

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JUNE 4, 2020  
APPROVED: AUGUST 6, 2020**

Chair Don Ritchie called the meeting to order at 7:00pm, 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, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Dave Crossman (B&C Associates), Sherrill Gould, Faith Cross, Marc Sevigny and Joey Tardif.

**Driveway Easement for 98 Shaker Road**

Attorney Sherrill Gould, representing Debra Murray, the owner of 98 Shaker Road, detailed the extreme anxiety her client deals with, on top the stresses with the current state of things going with Covid-19. These things combined with the abuse of the use of the easement, which has caused rutting of the driveway by four-wheeled vehicles, prompted Ms. Murray to install the chain and "No Trespassing" sign at the end of the driveway. Ms. Murray has repaired the driveway at her own expense. Attorney Gould would suggest the chain remain with a pass code that only the Commission has to eliminate the abuse of the use of the driveway. Attorney Gould stated the conservation land has recently become a place for people to congregate and wonders why the Town has not closed the area to the public as it has done at Fruitlands. It was noted that Fruitlands is not Town-owned. Attorney Gould feels the pass code is a solution since the easement was to be able to mow the field and this land has no trails, does not go anywhere and has no scenic views; therefore it is not a destination location and access should be restricted.

Joanne Ward suggested signage alerting users of the land that the easement is over a private drive and to respect the privacy of the abutting property owner. Faith Cross and Marc Sevigny both contended there is no traffic on the driveway and there are virtually no visitors to the location.

Don Richie asked about where in the process Attorney Gould was in regard to the requirement to move the driveway upon sale by the previous owner. Attorney Gould stated she was remiss in getting that document to Town Counsel, but will do so in a week to ten days.

Mr. Ritchie stated the Commission needs documentation (police reports) of the abusive activities. Liz Allard shared comments made by Wendy Sisson in regard to misinformation in Attorney Gould's letter to the Commission. Ms. Allard also shared Ms. Sisson's suggestion to place a sign at the bottom of the driveway stating foot access only and removing the chain. It was also suggested Ms. Murray could install a chain across the driveway in the area beyond where the driveway crossed conservation land. Attorney Gould thought these were wonderful suggestions and will have the chain removed by tomorrow.

Liz Allard detailed a possible land swap that would move the driveway onto Ms. Murray's land, provide her more privacy and provide more, not all, of the field for conservation purposes. Ms. Allard detailed this swap on a map she created using the Town's GIS system. Attorney Gould stated this map detailed the area better and would be helpful in explaining this to Ms. Murray. Ms. Allard will share this map with Attorney Gould. Attorney Gould will discuss this potential land swap with Ms. Murray and will return on July 2, 2020 to discuss further with the Commission.

**Review Planting Plan – 169 Littleton County Road, Harvard#0619-01**

Dave Crossman was in attendance to discuss the proposed list of plants for the buffer zone at 169 Littleton County Road. An actual plan detailing the planting locations for these plants has not

been completed as of yet, as there is no plan to conduct the planting this year; still working on the removal and management of the invasive plant species. Although not in attendance this evening, Wendy Sisson has provided her recommendations to the proposed list of plants, which has been shared with Mr. Crossman and the owner, Luciano Manganella. The members present were comfortable with the recommendations provided by Ms. Sisson.

Mr. Crossman requested a portion of the siltation barrier be removed. Liz Allard stated she would have to review the site in order to give that approval; she will follow up with Mr. Crossman next week.

Mr. Crossman discussed the desire of Mr. Manganella to conduct additional invasive plant management along the common driveway. After a brief discussion, the members agreed a new Request for Determination of Applicability should be filed for this activity.

#### **Annual Appointment –Derek Beard**

Liz Allard stated she has spoken to Derek Beard who, with his second child on the way, as opted not to seek re-appointment as the Associate Member of the Commission. Mr. Beard hopes to return to the Commission some day when time is available to do so. In the meantime, he had expressed his willingness to assist the Commission as needed, especially in the area of forestry.

#### **Update on Pine Hill Village Stow Road**

Liz Allard reported the foundations for the Pine Bank neighborhood have all been installed. Sump pumps have been added to some of the basements, along with foundation drains; these drains are discharging feet from the wetland resource area. Nitsch Engineering has recommended these drains be tied into the drainage system. Ms. Allard will follow up with Peter Cricones on this matter. Mr. Cricones has been informed that he has seven days to provide a response to recommendations provided by Nitsch Engineering. The ledge within the constructed wetland may need to be blasted, but that will be determined later.

#### **Craftsman Village Harvard - Soil Report**

As previously discussed, a meeting with a representative from the Board of Health, Ira Grossman, Don Ritchie and Jaye Waldron has been arranged for June 10, 2020. The question as to how the Groundwater Protection Overlay District Bylaw will affect this project was raised. Liz Allard will discuss this matter with the Director of Community & Economic Development, Chris Ryan.

#### **Request for Determination of Applicability Hearing – Joey Tardif, 108 Woodside Road, Harvard#0520-01. Opened at 7:30pm**

#### **Approve Minutes – May 7, 2020**

This item was passed over.

#### **Zoning Board of Appeals Request for Input – 12 Woodchuck Hill Road**

The Commission had no comments to this application.

#### **Planning Board Request for Comments – 39 Glenview Drive**

This application is for the creation of two lots from an existing 8.14 acre lot on Glenview Drive. Although the property contains wetland resource areas, as shown on the proposed plan, the placement of a dwelling is well outside the 100' wetland buffer zone. The Commission had no comments to this application.

#### **Approve Invoice**

Joanne Ward made a motion to approve the invoices for Nitsch Engineering (Pine Hill Village Monitoring) in the amount of \$1240.00. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Joanne Ward, aye; Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Adjournment**

Jim Burns made a motion to adjourn the meeting at 8:06pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, 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 June 4, 2020
- Email from Luciano Manganella, Subject: Buffer Zone, to Liz Allard, dated Apr 27, 2020
- Email from Margaret Sisson, Subject Re: Buffer Zone, to Liz Allard, dated May 28, 2020
- Letter from Gould Law Office, dated May 26, 2020
- Shaker Reservoir Map, dated 06.04.2020
- Nitsch Engineering Invoice#68565, Project No. 12808, dated May 16, 2020

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing Minutes  
Joey Tardif, 108 Woodside Road, Harvard#0520-01,  
June 4, 2020**

The public hearing was opened at 7:30pm by Chair Don Ritchie under 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, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Joey Tardif

This hearing is for a Request for Determination of Applicability filed on behalf of Joey Tardif for the expansion of an existing deck within the 100' wetland buffer zone at 108 Woodside Road, Harvard

Joey Tardif was present and detailed the plan to expand an existing deck at his home. The property consists of a wetland resource area within 100' of the existing deck, however there is a significant berm separating the deck location and the wetland resource area. Liz Allard stated the site is level and has no constraints in regard to the request

After a brief review of site photos, Mark Shaw made a motion to close the hearing and issue a Negative #2 Determination of Applicability. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent