

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 21, 2022  
APPROVED: AUGUST 4, 2022**

Vice Chair Eve Wittenberg called the meeting to order at 7:00pm, 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:** Eve Wittenberg, Paul Willard, Janet Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Richard Fellows, Peter & Susan Grilli, Karen Shea, Nathan Bailey, Art Allen (EcoTec), Bob & Paula Schmidt, Robert Kody (Envision Homes), Heather Graham and Dan Wolfe (Ross Associates, Inc.)

**Request to Amend the Determination of Applicability – 72 Warren Ave, Harvard#0419-03**

At the request of the applicant, this item was passed over and will be on the agenda for the August 1, 2022 meeting of the Commission.

**Discuss Use of State & Local Bylaw Fees**

Liz Allard had previously provided the members a spreadsheet of the State and Bylaw fees collected and expenses allocated from those fees over the past five years. Ms. Allard has determined the Commission annually collects an average of \$15,240 in Bylaw fees, with allocations on average of \$206 (mileage) and \$622 (training), which on average would leave a balance of \$14,412 in the Bylaw fee account annually. State fee collected annual on average is \$1293, with dues to MACC this year at \$928, this account is barely keeping up with those dues.

After briefly discussing the options before the Commission, Jim Burns made a motion to annually determine an agreed upon percentage to transfer from the Wetland Protection Bylaw fee account to the Conservation fund. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye and Eve Wittenberg; aye.

**Pine Hill Village Update**

An overview of the recent onsite meeting with the developer, Peter Cricones, members of the Commission and the Zoning Board of Appeals, along with the Conservation Agent (CA) was provided by Eve Wittenberg. This onsite meeting was a follow up to the letter sent to Mr. Cricones from the Conservation Agent, which details the current inefficiencies of the development. Responses from the developer to that letter was received late this afternoon, however the CA has not had an opportunity to thoroughly review that document. The CA requested Mr. Cricones be fined for violation the Order of Conditions (OOC) and the Wetland Protection Bylaw regulation, 145-12 Setback, by installing the mailbox kiosk within 75' of a wetland resource area that is not shown on the approved plan associated with the OOC.

Paul Willard made a motion to fine Peter Cricones, the developer of Pine Hill Village, along Stow Road, for two separate violations under the Order of Conditions, DEP#177-586, Harvard#1010-02, and the Wetland Protection Bylaw, Chapter 147-12 Setbacks. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye and Eve Wittenberg; aye.

**Request for Certificate of Compliance – 44 Littleton County Road, DEP#177-677**

Joanne Ward made a motion to issue the Certificate of Compliance for 44 Littleton County Road, DEP#177-677, Harvard#0319-01 as requested. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye and Eve Wittenberg; aye.

**Approve use of Sprague#3 Land for Bromfield Cross-Country Practices for the 2022 Season Approve Use of Stone Land for the 2022 Bromfield Cross-Country Practices & Events**

Joanne Ward made a motion to approve the use of the Stone and Sprague #3 Land for cross-country practice and events for the 2022 season. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye and Eve Wittenberg; aye.

**Continuation of a Determination of Applicability Hearing - Richard Fellows, 328 Still River Road, Harvard#0522-01.** Opened at 7:25pm.

**ZBA Request for Comments – 175 Littleton County Road**

Liz Allard explained the applicant would like to maintain the existing grade along the area in which the new driveway is proposed, which is slightly less than 10%. The Protective Bylaw requires an 8% grade for new driveways. Ms. Allard will need to determine if there would be any adverse impacts to the wetland resource area should this variance be granted; she will provide an update at the August 1<sup>st</sup> meeting of the Commission.

**Approve Invoice**

Joanne Ward made a motion to approve the invoices for the Turner Lane Association (\$250) and MACC (\$110). 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 Eve Wittenberg; aye.

**Approve Minutes**

Minutes were unavailable for approval this evening

**Notice of Intent Hearing – Nathan Bailey, 131 Bolton Road, DEP#177-714, Harvard#0622-02.** Opened at 7:30pm

**Request for Determination of Applicability Hearing – Heather Graham, 131 Warren Avenue, Harvard#0722-01.** Opened at 8:00pm

**Request for Determination of Applicability Hearing – Envision Homes, Inc., 55 Warren Avenue, Harvard#0722-02.** Opened at 8:15pm

**Request for Determination of Applicability Hearing – Ross Jones 155 West Bare Hill Road, Harvard#0722-03.** Opened at 8:30pm

**Continuation of a Notice of Intent Hearing -Christine DeGuglielmo, DEP#177-713, Harvard#0522-02, 37 Pine Ridge Road.** Opened at 8:45pm

**Request for Determination of Applicability Hearing – Cricket Potter, at44 Littleton County Road, Harvard#0722-04.** Opened at 9:00pm

**Adjournment**

Jim Burns made a motion to adjourn the meeting at 9:09pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Joanne ward, aye; Mark Shaw, aye; and Eve Wittenberg; aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated July 21, 2022
- Outdoor Living Area, prepared for Bailey Residence Harvard, Massachusetts, prepared by Fieldstone Design, dated 6/1/22
- Sewage Disposal System Heather Graham, 131 Warren Avenue Harvard, MA, Job No.: 34046, Plan No.: L-14565, prepared by David E. Ross, Associates, Inc., June 2022
- Sewage Disposal System 55 Warren Avenue, Harvard, Massachusetts, designed for Envision Homes, Inc., Job No.: 27038, Plan No.: L-9945, prepared by David E. Ross, Associates, Inc., 10/21/11
- Sewage Disposal System Ross Jones, 155 West Bare Hill Road Harvard, MA, Job No.: 34006, Plan No.: L-14562, prepared by David E. Ross, Associates, Inc., 7/05/22
- Site Plan Cricket Potter, 44 Littleton County Road Harvard, MA Job No.: 34093, Plan No.: L-14577, July 2022

**Harvard Conservation Commission**  
**Continuation of a Request for Determination of Applicability Hearing**  
**Richard Fellows, 328 Still River Road, Harvard#0522-03**  
**July 21, 2022**

The public hearing was opened at 7:25pm by Vice 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 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:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from July 7, 2022 for the restoration of an open meadow and removal of invasive plants within the 100' wetland buffer zone 328 Still River Road, Harvard.

Without the applicant present or any indication on how to proceed, Jim Burns made a motion to continue the hearing to August 4, 2022 at 7:30pm. 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; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
Nathan Bailey, 131 Bolton Road,  
DEP#177-714, Harvad#0622-02  
July 21, 2022**

The public hearing was opened at 7:30pm by Vice 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 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:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Art Allen (EcoTec), Nathan Bailey, Peter & Susan Grilli, Bob & Paula Schmidt and Karen Shea

This hearing is for a Notice of Intent filed on behalf of Nathan Bailey for the construction of a pool, patio, deck, pool house and landscaping within the 100' wetland buffer zone at 131 Bolton Road, Harvard.

Art Allen, of EcoTec, explained the plan has been scaled back after the site walk with the Commission and comments received by the abutters. Mr. Allen shared a preliminary site plan that now shows a patio area with wall seat and firepit, stepping stones, hot tub and deck expansion within the 100' wetland buffer zone. This preliminary plan eliminates the proposed pool, associated fencing, pool seat wall, pool house, covered seating area, outdoor shower, pool paving, and additional firepit. Mr. Allen request the hearing be continued to allow final plans to be drafted and circulated to the Commission.

Jaye Waldron asked for demarcation of the existing decks and the color demarcation of the wetlands and its buffer zones as required by the regulations. Mr. Allen noted the revised plan will include the same type of mitigation within the 0' - 50' wetland buffer zone. Nate Bailey stated, via the chat function, he wants to allow the abutters the ability to suggest the plantings. Peter Grilli stated he was delighted to hear the plan has been scaled back and would like to see the new plan before its approved. Mr. Grilli is also amenable to working with Mr. Bailey on the plantings. Bob Schmidt stated it may save the time if the abutters are made aware of the revisions as it would help avoid mistakes occurring again. Mr. Allen stated he is willing to work with the abutters to keep them aware of the revisions.

Joanne Ward made a motion to continue the hearing to August 18, 2022 at 8:00pm. Jaye Waldron 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 Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Heather Graham, 131 Warren Avenue, Harvard#0722-01  
July 21, 2022**

The public hearing was opened at 8:00pm by Vice 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 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:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

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

This hearing is for a Request for Determination of Applicability filed on behalf of Heather Graham for the replacement of a failing sewage disposal system with fill and grading within the 100' wetland buffer zone at 131 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, Inc., explained the proposed project of a failing septic system to be replaced with a new Title 5 sewage disposal system and related fill and grading within the 100' wetland buffer zone. As discussed on the site walk the grading will be loamed and seeded with a New England Wildflower mix as opposed to woodchips that suppress natural vegetation.

Jim Burns made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the conditions that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity and the disturbed area be seeded with a New England Wildflower mix, including the slope. 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 Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Envision Homes, Inc., 55 Warren Avenue, Harvard#0722-02  
July 21, 2022**

The public hearing was opened at 8:15pm by Vice 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 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:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Robert Kody (Envision Homes), Heather Graham and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Request for Determination of Applicability filed on behalf of Envision Homes, Inc., for the demolition and removal of all visible site improvements, with restoration to any disturbed areas to natural conditions within the 100' wetland buffer zone at 55 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, Inc., stated the project includes the removal of the existing dwelling and garage per the wishes of the owners last will and testament. The land will then be conveyed to the Harvard Conservation Trust. Mr. Wolfe stated parts of the dwelling will be salvaged and the remaining foundation will be removed. The footings may or may not be removed. Existing grades will remain the same, with disturbed areas being loamed and seeded.

Joanne Ward made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity. 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 Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Ross Jones, 155 West Bare Hill Road, Harvard#0722-03  
July 21, 2022**

The public hearing was opened at 8:30pm by Vice 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 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:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

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

This hearing is for a Request for Determination of Applicability filed on behalf of Ross Jones for an upgraded new septic system with a small degree of fill and a retaining wall within the 100' wetland buffer zone at 155 West Bare Hill Road, Harvard.

Dan Wolfe, of Ross Associates, Inc., explained the upgrade to a new septic system is within 85' of the wetland resource area with fill associated with the system is a fairly simple process. There were no questions or comments generated from a recent site visit by the Commission. Karen Shea, an abutter, stated she had no objections to the project as proposed.

Jaye Waldron made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity. 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 Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent



**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing  
Christine DeGuglielmo, 37 Pine Ridge Drive  
DEP#177-713, Harvard#0522-02, 37 Pine Ridge Road  
July 21, 2022**

The public hearing was opened at 8:45pm by Vice 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 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:** Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Paul Willard and Seth Donahue (Dillis & Roy)

This hearing was continued from June 16, 2022 for a Notice of Intent filed on behalf of Christine DeGuglielmo for the removal and reconstruction of a single-family dwelling within the 200' wetland buffer zone of Bare Hill Pond at 37 Pine Ridge Drive, Harvard.

Seth Donahue, of Dillis & Roy Civil Design Group, stated the revised plan details the removal of the proposed walkway to the pond, a full walkout basement with associated grading at the rear of the structure. Gross floor area has been added to the plan as requested by the Zoning Board of Appeals (ZBA). This application will be before the ZBA next Wednesday.

Jaye Waldron made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. 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; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Cricket Potter, 44 Littleton County Road, Harvard#0722-04  
July 21, 2022**

The public hearing was opened at 7:39pm by Vice 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 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:** Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Cricket Potter and Shelia Cuttell

This hearing is for a Request for Determination of Applicability filed on behalf of Cricket Potter, for the conversion of a dirt arena to a green space within the 100' wetland buffer zone at 44 Littleton County Road, Harvard.

Shelia Cuttell explained the boarding of horses on this property has ceased, therefore they are looking to convert a previous horse arena to a lawn area for dog training. Jim Burns asked if fertilizers would be used within this area. Ms. Cuttell stated they would not. Jaye Waldron asked about manure storage. Ms. Cuttell stated manure stored near the indoor riding ring, which is outside the 100' wetland buffer zone.

With no further questions, Joanne Ward made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity. 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 Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent