

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 20, 2023  
APPROVED: AUGUST 3, 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, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and Paul Willard (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Bob O'Shea (Interim Recreation Director), Bruce Leicher (Bare Hill Pond Watershed Management Committee), John Lee, Peter Dorward, and Bill Johnson

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

Bob O'Shea, the interim Recreation Director, provided a preliminary overview of the proposal to restore the plantings at the beach that were originally installed as part of the stormwater management project in 2012. The plantings were intended to reduce the amount of blowing sand from getting onto the pavement and into BHP-8. Due to the plantings not being maintained, a safety issue had been created causing a line-of-sight issue for the lifeguards and potential injury to small children. In addition, Mr. O'Shea would like to address additional stormwater runoff that is being created by the accessible ramp from the parking area to the beach that had been installed after 2012. Mr. O'Shea explained the recommended process for maintaining the plantings with the hiring of a landscape company and the Department of Public Works continuing to maintain BHP-8. The Commission recommended the filing of a Notice of Intent as routine maintenance is required and can be captured within an Order of Conditions that is recorded with the deed for future reference. Liz Allard will assist Mr. O'Shea in the application process.

**Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03. Opened at 7:30pm**

**Discuss Potential Change in Associate Member from Paul Willard to John Lee**

After almost 30-years as a member of the Commission Paul Willard has decided to step down from this role. Don Ritchie expressed his sincere gratitude for Paul's years of service to the Town and the working relationship they have shared over the years as Chair and Vice Chair of the Commission. Other members of the Commission shared their gratitude as well.

With members of the Commission being familiar with John Lee and his background in conservation, Joanne Ward made a motion to recommend to the Select Board the appointment of John Lee as the Associate Member of the Conservation Commission. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

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

Liz Allard stated she has spoken with Wendy Sisson, chair of the Land Stewardship Subcommittee (LSS), and Tim Kilhart, Director of the Department of Public Works, who both agree a management plan is necessary for this location. Ms. Allard has also reached out to Lieutenant Tony Shaw, of the Harvard Fire Department, for information on the clearing the Fire Department has done in the past on this property. Lt. Shaw had stated it has been five or six years since the Fire Department has done any work on the site. Lt. Shaw is not sure they have the ability to take this activity on at this time, but he will look into it for the

Commission. Ms. Allard suggested the Garden Club, through Jessie Panek, have involvement as well as they maintain the horse trough on the property. Once all parties who should be involved in creating a management plan for this location are identified Ms. Allard will coordinate a meeting.

**Overview of:**

- **Massachusetts Division of Fisheries and Wildlife BioMap**
- **Massachusetts Handbook for Delineation of Boarding Vegetated Wetlands Revisions**
- **Massachusetts Inland Wetland Replication Guidelines Revisions**

The Department of Environmental Protection press releases for the Massachusetts Handbook for Delineation of Boarding Vegetated Wetlands Revisions and Massachusetts Inland Wetland Replication Guidelines Revisions detailing the revisions to both these documents have been provided to the Commission members. A link to a recent event at which these revisions were presented was also provided to the Commission members. Additionally, information pertaining to the new BioMap website and an opportunity for a training session on July 26<sup>th</sup> was provided to the Commission members. Jessie Panek has signed up for this event.

**ZBA Request for Comments – Village at Robin Lane (corner of Ayer & Old Mill Road)**

The requested relief from the Wetland Protection Bylaw and Regulations has been reviewed by Liz Allard. Ms. Allard would suggest the requested relief not be granted with the exception of the filling fee under the Wetland Protection Bylaw. Ms. Allard suggested the filing fee be reduced but not completely waived as those fees pay for the mileage to conduct site inspections. Ms. Allard noted the ZBA hearing will open on August 2<sup>nd</sup> with a formal presentation from the applicant's representative and then continued to a later date to allow for the complete application to be reviewed by a peer consultant. Ms. Allard will draft a letter detailing why the Commission would not want to the provisions of the Wetland Protection Bylaw or its regulations waived for discussion at the next meeting.

**Approve Minutes**

Eve Wittenberg made a motion to approve the minutes of May 18, June 1, and July 6, 2023 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

**Approve Invoice**

There was no invoice for approval this evening.

**Discuss Strategic Planning Session**

Members agreed to meet on August 22<sup>nd</sup> from 6pm – 9pm, with the location to be determined. Any members wishing to discuss a specific matter can send that request to Liz Allard, who will work with Don Ritchie and Eve Wittenberg to create an agenda for the meeting.

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

Grant McClean, from Chestnut Tree & Landscape, has informed Liz Allard that he has engaged a firm to locate and map the wetland delineation completed by LEC. Ms. Allard has also spoken with Bruce Ringwall, of GPR, Inc., who has stated he hopes to have a plan detailing the wetland line and its associated buffer zones by the second meeting in August.

**Pine Hill Village Status Update**

Phase 3 has been cleared of trees, with stumps being removed from the ground. Work to remove the stumps from the site continues. The area is relatively dry with the exception of the low point near wetland flags MT B26 through MT B29. Ms. Allard has directed Mr. Cricones to be mindful of that area as it is the closest point to the wetland resource area. Ms. Allard has reminded Mr. Cricones that the wetland flags in that area need to be re-hung. Since this request has been made multiple times, Ms.

Allard will also inform Mr. Cricones that activity on the site will cease immediately should the flags not be installed on her next inspection.

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

Liz Allard stated the foundation has been installed. There are six additional items to be completed within Phase 1 of this project, ending with the commencement of framing. Once framing begins, Bob Kody, of Envision Homes, will provide a construction sequence for Phase 2 for approval by the Commission. The site itself is in compliance with the Order of Conditions.

**Adjournment**

As his last and final act as a member of the Conservation Commission, Paul Willard made a motion to adjourn the meeting at 7:53pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Paul Willard 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 20, 2023
- Town Beach Maintenance Plan, respectfully submitted by the Interim Recreation Director, July 20<sup>th</sup>, 2023
- Requested relief from the Wetland Protection Bylaw (Chapter 119) and the Wetland Protection Bylaw Regulations (Chapter 147) for the Village at Robin Lane

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Bare Hill Pond Watershed Management Committee, Harvard#0523-03**  
**July 20, 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, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek, and Paul Willard (Associate Member)

**Others Present:** Liz Allard (Conservation Agent) and Bruce Leicher (Bare Hill Pond Watershed Management Committee)

This hearing was continued from July 6, 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, Jim Burns made a motion to continue the hearing to August 3, 2023 at 7:30pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Joanne Ward, aye; Jessie Panek, aye; Paul Willard, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent