

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
APRIL 7, 2022
APPROVED: JUNE 2, 2022**

Acting Chair Wendy called the meeting to order at 7:02pm, virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Dan Wolfe (Ross Associates, Inc.), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust), Yvonne Chern, Joe Pettirossi, Sean Bilodeau, Rachel Broadhurst, Brian Cook (Planning Board Master Plan Representative) and Limhout Tiv (GPR, Inc.)

Wetland Violation – 41 Pinnacle Road

Liz Allard explained she had been recently alerted to cutting in the wetland at the above-mentioned property. Once she was in contact with the property owner, Rachel Broadhurst, she was able to review the email exchange from 2017 between the two of them pertaining to reclaiming the pasture on the property. Ms. Allard stated in 2017 when she reviewed the site through aerial mapping she had misunderstood where the paddock was actually located. Ms. Broadhurst explained the paddock is fenced on three sides, about 40' behind the dwelling and along each of the side property boundaries. Ms. Broadhurst understands it was an honest mistake, and wondered if she could repair the existing fencing.

Wendy Sisson stated clearly there was a misunderstanding and now a violation has occurred; we need to put that behind us and address the issue at hand, cutting in buffer zone and the wetland. Ms. Broadhurst was informed that the Wetland Protection Bylaw does not allow for barns and pastures within 100' of a wetland resource area. Any pasture on the site would need to be located 100' off the wetland line. Ms. Broadhurst asked if there was something she could do to mitigate the problem. Ms. Sisson stated no, as the Bylaw does not allow for it. Paul Willard suggested until a wetland line is agreed upon the Commission is just spinning their wheels. Ms. Allard has provided Ms. Broadhurst with a number of reliable individuals who could delineate the wetland line for her. Once that is completed the Commission can review the site and offer their input as to what could be allowed on the property.

Harvard Climate Initiative Committee Earth Day Show & Tell Around Town Participation

Wendy Sisson, Jim Burns, Paul Willard and Mark Shaw all agreed to share the task of representing the Conservation Commission at the Earth Day Show & Tell hosted by the Climate Initiative Committee. Each of the members will take an hour shift starting at 11:00am to provide guidance on living with wetlands. Liz Allard will supply the members with necessary information for the event.

Continuation of a Request to Amend the Order of Conditions – Luciano Manganella, 175 Littleton County Road, DEP#177-694. Opened at 7:27pm

Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, Harvard#0322-01. Opened at 7:30pm

Request for Determination of Applicability Hearing – Maureen H. Pettirossi Trust, Harvard#0322-02. Opened at 7:56pm

Request to Move Annual Appointments of the Land Stewardship & Deer Management Subcommittee

Jim Burns made a motion to conduct any necessary appointments for the Land Stewardship and Deer Management Subcommittees in June of each year in order to align these appointments with that of other boards and committees in Town. Paul Willard 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Discuss Hybrid Meeting Option

Paul Willard made a motion to continue meeting on the Zoom platform for as long as permissible or until meetings can be held in-person without any restrictions or additional requirements. Jim Burns 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Request for Staff Comments on Proposed Chapter 40B Development at the Corner of Ayer & Old Mill Road

Liz Allard provided a brief overview of the request from the applicant's representative for staff comments on the project prior to the submittal to Mass Housing for their required approval for this type of development, proposed project, her recommendations, comments and Wendy Sisson's request to have this on the agenda this evening. After briefly discussing whether not the Commission should be making any comments on a project without an actual application and the use of commercial land for residential purposes the Commission agreed to move on.

Land Stewardship Subcommittee Request for Allocation of Funds for Bridge Repair on the Small Land

Paul Willard made a motion to allocate up to \$250.00 for the repair of the bridge on the Small Land. Jim Burns 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Zoning Board of Appeals Request for Comments

- 198 Prospect Hill Road – No Comment
- 247 Littleton County Road – No Comment

Planning Board Request for Comments

- 203 Ayer Road – The Planning Board is aware that a Notice of Intent has been filed with the Commission; Liz Allard is working with Chris Ryan to create a scope of work for outside consulting for this project.
- 265 Ayer Road – No Comment
- 295 Ayer Road – No Comment

Approve Minutes

Jaye Waldron made a motion to approve the minutes of March 17, 2022 as drafted. Mark Shaw 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Harvard Climate Initiative Committee Climate Action Plan Feedback

Wendy Sisson reviewed the proposed goals for the Commission under the Natural Resource section of the Climate Action Plan. Jim Burns made a motion to submit the proposed municipal goals for the Climate Action Plan Focus Area: Natural Resources as presented and revised this evening. Paul Willard 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Pine Hill Village Update

There was no update this evening.

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:01pm. Paul Willard 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated April 7, 2022
- Commercial Development Special Permit prepared for Yvonne Chern, JOB 211009, prepared by GPR, Inc., dated March 2022
- Site Plan Maureen H. Pettirossi Trust, 64 Warren Avenue Harvard, MA, Job No.: 30322, Plan No.: L-14514, prepared by David E. Ross Associates, Inc. dated March, 2022

Harvard Conservation Commission
Continuation of a Request to Amend the Order of Conditions Hearing
Luciano Manganella, 175 Littleton County Road, DEP#177-694, Harvard#0820-04
April 7, 2022

The public hearing was opened at 7:27pm by Acting Chair Wendy Sisson 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 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

Members Present (and able to vote on this application): Wendy Sisson, Joanne Ward and Jim Burns

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Paul Willard, Jaye Waldron and Mark Shaw

This hearing was continued from March 17, 2022 for a Request to Amend the Order of Conditions filed on behalf of Luciano Manganella to revise the utility connections to a single-family dwelling with temporary impacts to the wetland resource area and the 100' wetland buffer zone at 175 Littleton County Road, Harvard.

With no word from the applicant's representative regarding input from the Natural Heritage and Endanger Species Program, Wendy Sisson made a motion to continue the hearing to April 21, 2022 at 7:25pm. 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing
Yvonne Chern, 203 Ayer Road, Harvard#0322-01
April 7, 2022**

The public hearing was opened at 7:30pm by Acting Chair Wendy Sisson 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 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

Members Present: Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Bruce Ringwall (GPR, Inc.), Lou Russo (Wheeler Realty Trust) and Yvonne Chern,

This hearing is 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, GPR, Inc., representing the applicant and owner of the property, detailed the site relative to the Notice of Intent (NOI) and Order of Conditions approved last year for the filling of an isolated wetland with proposed replication contiguous with an existing boarding vegetated wetland on the site. The NOI on the agenda this evening details the new wetland delineation after replication, and its associated buffer zones. The proposed plan indicates the buildings will be outside 75' buffer zone, but the drainage basin will be within the 50' buffer zone. Additional drainage recharge structures will be located under parking lot. An enhanced replication planting list, all of which note the previously approved plan for the replication area are included on the plan. A Stormwater Management Plan has been provided for the entire site with a reduction of both rate and volume by 5%, as required by the Wetland Protection Bylaw.

Since neither the Planning Board nor the Conservation Commission has an engineer on board both applications will be going out for peer review to be certain it meets Harvard's requirements. The application before the Planning Board is under the Ayer Road Village-Special Permit as provided for within the Protective (Zoning) Bylaw. Under this provision the buildings are allowed to be clustered and encourages one entrance on into the site.

With the drainage basin proposed within the 50' buffer zone the applicant is seeking a waiver to allow for the new regulations (Chapter 147-14C) to be implemented. In addition, this buffer zone will have disturbance for the installation of the replication area.

Paul Willard asked why badminton? Mr. Ringwall stated the applicant owns another facility in Westborough that has done well and is looking to expand to Harvard. Eve Wittenberg asked for clarification on the 50' buffer zone line and the sacrificing of it for the stormwater management facilities. Mr. Ringwall explained the Commission required the replication area be located in the front of the property as opposed to the rear as originally requested. During those hearings there was discussion of allowing structures within the 75' buffer zone as a trade-off of wetland replication at the front of the property. Mr. Ringwall stated all proposed structures are outside the 75' buffer zone, along with other options. What are the other options? Mr. Ringwall explained that although the basin is still within the 50' buffer zone, it has been designed to be more linear in shape to achieve the reduction in the volume. Jaye Waldron asked about using the area under the parking lot for recharge of stormwater, does it include oil and gas separators? Mr. Ringwall stated it would as well as all of the catch basins.

Mr. Ringwall stated he had met with the Planning Board on Monday night and has met with the Design Review Board once so far. Mr. Ringwall is hoping to be able to go over more details at the next meeting of the Commission. Mr. Willard asked if the design would be much different had the replication had been done at the rear of the property. Mr. Ringwall stated it would have provided more flexibility on the site and would not have required stormwater management within the 50' buffer zone.

Jaye Waldon made a motion to continue the hearing to April 21, 2022 at 7:30pm. Paul Willard 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Maureen H. Pettirossi Trust, 64 Warren Avenue, Harvard#0322-02
April 7, 2022**

The public hearing was opened at 7:56pm by Acting Chair Wendy Sisson 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 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

Members Present: Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing is for a Notice of Intent filed on behalf of Maureen H. Pettirossi Trust for improvements to the existing driveway to create sheet flow for stormwater within the 100' wetland buffer zone at 64 Warren Avenue, Harvard.

Dan Wolfe, Ross Associates, Inc, explained the driveway for the existing home is gravel and steep in areas, which causes washouts during heavy rain events at various times of year. The owners have had a contractor on site several time to try to resolve the situation, but have been unsuccessful. The proposed plan seeks to re-grade and pave driveway, but not make any alterations to the driveway as far as width. The driveway will be pitched to eliminate the sheet flow of stormwater off the driveway.

The Commission discussed the concern raised at the pertaining to runoff of stormwater on Warren Avenue. The plan detailed the creation of a swale to capture stormwater and keep it off Warren Avenue, which has been reviewed by the Department of Public works Director.

Jaye Waldron made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that the siltation barrier be inspected by the Conservation Agent or a member of the Commission prior to the commencement of work. Jim Burns 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; Paul Willard, aye; Mark Shaw, aye; and Wendy Sisson, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent