

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
OCTOBER 5, 2023
APPROVED: FEBRUARY 1, 2024**

Chair Eve Wittenberg called the meeting to order at 7:05pm, 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: Eve Wittenberg, Jaye Waldron, Joanne Ward (departed at 7:38pm), Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Chuck Caron, Mark O'Hagan, Seth Donohoe (Dillis & Roy Civil Design Group), John Hunt, Luke Kirkland, Dan Wolfe (Ross Associates, Inc.) and Constance Larrabee

Review Craftsman Village Harvard Plan to Manage Invasive Plants

Mark O'Hagan provided an overview of the project to date, including an as-built being put together for review by the Zoning Board of Appeals consultant for the release of the final unit within the development. Mr. O'Hagan understands the Commission would be seeking a full growing season before issuing the Certificate of Compliance. Mr. O'Hagan is requesting a release from the Commission as far as the last unit is concerned.

In regards to the condition for an invasive management plan within the northeast corner of the site per the Order of Conditions, Chuck Caron stated Japanese Knotweed is the predominate invasive, with some bittersweet and glossy buckthorn. Mr. Carron stated signs of these invasives were seen within the lawn areas, detention basin, access driveway to the well, along with the rain garden. Mr. Carron suggested with invasives in the northeast corner going off site into Ayer requiring heavy treatment, the control of the invasives within the existing disturbed areas on the site would serve the site better. Scott Smyers, a licensed applicator from Oxbow Associates, has been consulted and agrees the detention basin and rain garden can be controlled with the use of herbicides; the lawn areas can be maintained by mowing routinely.

Jessie Panek requested a map of the affected areas be provided as well. Ms. Panek understands the fruitfulness of treating the northeast corner of the site. The wetland buffer zone in the area of proposed management is with the 60 to 100-foot buffer zone. Ms. Panek feels two growing seasons seems unrealistic and would ask these management practices continue in perpetuity. For clarification it was stated the rain garden basin is the area that will need the application, whereas the other detention basin would only need to be mowed. The gravel path to wells may need treatment as well. Eve Wittenberg asked for Oxbow Associates to prepare a detailed report and map for the Commission's review.

Continuation of a Notice of Intent Hearing - Rachel Broadhurst, 41 Pinnacle Road, DEP#177-728, Harvard#0823-03. Opened at 7:34pm

Deer Management Subcommittee Request to Increase the Number of Approved Hunters for the 2023 Season

Jessie Panek made a motion to increase the number of permitted hunters from 19 to 24 for the 2023 hunting season. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Review Peer Review Proposal from Beals + Thomas for The Village at Robin Lane, Ayer & Old Mill Roads

Jaye Waldron made a motion to accept the proposal for Peer Review of the Notice of Intent for The Village at Robin Lane as provided by Beals + Thomas, dated September 29, 2023 in the amount of \$6,600.

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

Continuation of a Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard#0923-01. Opened at 7:45pm

Updates from Land Stewardship and Deer Management Subcommittees from the Liaisons

Jessie Panek stated the deer hunting season by bow has begun for the season with one deer harvested on the first day. Ms. Panek explained some of the approved parcels have two or three hunters; most have just one. There has been one incident where a neighbor called the police, however, all was good when police arrived as the hunter had all appropriate notification.

Liz Allard provided an update for Jim Burns on the Land Stewardship Subcommittee, which includes drafting a recommended policy on memorial benches and joining with Harvard Conservation Trust on trail upkeep.

Continuation of a Notice of Intent Hearing - John & Laura Hunt, 61 Stow Road, Harvard#0823-04. Opened at 8:00pm

Continuation of Abbreviated Notices of Intent Hearing – Harvard Conservation Commission, Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55), Harvard#0823-01 & 02. Opened at 8:25pm

Notice of Intent Hearing – Constance Larabee, 15 Under Pin Hill Road, Harvard#0923-02. Opened at 8:27pm

MACC Fall Conference Registration for Workshops on October 28, 2023

Invoices generated from members' registration can be forwarded to Liz Allard for inclusion on the next bill warrant.

Approve Minutes

Jaye Waldron made a motion to approve the minutes of August 17, 2023 as amended. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Update on Enforcement Order – 320 Ayer Road

GPR, Inc. anticipates submitting a Notice of Intent for the first meeting in November.

Assign Timeframes to assigned tasks from Strategic Planning Session

Members were requested to provide suitable timeframes for discussion at the next meeting.

Update on Proposed Park at Beaver Brook, Boxborough

With Joanne Ward's early departure from the meeting this item was passed over.

Pine Hill Village Status Update, DEP#177-586

Liz Allard reviewed the site today where work is proceeding on Phase 3, including the septic system. The siltation barrier is holding up well despite all work being uphill from the wetland and is holding back a lot more water than anticipated due to the deluge of rain as of late.

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

Liz Allard reviewed the site today where the dwelling is in the framing stage. The septic system has been installed and stabilized. Ms. Allard double checked the foundation perimeter drain as to where it daylighted for silt accumulation; the addition of more rip rap has improved that situation, which will not occur once site is stabilized.

Schedule Site Visit for Unauthorized Trail on Rodriguez Land (Map 13 Parcels 3.2 & 4)

The Land Stewardship Subcommittee (LSS) has reviewed the proposed trail location on the Rodriguez land and is suggesting the trail route would be better suited on the Shaw land within the area in which Harvard Conservation Trust (HCT) holds a conservation restriction (CR). LSS has suggested Tony Shaw speak with HCT about amending the CR to allow that trail before the Commission spends time on this matter. John Lee, a member of the HCT, has not heard from Mr. Shaw on that matter as of yet.

Adjournment

Mark Shaw made a motion to adjourn the meeting at 9:01pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; and Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated October 5, 2023
- NOI Site Plan 61 Stow Road Harvard, Massachusetts, owner John & Laura Hunt, Job No. 4608, prepared by Dillis & Roy Civil Design Group, 7/17/2023
- Sewage Disposal System 15 Under Pin Hill Road Harvard, Massachusetts, designed for Constance Larrabee, Job No.: 24008, Plan No.: L-10430, dated 9/07/23

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Rachel Broadhurst, 41 Pinnacle Road, DEP#177-728, Harvard#0823-03
October 5, 2023

The public hearing was opened at 7:34pm by 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 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: Eve Wittenberg, Jaye Waldron, Joanne Ward, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent)

This hearing was continued from September 7, 2023 for a Notice of Intent filed on behalf of Rachel Broadhurst for the construction of a paddock within 100' of a wetland resource area and the restoration of the resource area after enforcement at 41 Pinnacle Road, Harvard.

At the request of the applicant's representative, Jessie Panek made a motion to continue the hearing to October 19, 2023 at 7:30pm. Jaye 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; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Juno Construction LLC, Ayer & Old Mill Roads,
(Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard#0923-01
October 5, 2023**

The public hearing was opened at 7:45pm by 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 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: Eve Wittenberg, Jaye Waldron, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent)

This hearing was continued from September 14, 2023 for a Notice of Intent filed on behalf of Juno Construction LLC, for the construction of one duplex unit, deck, drainage, public water supply wells, tree clearing, grading and associated utilities within the 100' wetland buffer zone and the 200' riverfront area at Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard

At the request of the applicant's representative, Mark Shaw made a motion to continue to November 2, 2023 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
John & Laura Hunt, 61 Stow Road, DEP#177-730, Harvard#0823-04
October 5, 2023

The public hearing was opened at 8:00pm by 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 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: Eve Wittenberg, Jaye Waldron, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Seth Donohoe (Dillis & Roy Civil Design Group) and John Hunt

This hearing was continued from September 14, 2023 for a Notice of Intent filed on behalf of John & Laura Hunt for the addition of deck, porch, and patio to an existing single-family dwelling within the 200' riverfront area at 61 Stow Road, Harvard.

Seth Donohoe, of Dillis & Roy Civil Design Group, reviewed the proposed project, which the Commission had no issues with previously. However, the site walk brought other issues to light. Mr. Donohoe requested the Commission close the hearing and issue an Order of Conditions in for the applicant to move forward with the project.

In the addition to the Commission seeking additional vegetated buffer along the stream, John Hunt was requesting to include the removal and replanting of the overgrowth along Stow Road within this application. Mr. Hunt suggested the area would be replanted with species that are consistent with the property. The area in question, about four to five feet off the stone wall, would be incorporated in the annual mowing along with the lower field. Eve Wittenberg asked how it is related to the 200' riverfront area. Mr. Donohoe stated the 200' RFA transects a portion of the rear of the house. Jaye Waldron stated the Commission cannot approve activity that is not detailed on a plan before them. Mr. Donohoe stated the plan does not show the entire area in question nor what is to be conducted in that area. After trying to accommodate Mr. Hunt's request, Liz Allard suggested the Notice of Intent narrative be revised to include this work and update the plan to detail the activity. Mr. Donohoe would amend the plan and narrative as suggested.

In regards to the Commission's request to increase the vegetated buffer along the stream, Jessie Panek stated she would like some vegetated buffer area taken from the lawn area that would be allowed to grow up in the summer that can be mowed annually; something better than the lawn to filter the stream water in heavy rains that would provide a vegetated buffer of natural vegetation, approximately ten-feet in the area adjacent to the bridge. Mr. Hunt was agreeable to determining the exact area with the Conservation Agent that addresses the Commission's concerns.

Jaye Waldron made a motion to close the hearing and issue an Order of Conditions with the submission of a revised plan that shows the area of invasive management, agreed upon between the property owner and the Conservation Agent, to be left in natural state along the stream, and an updated Notice of Intent narrative. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; Jessie Panek, aye; Eve Wittenberg, aye.

Respectfully submitted, Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Continuation of Abbreviated Notices of Intent Hearing
Harvard Conservation Commission,
Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55)
DEP#177-731 & 732, Harvard#0823-01 & 02
October 5, 2023**

The public hearing was opened at 8:25pm by 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 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: Eve Wittenberg, Jaye Waldron, , Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent)

This hearing was continued from September 14, 2023 for two Abbreviated Notices of Intent filed by the Harvard Conservation Commission for the management of invasive plant species within wetland resource areas and their associated buffer zone on Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55), Harvard

Liz Allard explained the comments received from the Department of Environmental Protection (DEP) along with the appropriate file numbers were ensuring the treatment area was quantified within the applications, which she completed and resubmitted to DEP. Jessie Panek made a motion to close the hearing and issue standard Orders of Conditions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; Jessie Panek, aye: and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Constance Larrabee, 15 Under Pin Hill Road,
DEP#177-734, Harvard#0923-02
October 5, 2023**

The public hearing was opened at 8:27pm by 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 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: Eve Wittenberg, Jaye Waldron, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates, Inc.) and Constance Larrabee

This hearing is for a Notice of Intent filed on behalf of, Constance Larrabee for the upgrade of a sewage disposal system within the 100' wetland buffer zone at 15 Under Pin Hill Road, Harvard.

Dan Wolfe, of Ross Associates, Inc., stated a large portion of the lot is encumbered by the well and wetlands to the rear and across the street, which dictated where the septic system can be installed. The new Presby© system will be within the same general area as the existing system and will require some raising of the driveway. The raising of the driveway will provide for a better exit out of the driveway onto Under Pin Hill Road. A proper siltation barrier has been detailed on the plan. The members conducted a site walk earlier this week which assisted in addressing any concerns they had.

Jessie Panek made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Mark Shaw, aye; and Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent