

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY MARCH 18, 2021 @7:00PM**

The Conservation Commission meeting is being held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A. S.20. Interested individuals can listen in and participate by phone and/or online by following the link and phone # below:

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/87285664593?pwd=RFFNTzdXOTJrZlM1N2dHbWx5UjhQdz09>**

**Meeting ID: 872 8566 4593**

**Passcode: 152141**

**One tap mobile**

**+13017158592,,87285664593# US (Washington DC)**

**+13126266799,,87285664593# US (Chicago)**

**Dial by your location**

**+1 301 715 8592 US (Washington DC)**

**+1 312 626 6799 US (Chicago)**

**Meeting ID: 872 8566 4593**

**Find your local number: <https://us02web.zoom.us/j/kcvvv7ms4S>**

**New Business:**

1. Harvard Snowmobile Club End of Season Update – Mark Adams (7:00pm)
2. Wetland Enforcement Update – 92 South Shaker Road
3. Request to Extend Order of Conditions – Department of Public Works, Town-Wide, DEP#177-662
4. Approve Allocation of Funds – Mileage Reimbursement
5. Approve Minutes

**Public Hearings:**

**7:30pm Continuation of the Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations**

**7:45pm Request for Determination of Applicability Hearing – Marc Sevigny, 74 Shaker Road, Harvard#0221-01, the installation of a 96' boardwalk within a wetland resource area to access an upland area - *Requested Waiver – Request to Continue***

**8:00pm Request for Determination of Applicability Hearing, New England Power Company, Stow Road (Map 32 parcels 6 and 55), Harvard#0321-01, the removal of lead and PCB contaminated soils, a corroded 55 gallon-drum, and metal car debris within the 100' buffer zone of a wetland resource area**

**8:15pm Continuation of a Notice of Intent Hearing – Parks & Recreation Commission Harvard#0221-02, for the generalized operation and maintenance of parks and recreation fields and trails within 100' of a wetland resource area at the following locations: 19 & 34 Lancaster County Rd, 55 & 71 Depot Rd, Ann Lees Rd, 14 & 27 Mass Ave, and 4 & 15 Pond Rd, Harvard - *Requested Waiver***

**Old Business:**

1. Review 310 CMR 10.03(3) - Presumption Concerning 310 CMR 15.000: The State Environmental Code, Title 5 (W. Sisson)
2. Pine Hill Village Update

**NEXT MEETING:  
APRIL 1, 2021**

The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

DEP # 177-662



Message

Wed, Mar 10, 2021 11:05 AM

From: Tim Kilhart

To: Liz Allard

Subject: Re(2): DPW Generic NOI

Liz,

Yeah, yeah what she said.

Tim K

Liz Allard on Wednesday, March 10, 2021 at 10:42 AM -0500 wrote:

How about a 3 year extension :)

Liz Allard  
Land Use Administrator/  
Conservation Agent  
Town of Harvard  
13 Ayer Road  
Harvard, MA 01451  
978-456-4100 ext. 321

Tim Kilhart on Wednesday, March 10, 2021 at 10:06 AM -0500 wrote:

Liz,

I am requesting a 3 week extension for the DPW Generic NOI that expires on May 7, 2021. We are not requesting any changes the original document.

Thanks,

Timothy B. Kilhart  
Harvard DPW Director  
47 Depot Road, Harvard, MA 01451  
Office # - 978-456-4130  
Cellphone # - 508-868-2030  
Fax # - 978-456-4125

# TOWN OF HARVARD

## Expense, Travel and Conference Reimbursement Request

NAME: Liz Allard

DEPARTMENT: Land Use Board DATE: 3/11/2021

### CONFERENCE REIMBURSEMENT INSTRUCTIONS

- 1) Please attach an agenda summary with event dates; required for overnight reimbursement.
- 2) Please attach Detailed itemized Receipt (what was purchased) and credit card (Proof of Payment) receipts.
- 3) Do not include non-conference local travel; see bottom section.
- 4) Advance payment by personal credit card cannot be reimbursed until after event has occurred or goods received.

DATE: \_\_\_\_\_ LOCATION: \_\_\_\_\_  
PURPOSE/EVENT: \_\_\_\_\_

	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Total
Date:								
Hotel								\$ -
Registration								\$ -
Breakfast								\$ -
Lunch								\$ -
Dinner								\$ -
Taxi-Limousine								\$ -
Public Transportation								\$ -
Mileage (@ .575)								\$ -
Telephone (Business Only)								\$ -
Parking and Tolls								\$ -
Air Fare								\$ -
Other								\$ -
<b>CONFERENCE SUBTOTAL</b>								<b>\$ -</b>

### EXPENSE REIMBURSEMENT

Vendor:	Purpose:	\$	-
Vendor:	Purpose:	\$	-
Vendor:	Purpose:	\$	-
Vendor:	Purpose:	\$	-
Vendor:	Purpose:	\$	-
<b>EXPENSE SUBTOTAL</b>		<b>\$</b>	<b>-</b>

### LOCAL TRAVEL REIMBURSEMENT - rate as of 1/1/2020

(for local, non-conference travel only)

Purpose: ConCom Inspections	Location/Date: See attached	267.2 miles @ .575	\$	153.64
Purpose:	Location/Date:	Miles @ .575	\$	-
Purpose:	Location/Date:	Miles @ .575	\$	-
<b>LOCAL TRAVEL SUBTOTAL</b>				<b>\$ 153.64</b>

**TOTAL REIMBURSEMENT: \$ 153.64**

Signature:   
Traveler

Approved:  (Chair)  
Supervisor

PLEASE ATTACH ORIGINAL RECEIPTS TO VERIFY CASH AND CREDIT CARD EXPENSES

# Mileage Log

Total mileage recorded 267.2							
Date	Location	Purpose	From	To	To	Commission/ Board	Mileage
7/1/2020	162 East Bare Hill Road	Site walk	13 Ayer Road	162 East Bare Hill Road	13 Ayer Road	ConCom	5.7
7/2/2020	Pine Hill Village	Site Inspection	13 Ayer Road	-260 Stow Road	13 Ayer Road	ConCom	6.9
7/13/2020	2 & 4 Wilroy Ave	Site walk	13 Ayer Road	2 & 4 Wilroy Ave	13 Ayer Road	ConCom	6.8
7/14/2020	169 Littleton County Road	Site Inspection	13 Ayer Road	169 Littleton County Road	13 Ayer Road	ConCom	4.8
7/20/2020	15 Old Littleton Road	Enforcement	13 Ayer Road	15 Old Littleton Rd	13 Ayer Road	ConCom	0.4
7/22/2020	46 Warren Ave	Tree Inspection	13 Ayer Road	46 Warren Ave	13 Ayer Road	ConCom	2.1
7/22/2020	Various	Site Inspection	13 Ayer Road	-260 Stow Road	44 Littleton County Road	ConCom	6.5
			44 Littleton County Road	13 Ayer Road		ConCom	1.6
7/23/2020	Various	Site Inspection	13 Ayer Road	-260 Stow Road	62 South Shaker Rd	ConCom	8.9
			62 South Shaker Rd	62 Old Littleton Rd	40 Woodside Rd	ConCom	5.5
			40 Woodside Rd	284 Still River Road	68 Still River Road	ConCom	3.3
			68 Still River Road	111 Depot Road	27 Willow Rd	ConCom	4.6
			27 Willow Road	13 Ayer Road		ConCom	0.7
7/27/2020	141 Bolton Road	Enforcement	13 Ayer Road	141 Bolton Road	13 Ayer Road	ConCom	3.4
7/28/2020	Pine Hill Village	Water Sampling	13 Ayer Road	-260 Stow Road	13 Ayer Road	ConCom	3.4
7/28/2020	Various	Site Inspection	13 Ayer Road	40 Woodside	68 Still River Road	ConCom	5.6
			68 Still River Road	13 Ayer Road		ConCom	0.7
7/29/2020	105 Ayer Road	Site walk	13 Ayer Road	105 Ayer Road	13 Ayer Road	ConCom	1.9
7/30/2020	Various	Site Inspection	13 Ayer Road	-260 Stow Road	68 Still River Road	ConCom	7.5
			68 Still River Road	13 Ayer Road		ConCom	0.7
8/5/2020	76 Warren Ave	Enforcement	13 Ayer Road	76 Warren Ave	13 Ayer Road	ConCom	2.5
8/11/2020	Various	Site Walks	13 Ayer Road	114 Ann Lees Road	21 Candleberry Ln	ConCom	11.4
			21 Candleberry Ln	13 Ayer Road		ConCom	3.9
8/31/2020	Various	Culvert Review, Silt barrier removal; revised silt fence approval	13 Ayer Road	-300 Littleton Road	162 East Bare Hill Road	ConCom	8.7
			162 East Bare Hill Road	27 Willow Road	13 Ayer Road	ConCom	4.2
9/8/2020	Various	Site Walks	13 Ayer Road	-32 Old Shirley Road	21 Candleberry Ln	ConCom	6.5
			21 Candleberry Ln	13 Ayer Road		ConCom	3.9
9/15/2020	62 South Shaker Road	Site Review	13 Ayer Road	62 South Shaker Rd	13 Ayer Road	ConCom	
9/16/2020	193 Old Littleton Road	Certificate of Compliance Inspection	13 Ayer Road	193 Old Littleton Rd	13 Ayer Road	ConCom	3.8
9/21/2020	92 South Shaker Road	Wetland Violation	13 Ayer Road	92 South Shaker Rd	13 Ayer Road	ConCom	6.2
9/24/2020	225 Bolton Road	Wetland Violation	13 Ayer Road	225 Bolton Road	13 Ayer Road	ConCom	6.2
9/29/2020	Various	Wetland Violation	13 Ayer Road	225 Bolton Road	Town Beach - Pond Road	ConCom	5.4
			Town Beach - Pond Road	70 Westcott Road	13 Ayer Road	ConCom	4.8
10/6/2020	Various	Site Walks	13 Ayer Road	277 Stow Road	16 Wilroy Ave	ConCom	10.4
			16 Wilroy Ave	13 Ayer Road		ConCom	3.3
10/6/2020	Various	Certificate of Compliance Inspection	13 Ayer Road	62 Old Littleton Rd	68 Still River Road	ConCom	2.0
			68 Still River Road	13 Ayer Road		ConCom	0.7
10/14/2020	Various	Site Inspections	13 Ayer Road	38 Westcott Road	21 Candleberry Ln	ConCom	5.0
			21 Candleberry Ln	68 Still River Road	13 Ayer Road	ConCom	3.9
10/20/2020	175 Littleton County Road	Peer Review Site Walk	13 Ayer Road	175 Littleton County Road	-260 Stow Road	ConCom	7.6
			-260 Stow Road	13 Ayer Road		ConCom	3.5
10/27/2020	Various	Site/Tree Inspection	13 Ayer Road	3 Peninsula Road	114 Ann Lees	ConCom	7.8
			114 Ann Lees	-260 Stow Road	13 Ayer Road	ConCom	10.7
10/27/2020	288 Ayer Road	Wetland Violation	13 Ayer Road	288 Ayer Road	13 Ayer Road	ConCom	11.2
10/29/2020	2&4 Wilroy Ave	Siltation Barrier Inspection	13 Ayer Road	2&4 Wilroy Ave	13 Ayer Road	ConCom	7.0
11/9/2020	Various	Siltation Barrier Inspection & Site Inspection	13 Ayer Road	277 Stow Road	-260 Stow Road	ConCom	3.8
			-260 Stow Road	13 Ayer Road		ConCom	3.5
11/10/2020	82 Whitney Road	Final Inspection	13 Ayer Road	82 Whitney Road	13 Ayer Road	ConCom	1.2
11/17/2020	94 Ayer Road	Site Walk	13 Ayer Road	94 Ayer Road	13 Ayer Road	ConCom	1.7
11/17/2020	Various	Site Inspections w/ Ntisch Engineering	13 Ayer Road	Troll Ridge Way	-260 Stow Road	ConCom	7.7
			-260 Stow Road	13 Ayer Road		ConCom	3.5
11/19/2020	62 South Shaker Road	Wetland Violation	13 Ayer Road	62 South Shaker Rd	13 Ayer Road	ConCom	5.6
11/25/2020	25 Blanchard Road	Site Assessment	13 Ayer Road	25 Blanchard Rd	13 Ayer Road	ConCom	5.9
12/1/2020	62 South Shaker Road	Site walk	13 Ayer Road	62 South Shaker Rd	13 Ayer Road	ConCom	5.6
12/9/2020	Various	Site Walks	13 Ayer Road	132 Poor Farm Rd	42 Old Mill Road	ConCom	3.3
			42 Old Mill Road	25 Blanchard Rd	13 Ayer Road	ConCom	3.8

**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**NOVEMBER 16, 2020**

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

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

**Planning Board Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biring and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator/Conservation Agent), Matt Flokos (Harvard Press), Bruce Ringwall (GPR, Inc.), Kyle Burchard (GPR, Inc.), Matt Cote (Beals & Thomas) and Stacey Minihane (Beals & Thomas)

**Continuation of a Notice of Intent Hearing – Luciano Manganella, 175 Littleton County Road, DEP#177-692, Harvard#0820-04.** Opened at 7:36pm

**Adjournment**

Paul Willard made a motion to adjourn the meeting at 8:44pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Jim Burns, aye; Mark Shaw, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda November 19, 2020
- Residential Development, 175 Littleton County Road, Harvard, MA prepared for Luciano Manganella, JOB 181080, prepared by GPR, Inc., August 2020
- Beals & Thomas Review of Notice of Intent (MassDEP File No. 177-0694) & Special Permit Modification, 175 Littleton County Road, Harvard, Massachusetts, B+T Project No. 3241.00, October 27, 2020
- GPR, Inc Response to Peer Review Comments Notice of Intent (DEP CE# 177-0694) 175 Littleton County Road, Harvard, MA, November 11, 2020
- GPR, Inc Response to Peer Review Comments Notice of Intent (DEP CE# 177-0694) 175 Littleton County Road, Harvard, MA, November 13, 2020

**Harvard Conservation Commission  
Joint meeting with Planning Board on the  
Continuations of a Notice of Intent,  
DEP#177-694, Harvard#0820-04  
& a Modification of a Special Permit &  
Driveway Site Plan Approval Hearing Minutes  
Luciano Manganella, 175 Littleton County Road,  
November 19, 2020**

The Conservation Commission public hearing was opened at 7:41pm 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.

The Planning Board public hearing was opened at 7:40pm by Chair Justin Brown under MGL Chapter 40A the Zoning Act and the Code of the Town of Harvard Chapter 125 the Protective Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

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

**Planning Board Members Present:** Justin Brown, Fran Nickerson, Stacia Donahue, Gwen Leonard, Jane Biering and Rebecca Kelley (Associate Member)

**Others Present:** Christopher Ryan (Director of Community and Economic Development), Liz Allard (Land Use Administrator/Conservation Agent), Matt Flokos (Harvard Press), Bruce Ringwall (GPR, Inc.), Kyle Burchard (GPR, Inc.), Matt Cote (Beals & Thomas), Stacey Miniham (Beals & Thomas)

The Planning Board (PB) hearing was continued from October 5, 2020 filed on behalf of Luciano Manganella for modification of the existing common driveway special permit, and the construction of a driveway more than 300' in center-line length, which will include the replacement of an existing culvert and stormwater facilities for the control of stormwater at 175 Littleton County Road, Harvard.

The Conservation Commission hearing was continued from November 5, 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 and Kyle Burchard, of GPR, Inc, were in attendance to represent the applicant. Mr. Ringwall presented an overview of the site, which included a Special Permit for common driveway in 2000. The application before the Conservation Commission (ConCom) is for activity within wetland resource areas, including the existing fire pond. Mr. Ringwall stated a small portion of a 34-acre parcel lot is proposed to be developed for a single-family dwelling. Mr. Ringwall explained in 2000 when the common driveway was approved the branch leading to this lot was located on the west end of the existing fire pond. However, the new owner is requesting the driveway be relocated to the east end of the fire pond. This will require a new crossing over the existing intermittent stream. The site plan also details the construction of a barn for storage

and a studio, which is intended for future development and will require a separate septic system. Grading for the septic system and the driveway for the proposed dwelling will be within the wetland buffer zones on the site. As for the proposed driveway, all of the requirement under Chapter 125-29B have been incorporated into the design.

Matt Cote, the Civil Engineer from Beals & Thomas (B&T), peer consultant for both Planning Board and ConCom, has reviewed the project in the aspect of the driveway. Mr. Cote stated he has no issues with the proposed slopes and comments in regards to curbing has been reconciled. Don Ritchie asked about the stormwater facilities and if Mr. Cote felt they were sufficient to contain the amount of water that will be coming of the driveway. Mr. Cote stated he is. Stacey Minihane, also from B&T, stated all comments provided with the first report have been addressed at this point.

Comments received from the Department of Environmental Protection (DEP) have also been responded to by GPR, Inc., with B&T agreeing with the proposed alternatives to file the application with ConCom as a Limited Project.

Mr. Ringwall reviewed GPR's response letter to B&T. Additional information in regards to the wetland replication has been proved to DEP.

Christopher Ryan stated the conditions within the 2000 Special Permit shall be incorporated into this new decision by the PB.

Mr. Ringwall stated comments received from the Harvard Fire Department are straight forward, with the easements for the fire pond and driveway covenant on file with the Registry of Deeds and at Town Hall.

A discussion in regards to the septic systems necessary for both the house and the barn was had. With the barn not being constructed in the near future and permits for the house not yet issued, Mr. Ringwall asked the Planning Board not tie the decision to the permits for septic.

Stacie Donahue made a motion to continue the Planning Board public hearing to December 7, 2020 at 9:00pm. Fran Nickerson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Stacia Donahue, aye; Fran Nickerson, aye; Jane Biering, aye; Gwen Leonard, aye; Justin Brown, aye.

Jim Burns made a motion to continue the Conservation Commission hearing to November 19, 2020 at 7:45pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye; Jim Burns, aye; Wendy Sisson, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent





**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**NOVEMBER 19, 2020**

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 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; HSC 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 provided 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 Sevigny, \$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 and 62 South Shaker 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 submitted 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 Mangarella, 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 regards 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 Manganello, 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, Jayé 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' 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; Jayé 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 31<sup>st</sup> 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

**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**DECEMBER 3, 2020**

Chair Don Ritchie called the meeting to order at 7:08pm 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, Wendy Sisson, Jaye Waldron, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Matt Marro, Glenn Berger and Melissa Tracey

**Request for a Certificate of Compliance – 327 Still River Road, DEP#177-265**

Jaye Waldron made a motion to approve the Request for Certificate of Compliance for 327 Still River Road, DEP#177-265. 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; and Don Ritchie, aye.

**Approve Minutes**

Paul Willard made a motion to approve the minutes of August 6, 2020 as amended. 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; and Don Ritchie, aye.

**Deer Management Subcommittee (DMS) Update**

An update from the DMS chair, Bob Douglas, was previously distributed to the members. The members discussed the resignation of Jason Cole and the process of filling the vacancy on the DMS. Liz Allard will request the vacancy be listed on the Select Board's page of the website with other board and committee vacancies.

**Review Amendments to Chapter 147 Wetland Bylaw Regulations**

Jaye Waldron stated she has sent edits to Liz Allard, who will incorporate those in to the draft. Questions from Ms. Waldron included the Commission's ability to access a site and clarifying the submittal deadline.

Ms. Allard recommended additional information based on the Town of Lunenburg regulations as it pertains to the replacement of trees. Members agreed to include the language as recommended. The public hearing for these amendment will open on December 17, 2020.

**Request to Amend the Order of Conditions, DEP#177-679, Harvard#0619-02, Matthew Ellis, 62 South Shaker Road.** Opened at 7:32pm

**Update on Pine Hill Village Stow Road**

After the Commission briefly discussed the unauthorized paving and other violations of the Order of Conditions, DEP#177-586, that occurred on December 1, 2020, Paul Willard made a motion to fine the developer \$1200.00 for the violations detailed in the document "Pine Hill Village, Stow Road, DEP#177-586 Violations of the Order of Conditions, Violations Associated with Activity on December 1, 2020". 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; and Don Ritchie, aye.

**Adjournment**

Paul Willard made a motion to adjourn the meeting at 8:06pm. 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; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated December 3, 2020
- Harvard Conservation Commission Meeting Minutes, August 6, 2020 drafted by Liz Allard
- Email from Robert Douglas to Liz Allard Subject: Update Q, received Dec 1, 2020
- Lunenburg's Bylaw for General Wetland Protection, 10.4.1 Vegetation Removal and Replacement
- Plot Plan of Land in Harvard, Massachusetts at 62 South Shaker Road Prepared for the Acton Woodworks, Inc., by Summit Surveying Inc., 11-15-20
- Pine Hill Village, Stow Road, DEP#177-586 Violations of the Order of Conditions, Violations Associated with Activity on December 1, 2020.



**Harvard Conservation Commission  
Request to Amend the Order of Conditions Hearing Minutes  
Matthew Ellis, 62 South Shaker Road,  
DEP#177-679, Harvard#0619-02  
December 3, 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, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Matt Marro and Glenn Berger

This hearing is for a Request to Amend the Order of Conditions filed on behalf of Matthew Ellis for modifications to the existing driveway within the 100' wetland buffer zone at 62 South Shaker Road, Harvard.

Glenn Berger explained the request to amend the Order of Conditions is to allow for the regrading of the existing driveway up to wetland flag A3 and B4. The proposed turnout along the length of the driveway was requested by the Fire Department. Trees to be removed will be done by use of a crane to minimize disturbance to the wetland resource areas along the edges of the driveway. A siltation barrier with straw waddles have been proposed along both sides of the driveway. Mr. Berger is requesting a waiver to Chapter 147-17 Setback, as the existing driveway is within 75' of a resource area. In addition, the driveway will be extended to the previously permitted garage, which will also be within 75' of the resource area. The siltation barrier shall be tied into the existing barrier on the east side of the driveway.

Members discussed the value of trapping sediment prior to entering the resource area. It was suggested and acceptable to the members to add woody vegetation on the east side of the driveway to reduce sedimentation. Members discussed the appropriate trees to be removed based on a recent site visit. Replacing trees to be removed was determined not to be favorable as it would cause more disturbance in the resource area that has the ability to naturally revegetate.

With some revisions needed to a final plan, Paul Willard made a motion to continue the hearing to December 17, 2020 at 8:00pm. Wendy Sisson 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; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Attachment to Generic Notice of Intent for  
Field & Trail Operation and Maintenance Activities for  
Harvard Parks & Recreation Commission**

The following list describes the activities to be undertaken by the Harvard Parks and Recreation (P&R) Commission that may be within the 100' Buffer Zone of a resource area subject to protection. These activities may be executed by contractors or the Harvard Department of Public Works (DPW) under the direction of Harvard P&R. The DPW and/or any contractor shall notify the Conservation Commission (ConCom) in a timely manner prior to the commencement of any of the activities below.

**Annual Activities**

- Active sports with spectators (including parked cars).
- Mowing.
- Aeration.
- Overseeding.
- Application of Lime.
- Application of Fertilizer (rate, timing & product specific to field to be determined by the DPW and approved by ConCom).
- Addition/treatment/nail dragging and scraping of Clay on infields.
- Chalking/Painting lines.
- Weed whacking, removal of undesirable bushes and vines in (buffer zone) areas around fields defined in cooperation with ConCom.
- Trimming of interfering tree branches and dangerous limb removal.

**Periodic Activities**

- Repair/re-positioning of sport related bases, sand pits, foul posts, temporary fences and goals.
- Repair of benches/bleachers/sheds/gates.
- Installation of single pole unplanned signs.
- Repair of existing signs& kiosk boards.
- Crab grass control (using methods/materials to be determined by the DPW and approved by ConCom).
- Irrigation system and well repair.
- Electrical panel repair.
- Apron repair with asphalt on McCurdy Track.
- Addition/grading of gravel for existing trails/parking areas.
- Other typical, low impact maintenance as may be necessary from time to time according to the Harvard DPW & Groundskeeping employees of the Town.

Activities described in the list include recreational activity and maintenance occurring within 100' of wetlands, streams and other protected resource areas, as well as within 200' of perennial streams and ponds. These activities are not expected to have no significant impact on resource areas subject to protection. Additional activities or facility expansions will require the Conservation Agent and when required, ConCom approval and potential wetland permitting.

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

10.03(3) Presumption Concerning 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage.*

A subsurface sewage disposal system that is to be constructed in compliance with the requirements of 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage*, or more stringent local board of health requirements, shall be presumed to protect the eight interests identified in M.G.L. c. 131, § 40, but only if none of the components of said system is located within the following resource areas:

(a) Coastal.

1. coastal bank;
2. coastal beach;
3. coastal dune;
4. salt marsh.

(b) Inland.

- |                |           |         |
|----------------|-----------|---------|
| 1. wet meadows |           | creek;  |
| 2. marsh       | bordering | river;  |
| 3. swamp       | on any    | stream; |
| 4. bog         |           | pond;   |
|                |           | lake.   |

and only if the soil absorption system of said system is set back at least 50 feet horizontally from the boundary of said areas, as required by 310 CMR 15.211: *Minimum Setback Distances*, or a greater distance as may be required by more stringent local ordinance, by-law or regulation. To protect wildlife habitat within riverfront areas, the soil absorption system shall not be located within 100 feet of the mean annual high-water line unless there is no alternative location on the lot which conforms to 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* without requiring a variance as determined by the local Board of Health, with less adverse effects on resource areas.

This presumption, however, shall apply only to impacts of the discharge from a sewage disposal system, and not to the impacts from construction of that system, such as erosion and siltation from the excavation, placement of fill, or removal of vegetation. Impacts from construction shall be minimized by the placement of erosion and sedimentation controls during excavation, limiting the placement of fill, confining the removal of vegetation to that necessary for the footprint of the system, and taking other measures deemed necessary by the issuing authority.

The setback distance specified above shall be determined by measuring from the boundary of the area in question, from the contour at the mean annual flood elevation in inland areas, or from the top of a coastal bank or the contour at the highest spring tide elevation in coastal areas, whichever is further from the water body.

The setback distance specified above shall not be required for the renovation or replacement (but is required for the substantial enlargement) of septic systems constructed prior to the effective date of 310 CMR 10.00, provided no alternative location is available on the lot and such work has been approved by the local board of health or the Department, as required by law. This presumption may be overcome only by credible evidence from a competent source that compliance with 310 CMR 15.000: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and for the Transport and Disposal of Septage* or more stringent local requirements will not protect the interests identified in M.G.L. c. 131, § 40.