weekend that they site should be reviewed on Saturday. As warmer temperatures approaching the conditions are ripe to create potential issues on the site.

After discussing the options before them, the Commission agreed a certified letter shall be sent to the developer, Peter Cricones, detailing the current compliance issues with failure to resolve immediately resulting in fines.

Don Ritchie reported he and Ms. Allard attempted to take a look at the grass pavers in front of building 1 last week, but current conditions, snow and ice, made it difficult to actually locate the pavers. It is uncertain they were properly installed, and will have to be inspected in the spring when conditions are better.

**Adjournment**

Wendy Sisson made a motion to adjourn the meeting at 8:20pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; 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 February 3, 2022
- Letter from Jim Maxwell, "I would like to introduce myself and my wife to the Conservation Commission...", undated
- Notice of Intent Residential Development Site Plan 74 Poor Farm Road Harvard, MA 01451, Job 01.151, prepared by GPR, Inc., 1/24/22

**Harvard Conservation Commission  
Notice of Intent Hearing  
Doug Schad, 74 Poor Farm Road, Harvard#0122-01  
February 3, 2022**

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, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward and Jim Burns

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

This hearing is for a Notice of Intent filed on behalf of Doug Schad for the construction of an accessory structure within the 100' wetland buffer zone at 74 Poor Farm Road, Harvard.

Bruce Ringwall, GPR, Inc., detailed the property which includes an existing house, detached garage and windmill. The delineated wetlands are 75' from the proposed new structure, which has been labeled on the plan as a carriage house, as its intent is to be used for storage. The property owner is aware the structure cannot be used to house livestock, as required by the Wetland Protection Bylaw. Mr. Ringwall noted, as requested, a drip line has been added to the plan for the side of the structure that is closest to the wetland resource area. Mr. Ringwall was amenable to a condition that no live-stock is to be housed within the structure.

Lillian Burkart came to the meeting to understand what is being done and how it will impact her property. Mr. Ringwall explained the structure is down gradient from her property, no trees are to be removed for the construction and a drip edge has been added to capture roof runoff. Ms. Burkart asked if the recent tree work done on the property for this project. Mr. Ringwall stated no. Ms. Burkart was stratified with the information provided to her.

With no Department of Environmental Protection file number or comments as of yet, Jim Burns made a motion to continue the hearing to February 17, 2022 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/Conservation Agent