

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 18, 2022
APPROVED: NOVEMBER 17, 2022**

Chair Don Ritchie called the meeting to order at 7:01pm, 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, Eve Wittenberg, Paul Willard, Janet Waldron, Joanne Ward, Mark Shaw and John Iacomini (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Matt Marro, Wendy Sisson, Bruce Ringwall (GPR, Inc.), Nathan Bailey, Art Allen (EcoTec) and Robert Schmidt

Harvard Conservation Trust – Request to use Dean’s Hill as part of the Run for the Hills Event on October 30th

Wendy Sisson, chair of the Land Stewardship Subcommittee, will ensure the trails are in order for this event. Paul Willard made a motion to approve the use of Dean’s Hill by the Harvard Conservation Trust for the Run for the Hill’s event on October 30th. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Land Stewardship Subcommittee Update

Wendy Sisson, chair of the Land Stewardship Subcommittee, stated the *Bower’s Brook* signs have been obtained along with the posts necessary to install them. Ms. Sisson will be seeking the appropriate approval from the Select Board for signs within the right-of-way at their August 30th meeting. A total of eleven signs to be installed where roadways cross Bower’s Brook. A watershed map will be posted at different sites and on the website, which will show floodplains and where water is flowing through Harvard.

Ms. Sisson stated the *Tulley land* has been assessed by Beaver Solutions, who have concluded the area is too shallow to install a deceiver and has suggested the use of a false dam. This false dam will skirt out around the culvert to keep beavers away from the culvert. Beaver Solutions is preparing a proposal for this work that will be brought before the Commission for approval at a late date. Ms. Sisson stated the causeway along this trail has always been very low and suggested the addition fill, similar to that used on the Blomfelt land, to make the area better resistant to flooding. As this trail is access to a bigger conservation area it is important to keep it accessible. Ms. Sisson stated the BMP along this trail is still leaking causing a muddy trail at times and is suggesting a boardwalk be installed to be used by hikers and snowmobiles. Ms. Sisson wondered whose job it is to maintain this BMP.

Hay on the *Stone land* has been harvested and the cross-country team will be using it for practice and events, and will keep the perimeter mowed. Golden Retriever rescue training has requested to use the land. Joanne Ward made a motion to allow the training. Jaye seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Invasive work on the *Powell land* will take place through October by Scott Smyers, of Oxbow Associates. The main focus will be buckthorn, which is a continuation of treatment from last year. The chestnut

program has been doing well and were hand watered during the drought. Ms. Sisson noted there is an American chestnut fruiting further up on East Bare Hill Road.

Dean's Hill has a multitude of invasives and work to manage them will be getting going again. The knotweed on the *Maxant land* knotweed will be treated again this year. Tree of heaven will receive the process known as frilling to eliminate suckers on the *Herman Orchard*. The treatment of Black locust will continue on the *Shaker Reservoir* property. On the *Williams land* a strip along Stow Road that has bittersweet, and has been encroaching into the hay field, will be treated. This area will be converted into butterfly habitat. Focus will remain within the field on the *Bare Hill Wildlife Sanctuary*, along with working with the abutter on invasives along the boundary. A plan for the treatment of phragmites on the *Barton land* will require the filing with the Commission. The *Haskell land* has been mowed and will be disked in early September, and then mowed and disked again, with drill seeding in late October for germination in the spring.

Request for a *De Minimus* Change to the Site Plan for 171/175 Littleton County Road, DEP#177-712

Bruce Ringwall, of GPR, Inc., stated the request to amend the site is for an existing foundation drain that will be continued down through the field to a level spreader about four feet wide, where water will over flow through some good vegetated wetland before getting to the stream channel. This extension of this drain will require an easement onto 171 Littleton County Road, along with the previously approved utilities easements. Mark Shaw made a motion to approve the amendment to the Residential Development Notice of Intent Utility, 175 Littleton County Road, Harvard, MA, prepared Luciano Manganella, Job 181080, prepared by GPR, Inc., dated 8/15/2022, as a *De Minimus* change. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01. Opened at 7:33pm

Update to the Wetland Violation – 41 Pinnacle Road

After reviewing the site with the consultant for the property owner Liz Allard is recommending an Enforcement Order (EO) be issued for the removal of vegetation within the wetland resource area without proper approval from the Commission. The EO should require the filing of a Notice of Intent for the restoration of the wetland resource area, along with other proposed activities within the 100' wetland buffer zone. Members agreed with the recommendation. Ms. Allard will issue the enforcement order early next week.

ZBA Request for Comments

- 31 Glenview Drive - This request for a variance is well outside any wetland resource area and/or the buffer zones, therefore the Commission has no comments on this application.
- 110 Warren Avenue -This application will require a filing with the Commission for work within the 100' wetland buffer zone. The additions to the existing house are outside the 75' buffer zone, however the plan details an expansion of the driveway appears to be within the 75' buffer zone. In addition, when the house was re-constructed in 2007 the Zoning Board of Appeals decision required a 15' no disturb strip along the property line adjacent to the abutting conservation land. The plans do not detail this area. With the ZBA hearing scheduled for September 12th, Liz Allard will further review the plan for comments to be discussed at the September 1st meeting of the Commission and alert Ross Associates to the 15' no disturb area.

Approve Minutes

Jaye Waldron made a motion to approve the minutes of June 2, 2022 as amended. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Notice of Intent Hearing – Nathan Bailey, 131 Bolton Road, DEP#177-714, Harvard#0622-02. Opened at 8:00pm.

Ayer Road Meadow Access Improvements

Wendy Sisson has met with one of the owners at 206 Ayer Road Condominium to discuss the desire to improve the access to the Ayer Road meadow along the easement on 206 Ayer Road.

Pine Hill Village Update

There was no update available this evening. the recent letter.

Temporary Adjournment

With no other items on the agenda other than scheduled hearings, Joanne Ward made a motion to adjourn the meeting until 8:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Re-opening of the Meeting

Chair Don Ritchie reopened the meeting to order at 8:31pm, 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. Paul Willard did not return for this portion of the meeting.

Request for Determination of Applicability Hearing - Nathan Bailey, 131 Bolton Road, DEP#177-714, Harvard#0822-01. Opened at 8:32pm

Continuation of a Determination of Applicability Hearing - Richard Fellows, 328 Still River Road, Harvard#0522-01. Opened at 8:45pm.

Adjournment

Jaye Waldron made a motion to adjourn the meeting at 8:45pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated August 18, 2022
- Residential Development Notice of Intent Utility, 175 Littleton County Road, Harvard, MA, prepared Luciano Manganella, Job 181080, prepared by GPR, Inc., dated 8/15/2022
- Sections from Restoration Plan for 131 Bolton Rd., Harvard, MA, marked up by A. Allen, EcoTec, Inc., to show re-paving work for RDA application, July 27, 2022

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Yvonne Chern, 203 Ayer Road, Harvard#0322-01
August 18, 2022**

The public hearing was opened at 7:33pm 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, 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, Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, 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 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 September 15, 2022 at 7:30pm.

Paul Willard made a motion to continue the hearing to September 15, 2022 at 7:30pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, 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, Harvard#0622-02
August 18, 2022**

The public hearing was opened at 8:32pm 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, Eve Wittenberg, Jaye Waldron, Joanne Ward, Mark Shaw and John Iacomini (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Nathan Bailey, Art Allen (EcoTec) and Bob Schmidt

This hearing was continued from July 21, 2022 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.

At the request of the applicant's representative Mark Shaw made a motion to continue the hearing to September 1, 2022 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, 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
Nathan Bailey, 131 Bolton Road, DEP#177-714, Harvad#0822-01
August 18, 2022

The public hearing was opened at 8:31pm by Chair Don Ritchie under 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, Eve Wittenberg, Jaye Waldron, Joanne Ward, Mark Shaw and John Iacomini (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Nathan Bailey, Art Allen (EcoTec) and Bob Schmidt

This hearing is for the repair, re-surface and topcoat of an existing asphalt driveway within the 100' wetland buffer zone at 131 Bolton Road, Harvard.

Art Allen, of EcoTec, stated this application has been filed only under the Wetland Protection Bylaw as this activity is exempt under the Wetland Protection Act. Mr. Allen detailed the site and the associated wetlands and buffer zones. Mr. Allen stated the closest point to the driveway from the wetland is at the 50' buffer, which will only be top-coated. The rest of the driveway is to be replaced within the existing footprint. The other driveway on the opposite side of the main house is outside of the wetland buffer zones. Mr. Allen is seeking negative determination under the bylaw. Jaye Waldron asked if there were to be any placement of erosion control barriers. Liz Allard stated in this case erosion control barriers are not necessary. Eve Wittenberg asked about material storage and equipment parking. Mr. Allen stated there will be no need for the stock piling of material, however a condition stating there is to be no parking within the buffer zones could be included in the decision.

Mark Shaw made a motion to close the hearing and issue a Negative#2 with the following conditions:

1. The Conservation Agent shall be informed within 48-hours of the commencement of the approved activity; and
2. There shall be no parking of vehicles or machinery within the 100' buffer zone during activity

Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

Harvard Conservation Commission
Continuation of a Request for Determination of Applicability Hearing
Richard Fellows, 328 Still River Road, Harvard#0522-03
August 18, 2022

The public hearing was opened at 8:45pm 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, Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Mark Shaw and John Iacomini (Associate Member)

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

This hearing was continued from August 4, 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 unable to attend this evening Joanne Ward made a motion to continue the hearing to September 1, 2022 at 8:10pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg; aye; and Don Ritchie; aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent