

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 6, 2023  
APPROVED: JULY 20, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, 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, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Jessie Panek

**Others Present:** Liz Allard (Conservation Agent), Bob O'Shea (Interim Beach Director), Tom Cotton (Harvard Conservation Trust), John Lee (Harvard Conservation Trust), Bruce Leicher (Bare Hill Pond Watershed Management Committee), and John McCormack (Planning Board)

**Harvard Conservation Trust Conservation Restriction Municipal Certification – 32 Mettacomett Path & Jacob Gates Road (Map 32 Parcel 77)**

John Lee, from Harvard Conservation Trust (HCT), stated HCT had become aware of the potential for the two above mentioned parcels from becoming subdivided into addition buildable lots. The Conservation Restriction will preserve 26-acres of land with trails that will connect to additional open space, creating connectivity of 240 acres of preserved land open to the public. Tom Cotton, also from Harvard Conservation Trust, reviewed the revised Municipal Certification.

Eve Wittenberg made a motion to approve the Municipal Certification for Rathore Conservation Restriction. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jessie Panek, abstained; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Update on the Plant Removal at the Bare Hill Pond Beach**

Bob O'Shea, the interim Beach Director, stated he is working with the Bare Hill Pond Watershed Management Committee (BHPWMC) on a plan to restore the plants removed at the beach that were part of the stormwater project completed by BHPWMC in 2013. In addition, new stormwater runoff from the accessible ramp will be addressed. Mr. O'Shea requested time on the July 20<sup>th</sup> agenda to discuss this plan with the Commission prior to filing an application for the activity. The Commission was amenable to this request and looks forward to a solution to the error made by the removal of the plantings.

**Discuss Recent Mowing at Eastview Conservation Land on Ayer Road**

Liz Allard provided an overview of the recent mowing at Eastview by the Department of Public Works, which included damage to the existing stone walls on the property. Ms. Allard is not fully aware of the agreements that have been made to maintain this property and will need to follow up with Wendy Sisson from the Land Stewardship Subcommittee (LSS). John Lee, who lives across the street from the land, stated with permission from the LSS he has mowed the area, twice a year, for several years now except for last year when his mower was broken. Mr. Lee stated the area needs to be mowed more than once a year in order to prevent woody vegetation and invasive plants from taking over. Mr. Lee is concerned about the integrity of the stone walls and suggest a management plan be developed for the land as mowing by the Department of Public Works seems sporadic. Mark Shaw indicated the Fire Department had previously kept the view clear on the land, but has not done so in several years. After briefly discussing, the Commission agreed more detail was necessary from Ms. Sisson and the deed will need to be reviewed to determine any requirements with the maintenance of this land. Jessie Panek stated the Garden Club maintains the horse water trough and the poison ivy is aggressive in the area of the trough, therefore maintaining the area is important to be able to maintain the trough.

**Approve Use of Stone Land, Old Mill Road, for Bromfield Cross-Country Fall 2023 meets**

Jim Burns made a motion to allow the use of the perimeter of the Stone Land on Old Mill Road by the Bromfield Cross-Country Team for the Fall of 2023. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Approve Minutes**

Joanne Ward made a motion to approve the minutes of March 16, April 6 & 20 and June 15, 2023 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Approve Invoice**

Joanne Ward made a motion to approve the following invoices:

- Nitsch Engineering \$248 (Pine Hill Village)
- MACC \$869 (Annual Dues)
- Turner Lane Association Road Dues \$260
- Liz Allard \$126.35 (3<sup>rd</sup> & 4<sup>th</sup> Quarter Mileage)

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

**Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03. Opened at 7:30pm****Review Proposed Chapter 125-35 Open Space Residential Development (OSRD) Bylaw**

Liz Allard stated the majority of her suggested amendments to the OSRD bylaw are Planning Board related and formatting. Those amendments related to the Commission include:

Section K Common Open Space:

- (1)(a) Added: as defined by M.G.L. c. 131 §40 and the Harvard Wetland Protection Bylaw Chapter 119 of Code of the Town of Harvard
- (1)(e) Deleted, as 1(d) above
- Section O(1)(b) Snow Plowing. Suggest adding snow storage areas in C(1) Submittal Requirements

Don Ritchie stated he questioned the use of wetlands and their buffer zones as part of the common open space, within Section K(1)(a). In addition, Mr. Ritchie wondered if the requirement for the open space to be “opened to the sky” within Section K(1)(d) meant trees would be removed, which seemed counterproductive. Ms. Allard believed it is not meant to remove trees from the area, but to deter the use of areas that enclosed as part of the common open space. Eve Wittenberg asked why not zero percent of wetlands within the common open space area, as opposed to the twenty-five percent stated in Section K(1)(a)? Ms. Allard stated she believes this is standard in all open space bylaws. When asked, John McCormack, from the Planning Board (PB), stated that although there is a total of thirteen bonus units/acre across all categories, the maximum amount allowed per acre is ten. Mr. McCormack did not know the answer to either question asked by Mr. Ritchie or Ms. Wittenberg, but the PB would consider amended language from the Commission. Mr. McCormack stated the PB is opening the public hearing on July 17<sup>th</sup>. Ms. Allard will look into the questions of the Commission and submit comments to the PB prior to the 17<sup>th</sup>.

**Discuss Strategic Planning Session**

With the Commission collectively not available in July to meet for this session the members agreed to try for August. Members were asked to provide Liz Allard the dates in August they are not available in August.

**Update on Enforcement Order – 320 Ayer Road**

Grant McClean, from Chestnut Tree & Landscape, has informed Liz Allard that he would be speaking tomorrow with the property owner of 320 Ayer Road in order to determine if he can share the cost of the recent wetland delineation and associated plan completed on the site. After discussing concerns with the timeframe it has taken to resolve this issue and applying fines not only to Chestnut Tree & Landscape but to the property owner as well, the Commission agreed to hold off on further action until an update from the discussion tomorrow is provided.

**Pine Hill Village Status Update**

With the recent rains activity to clear Phase 3 on the site has slowed. Areas affected by the heavy rain events as of late have been addressed. Ms. Allard continues to be concerned that the outflow of the constructed wetland is not functioning properly; she will continue to work with Mr. Cricones to resolve this issue. In addition, the material and plants recently installed within the constructed wetland may need to be replaced due to the heavy rain events.

**Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02**

Liz Allard shared the items completed to date on Phase 1 of this project, which is currently at the framing stage. Once framing begins details pertaining to Phase 2 will be provided to the Commission. The site itself is in compliance with the Order of Conditions.

**Adjournment**

Jim Burns made a motion to adjourn the meeting at pm. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated July 6, 2023
- Rathore CR locus map
- Rathore Municipal Certification
- Proposed Chapter 125-35 Open Space Residential Development (OSRD) Bylaw
- Envision Homes Construction Sequence 90 Warren Ave, 04/03/2023

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Bare Hill Pond Watershed Management Committee, Harvard#0523-03**  
**July 6, 2023**

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 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

**Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent),

This hearing was continued from June 15, 2023 for a Notice of Intent filed by Bare Hill Pond watershed Management Committee for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake & Pond General Environmental Impact Report to control phosphorus and invasive plant species.

With still no Department of Environmental Protection File Number, Mark Shaw made a motion to continue the hearing to July 20, 2023 at 7:20pm. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye

Respectfully submitted,

Liz Allard,  
Conservation Agent