

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JULY 7, 2022
APPROVED: OCTOBER 6, 2022**

Chair Don Ritchie 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: Don Ritchie, Paul Willard, Joanne Ward (arrived at 7:08pm), Jim Burns, Mark Shaw, Eve Wittenberg, and John Iacomini (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Bill Johnson, Carol Hanlon, Cynthia Allen, Bob Schmidt, Tim Kilhart (DPW Director) and Bruce Ringwall (GPR, Inc.)

Election of Officers for Fiscal Year 2023

Paul Willard made a motion to elect Eve Wittenberg as the Vice Chair of the Commission for fiscal year 2023. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Paul Willard, aye; Mark Shaw, aye; and Don Ritchie, aye.

Jim Burns made a motion to elect Don Ritchie as the Chair of the Commission for fiscal year 2023. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Discuss Appointment of Liaisons to other Boards & Committees

Members agreed the following appointments will continue for fiscal year 2023:

- Jim Burns, Land Stewardship Subcommittee
- Paul Willard, Deer Management Subcommittee
- Joanne Ward, Community Preservation Committee
- Jaye Waldron, Climate Initiative Committee
- Peter Dorward, Open Space Committee

Discuss Use of State & Local Bylaw Fees

Liz Allard is recommending the Commission consider annually allocating funds received under the Wetland Protection Bylaw Regulations to the Commission's conservation fund to assist in the ability to maintain existing conservation land that was acquired prior to the enacting of the Community Preservation Act in Harvard. Members were amenable to the recommendation, but required more information before making a decision. Ms. Allard will provide an overview of the fees collect and allocations made over the past five years for the Commission's consideration at the July 21, 2022 meeting.

Request to Amend the Determination of Applicability – 72 Warren Ave, Harvard#041-03

After briefly discussing the trees in question, it was suggested the Commission review the site prior to making a decision on whether or not to amend the Determination of Applicability. A site visit was scheduled for July 19, 2022.

Discuss letter from Parks & Recreation (P&R) Commission - use of lands under P&R jurisdiction

After briefly discussing, the Commission agreed there was no need to respond to the recent letter received from the Parks & Recreation (P&R) Commission. Mark Shaw offered two locations that could be looked at for potential active recreation; the Dolan-Mason land on Slough Road and the Parks & Recreation land beyond the existing ball fields on Depot Road. Each may have constraints that would allow for the use P&R is seeking, but Liz Allard agreed to look into them further.

Request for Certificate of Compliance – 265 Stow Road, DEP#177-709

Joanne Ward made a motion to issue the Certificate of Compliance for 265 Stow Road, DEP#177-709. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Continuation of a Determination of Applicability Hearing - Richard Fellows, 328 Still River Road, Harvard#0522-01. Opened at 7:39pm**Approve Minutes**

Jim Burns made a motion to approve the minutes of April 21 and May 1, 2022 as drafted. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Approve Invoice

Joanne Ward made a motion to approve the invoices from MACC for annual dues (\$928.00) and a workshop (\$110.00). Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Pine Hill Village Update

Liz Allard stated she putting the finishing touches on the status report. The report indicates a number of outstanding items that have not been addressed after the release of the Certificates of Occupancy for the Pine Bank neighborhood. Once the report is finalized it will be sent to the developer, Peter Cricones, along with a request to review those items addressed in the report onsite with members of the respective Boards and Commission. Both Eve Wittenberg and Joanne Ward want to attend that onsite visit.

Continuation of a Notice of Intent Hearing -Christine DeGuglielmo, DEP#177-713, Harvard#0522-02, 37 Pine Ridge Road. Opened at 7:40pm**Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01. Opened at 8:00pm****Continuation of a Notice of Intent – Luciano Manganello, 171/175 Littleton County Road, Harvard#0522-04. Opened at 8:30pm****Continuation of the Continuation of a Determination of Applicability Hearing - Richard Fellows, 328 Still River Road, Harvard#0522-01. Opened at 8:05pm****Adjournment**

Joanne ward made a motion to adjourn the meeting at 8:40pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated July 7, 2022

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing
Richard Fellows, 328 Still River Road, Harvard#0522-03
July 7, 2022

The public hearing was opened at 7:39pm 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 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 (eligible to vote): Eve Wittenberg, Paul Willard, Joanne Ward, Mark Shaw and John Iacomini (Associate Member)

Others Present: Don Ritchie, Jim Burns, Liz Allard (Land Use Administrator/Conservation Agent) and Carol Hanlon

This hearing was continued from June 2, 2022 for the restoration of an open meadow and removal of invasive plants within the 100' wetland buffer zone 328 Still River Road, Harvard.

With the applicant not present, Joanne Ward made a motion to continue the hearing to 8:05pm this evening. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, 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 7, 2022**

The public hearing was opened at 7:40pm 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, 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: Don Ritchie, Paul Willard, Eve Witten Berg, 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 June 2, 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.

Jim Burns made a motion to continue the hearing to July 21, 2022 at 8:45pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Harvard Department of Public Works,
46 Under Pin Hill Road, Harvard#0622-01
July 7, 2022**

The public hearing was opened at 7:45pm 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 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: Don Ritchie, Paul Willard, Eve Wittenberg, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent) and Tim Kilhart

This hearing is for the replacement of a 15-inch culvert and new catch basin within the 100' wetland buffer zone at 46 Under Pin Hill Road, Harvard.

Tim Kilhart, the Director of the Department of Public Works (DPW), stated Under Pin Hill Road will be paved next year and in preparation for that work the existing culvert needs to be replaced. A site walk was conducted on June 28, 2022 with members of the Commission. Cyndi Allen, an abutter south of the existing culvert asked if there is a way to fix the water issues on her side of Under Pin Hill Road. With the recent deterioration of the road in front of her driveway there seems to be more runoff coming down her driveway. Ms. Allen wonder if it would be beneficial to install an additional culvert on the southern end of 46 Under Pin Hill Road. Mr. Kilhart stated he would investigate the ability and need to do so, however if ledge is within the area a culvert can not be installed as the DPW does not have the equipment to so. Mr. Kilhart will also look at the possibility to connect to the existing basin at the end of Lover's Lane.

With no further questions or comments, Eve Wittenberg made a motion to close the hearing and issue a Negative #2 Determination of Applicability. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; Eve Wittenberg, aye and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

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

The public hearing was opened at 8:00pm 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 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: Don Ritchie, Paul Willard, Eve Wittenberg, 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 June 16, 2022 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.

The applicant's representative has requested the hearing be continued to August 15, 2022 to allow for additional time to prepare responses to the peer consultant review of the project.

Joanne Ward made a motion to continue the hearing to August 15, 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; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of the Continuation of a Request for Determination of Applicability Hearing
Richard Fellows, 328 Still River Road, Harvard#0522-03
July 7, 2022

The public hearing was opened at 8:05pm 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 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 (eligible to vote): Eve Wittenberg, Paul Willard, Joanne Ward, Mark Shaw and John Iacomini (Associate Member)

Others Present: Don Ritchie, Jim Burns and Liz Allard (Land Use Administrator/Conservation Agent)

This hearing was continued from 7:30pm this evening for the restoration of an open meadow and removal of invasive plants within the 100' wetland buffer zone 328 Still River Road, Harvard.

The applicant was still not present, however Carol Hanlon, an abutter, stated the area Mr. Fellows is seeking to reclaim as a meadow was never a meadow, as detailed in the images provide by Ms. Hanlon in a letter received by the Commission prior the opening of the hearing on June 2, 2022.

Paul Willard made a motion to continue the hearing to July 21, 2022 at 7:25pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, 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 Request to Amend the Order of Conditions Hearing
Luciano Manganella, 171/175 Littleton County Road, DEP#177-694, Harvard#0820-04
July 7, 2022

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

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

This hearing was continued from June 16, 2022 for the replacement of the existing 12" culvert with an 18" culvert, including the reconstruction of the gravel crossing, and the installation of utility connections to the single-family residence within the wetland resource area and its associated buffer zone at 171/175 Littleton County Road, Harvard.

As requested the revised plan has been received and reviewed. Bruce Ringwall, of GPR, Inc., stated the final thing necessary is to connect the turtle fencing at the top and bottom, otherwise all of work has occurred. Liz Allard stated the existing erosion control barrier shall not be removed until she or a member of the Commission has reviewed the site.

Mark Shaw made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Jim Burns, aye; Eve Wittenberg, aye and Joanne Ward; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/Conservation Agent