

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
NOVEMBER 19, 2020
APPROVED: MARCH 18, 2021**

Chair Don Ritchie called the meeting to order at 7:02pm virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, 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 (arrived at 7:26pm), Wendy Sisson, Jaye Waldron, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Jason Cole (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Bob O'Shea (Parks & Recreation Commission), Alice Thayer, Mark Adams, Jacob Belanger, Bruce Ringwall (GPR, Inc.), Dan Tracey and Jack Maloney (Dills & Roy Civil Design Group)

Annual Update from the Harvard Snowmobile Club

Mark Adams, president of the Harvard Snowmobile Club (HSC), was present for the annual update to the Conservation Commission (ConCom). Mr. Adams stated the Club kicked off the fall season by cleaning up a few trails and will continue to do so over the next few weeks in association with Peter von Conta from the Land Stewardship Subcommittee (LSS). Mr. Adams stated there are no significant worries this year as of yet, just hoping for some snow this season. Joe Gibbons will start installing signage after Thanksgiving.

Wendy Sisson noted Holy Hill has had some erosion during the summer. Mr. Adams stated he has heard it could be refreshed and is willing to assist in doing so. Ms. Sisson stated the repairs at Holy Hill is an HSC project, so there is no need to ask ConCom for permission to maintain. Jim Burns has reviewed the necessary work and can assist HSC.

Mr. Adams stated an area within the Blomfelt land after the bridge, on the Ayer Road side of the land, has been experiencing new flooding due to the beaver dam. Mr. Adams proposed to bring in material to raise the area to make trail accessible to all year round. Liz Allard suggested she and a member of LSS visit the site with a member of HSC to determine what may be necessary there. Ms. Sisson would want to be certain that damming would not occur. LSS had determined not to fix the problem as the levels are intermittent due to the beaver activity; however, if HSC happy to do the work she would have no issue with that, after review by the Conservation Agent.

Mr. Adams discussed the access that has been lost off of Littleton Road into the Fuller-Dudley Woods; HCS is hoping to look at an alternative, and would like to work with the ConCom on this. Ms. Sisson stated she thinks there is a stone wall that may make it difficult to get through there; HSC might ask an abutter to use their land. The ConCom thanked Mr. Adams for attending this evening and providing an update.

Memorandum of Understanding (MOU) with Parks & Recreation Commission for the Ann Lee's Playing Fields

Bob O'Shea has been working with Wendy Sisson to finalize the MOU before the Commission this evening. After briefly discussing, Jim Burns made a motion to approve the Memorandum of Understanding between the Conservation Commission and the Parks & Recreation Commission for the Ann Lee's Playing Fields. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye

Notice of Intent Hearing – Dan Mesnick, 94 Ayer Road, DEP#177-695, Harvard#1020-01.
Opened at 7:32pm

Continuation of a Notice of Intent Hearing – Luciano Manganella, 175 Littleton County Road, DEP#177-692, Harvard#0820-04. Opened at 7:50pm

Deer Management Subcommittee (DMS) Update

- **Potential for Adding Hunters to the Program** – DMS has agreed not to request this from the Conservation Commission
- **Alternatives to Phone Log-in Process** – This item has been resolved
- **Other News** - A “meet the hunters” forum was held earlier this evening.

Approve Invoices

Wendy Sisson made a motion to approve the following invoices:

- Heritage Fields, \$2400.00 (Herman Orchard)
- Marc Seigny, \$20.00 (trail sign)

Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Update Community Preservation Committee (CPC) Meeting – November 18, 2020

Don attended the recent CPC meeting with a representative from Community Harvest Project (CHP) and the chair of the Open Space Committee, Peter Dorward. The main question from the CPC was what were to happen if CHP was unable to raise the necessary funds for the Agricultural Preservation Restriction, to which CHP did not have an answer.

Wetland Enforcement Updates – 225 Bolton Road

The contractor for 225 Bolton Road has been in touch stating he will be unable to meet the December 3, 2020 deadline to file a Notice of Intent as he is waiting for Ross Associates to locate the septic system and other features on an as-built plan. Liz Allard requested he submit this information in writing for the file.

Update on Pine Hill Village Stow Road

Liz Allard and Don Ritchie were on site this week with Nitsch Engineering. The developer has used existing boulders on the site to retain the backyards in the Pine Bank neighborhood, which will be much better in protecting the adjacent wetland area. The topic of paving the roadway to station 720 was discussed on site, with Nitsch Engineering recommending it was too late in the season to do so, but if it was to be done compaction testing will need to be provided to Nitsch. The proposed swale in front of building one in the Pine Bank neighborhood is very deep, therefore it has been recommended a barrier of some type be placed around it for safety concerns.

Review Amendments to Chapter 147 Wetland Bylaw Regulations

There were no comments from the Commission at this time. The public hearing is scheduled to be opened on December 17, 2020.

Codify Emergency Certificate – 188 Stow Road

Paul Willard made a motion to approve the Emergency Certificate issued to Mark Vital for the breaching of a beaver dam that is causing flooding of a private well at 188 Stow Road. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Adjournment

Jim Burns made a motion to adjourn the meeting at 8:53pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated November 19, 2020
- Memorandum of Understanding between the Harvard Conservation Commission and Harvard Parks and Recreation Commission for Anne Lee's Road, November 19, 2020
- Diagram 1 – Ann Lees Field
- Heritage Field Invoice #691, 2020-11-11
- Sewage Disposal System Design 94 Ayer Road (M: 12, P: 61) Harvard, Massachusetts, Job No. 6482, Drawing No. 6482-SDS, 10/9/2020
- Residential Development, 175 Littleton County Road, Harvard, MA prepared for Luciano Manganella, JOB 181080, prepared by GPR, Inc., 11/13/2020

**Harvard Conservation Commission
Notice of Intent Hearing Minutes
Dan Mesnick, 94 Ayer Road,
DEP#177-695, Harvard#1020-01
November 19, 2020**

The public hearing was opened at 7:32pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Jack Maloney (Dillis & Roy) and Jacob Belanger

This hearing is for a Notice of Intent for the construction of a replacement septic system within 100' of a wetland resource area at 94 Ayer Road, Harvard.

Jack Maloney, from Dillis & Roy, was present to represent the applicant. Mr. Maloney explained the site has many constraints including tight areas between grades, wetlands and the existing driveway easement for 96 Ayer Road. The system has been designed for a 4-bedroom house. With the proposed location so close to the wetland resource area, Mr. Maloney has spoken to the new owner at 96 Ayer Road in regard to granting an easement onto their property for the system or creating a shared system between 94 and 96 Ayer Road. If an easement is granted the well at 96 Ayer Road would need to be moved. The well at 94 Ayer may need to be moved regardless, which is currently before the Board of Health (BOH). Don Ritchie stated the Commission would want all avenues explored as the proposed location for the system is currently adjacent to Bower's Brooks. Wendy Sisson would suggest a tight tank be considered; Jaye Waldron agreed.

Jacob Belanger, the new owner of 96 Ayer was present, and stated he is open to considering a possible septic easement, but he will need to seek out professional advice before making any final decisions. Due to the age of the system at 96 Ayer Road Mr. Maloney suggested a shared system. It was suggested Mr. Belanger speak with Ira Grossman about the available options. Mr. Maloney requested the hearing be continued until after he is able to meet with BOH at their first meeting in December.

Wendy Sisson made a motion to continue the hearing to December 17, 2020 at 7:50pm. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Minutes
Luciano Mangarella, 175 Littleton County Road,
DEP#177-694, Harvard#0820-04
November 19, 2020**

The public hearing was opened at 7:50pm 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 in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

Members Present: Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing was continued from November 16, 2020 for a Notice of Intent for the construction of a single-family dwelling, barn, driveway, culvert replacement and stormwater facilities for the control of stormwater, involving the alteration of an intermittent stream and bordering vegetated wetland and activity within their associated 100' wetland buffer zone at 175 Littleton County Road, Harvard.

Bruce Ringwall, of GPR, Inc., was present to represent the applicant. Wendy Sisson asked about the location of the 200' buffer and the proposed dwelling. Mr. Ringwall stated the dwelling is within the 200' buffer zone of the pond. When asked Mr. Ringwall stated the septic system is from 180' from the bordering vegetated wetlands and 280' from the stream. Ms. Sisson asked about drainage from the house and driveway. Don Ritchie explained the proposed basin on the southeast side of the driveway will capture the runoff, with a grass swale on other side that heads down toward the wetlands. Ms. Sisson asked how wide the trail easement is. Mr. Ringwall stated it varies. Ms. Sisson would like it to be 20' for trail purposes. Ms. Sisson also noted the deadwood has been cleared and the understory has been removed; is any that within the 100' buffer zone of the wetland, if so she would like to have that activity monitored. Mr. Ringwall will explain to applicant that he should not do that type of activity within the buffer zone.

The Commission discussed the use of the barn, at which Mr. Ringwall agreed to a condition that would limit the barn to storage and personal use and that use of livestock will need approval from the Conservation Commission.

Paul Willard made a motion to approve the requested waiver to Chapter 147-17 Setbacks, the 50' no disturb and the 75' no driveway. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Paul Willard made a motion to close the hearing and issue an Order of Conditions with the following special conditions:

1. The proposed temporary stock pile area with surrounding hay bales shown on the approve plan south-east of the driveway shall be relocated outside the 100' buffer zone;
2. The proposed barn shall be limited to storage and personal use. Any use for livestock shall require approval from the Conservation Commission. This is a permanent condition;
3. Prior to the start of work, the applicant shall submit a Blanding's Turtle protection plan to the Division of Fisheries & Wildlife for review and written approval. Said plan shall detail procedures for protection State-listed turtles during construction and be prepared and

- implemented by a qualified Biologist pre-approved by the Division of Fisheries & Wildlife;
and
4. The Long-Term Pollution Prevention & Stormwater System Operation & Maintenance Plan inspection forms shall be submitted annually to the Conservation Commission no later than December 31st of each year. This is a permanent condition.

Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jaye Waldron, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent