

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
OCTOBER 15, 2020  
APPROVED: MARCH 4, 2021**

Acting Chair Wendy Sisson called the meeting to order at 7:09pm, 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:** Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Tom Cotton (Deer Management Subcommittee), Bob Douglas (Deer Management Subcommittee), Daniel Tracey, Faith Cross and Dan Wolfe (Ross Associates.)

**Request for an Extension of the Order of Conditions – Pine Hill Village, DEP#177-586**

Joanne Ward made a motion to issue a three-year extension to the Order of Conditions for Pine Hill Village, on Stow Road, DEP#177-586. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

**Request for Certificates of Compliance – 62 Old Littleton Road, DEP#177-684 and 68 Still River Road, DEP#177-671**

Mark Shaw made a motion to issue the Certificates of Compliance for 62 Old Littleton Road, DEP#177-684 and 68 Still River Road, DEP#177-671. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

**Approve Minutes – August 6, 2020**

This item was passed over

**Approve Invoice – Nitsch Engineering \$1,240.00**

Joanne Ward made a motion to approve the invoice from Nitsch Engineering in the amount of \$1240.00 for the site inspections at Pine Hill Village. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

**Notice of Intent Hearing - John Kennefick, 277 Stow Road, Harvard#0920-02.** Opened at 7:33pm

**Notice of Intent Hearing, Dennis Quinn, 14 Wilroy Avenue, Harvard#0920-01.** Opened at 7:45pm

**Update on Pine Hill Village Stow Road**

With activity at the site focused on the construction of the homes in the Pine Bank neighborhood, the weekly inspections of the site by Nitsch Engineering have been put on hold. Liz Allard stated her schedule has not provided her with the opportunity to visit the site on a weekly basis; she foresees this being the case for the near future.

**Driveway Easement – 98 Shaker Road**

Liz Allard stated she has not received any updates from the property owner or her representative in regards to the letter sent on September 1, 2020, which requested a response within 30-days. With no response, Jaye Waldron made a motion to turn the matter over to Town Counsel to resolve the driveway easement as provided for in the deed to the property. Joanne Ward

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

#### **Community Preservation Committee (CPC) Application Update**

Liz Allard stated she had spoken with John Lee a member of the CPC in regards to the joint application to be submitted by the Conservation Commission (ConCom), Open Space Committee and Community Harvest Project (CHP) to further support the purchase of an Agriculture Preservation Restrictions on the CHP land along Prosect Hill Road. Mr. Lee recommended the application simple be submitted by the ConCom, as the application itself is not compatible to having three different applicants. Wendy Sisson requested all supporting material submitted with application last year be re-submitted with the application this year as well.

#### **Holy Hill, Ann Lees Field – Jurisdiction and Maintenance**

The letter to the Select Board detailing the issue of maintenance for the Ann Lees field as discussed at the last meeting has not yet been sent. Wendy Sisson will follow up with Bob O'Shea from the Parks & Recreation Commission in regards to this matter. Mark Shaw stated he reviewed the site and found the work to reestablish the playing diamond to have been done well, but the outfield is not in great shape.

#### **Wetland Enforcement Updates – 92 South Shaker Road and Lot 6 Shaker Road, Ayer**

Liz Allard stated she has spoken with Alice Thayer, of 92 South Shaker Road, to discuss the process of filing a Notice of Intent with the Commission.

In regards to Lot 6 Shaker Road, Liz Allard explained she received a call from the developer, Dan Aho, who stated he was under the impression that the town boundary line between Harvard and Ayer had been resolved and that all activity on Lot 6 is within the Town of Ayer. Ms. Allard had explained to Mr. Aho the information the Commission has in regards to the situation is that it has not been resolved. Dan Tracey, who abuts the Aho property was happy to see a cease-and-desist order for the development. Mr. Tracey informed the Commission this the same developer who has submitted a Notice of Intent with the Town of Ayer to install a water line under Mill Pond and Bennett's Brook.

#### **Deer Management Subcommittee Update – Hunter's Log**

Information in regards to the hunter's log shall be requested from the Subcommittee. The full hunting season for deer opens on Monday. At the first meeting in November the Commission wants to review what was requested at the October 1<sup>st</sup> meeting of the Subcommittee. Liz Allard will follow back up with the Subcommittee to unsure the hunter's log links are being shared with members of the Commission.

#### **Adjournment**

Mark Shaw made a motion to adjourn the meeting at 8:22pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Minutes  
Notice of Intent Hearing  
John Kennefick, 277 Stow Road, Harvard#0920-02  
October 15, 2020**

The public hearing was opened at 7:33pm by Acting Chair Joanne Ward 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:** Paul Willard, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Wendy Sisson\* and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Notice of Intent filed on behalf of John Kennefick for the construction of a replacement septic system within 100' of a wetland resource area at 277 Stow Road, Harvard.

\* As an abutter Wendy Sisson recused herself from this hearing.

Dan Wolfe, of Ross Associates, Inc., was present to represent the applicant. Mr. Wolfe explained the activity to replace the existing failing septic system is outside the 50' buffer zone. As a Geomat© system there is a minimal amount of fill required. Mark Shaw had attended the site walk and stated the area in which the system will be installed is relatively flat exiting lawn area. Liz Allard recommended making it clear in the Order of Conditions that the 50' buffer zone is the limit in which the lot can be cleared of natural vegetation and the dumping of yard waste should cease between wetland and the 50' wetland buffer zone line.

With no other questions or comments, Mark Shaw made a motion to close the hearing and issue an Order of Conditions with the recommended conditions from Liz Allard. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing Minutes  
Notice of Intent Hearing  
Dennis Quinn, 14 Wilroy Avenue, Harvard#0920-01  
October 15, 2020**

The public hearing was opened at 7:45pm by Acting Chair Wendy Sisson 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:** Wendy Sisson, Paul Willard, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Notice of Intent filed on behalf of Dennis Quinn for the construction of an addition and deck within 200' of Bare Hill Pond at 14 Wilroy Avenue, Harvard.

Dan Wolfe, of Ross Associates, Inc., was present to represent the applicant. Mr. Wolfe explained the existing deck on the south side of the house will be removed and replaced with a small addition. The existing deck on the east side of the house will be expanded. As discussed at the site walk, a roof recharge trench has been added to contain stormwater runoff. Mark Shaw attended the site walk and stated this is a good size project in regards to the existing house, but not the land, which is very stable.

Members discussed the requested waiver for activity within the 75' buffer zone for the addition and a portion of the proposed deck extension. As the deck will be a structure that will allow water to continue to flow through it and the location of the addition will be within an already disturbed area, Mark Shaw made a motion to allow for a waiver of Chapter 147-17 Setbacks for a structure within 75' of a wetland resource area. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

With no additional questions or comments, Paul Willard made a motion to close the hearing and issue an Order of Conditions with no additional special conditions. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Mark Shaw, aye; Jaye Waldron, aye; and Joanne Ward, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

### **EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated October 15, 2020
- Sewage Disposal System, John Kennefick, 277 Stow Road, Harvard, MA, Job No.: 32964, Plan No.: L-14122, prepared by David E. Ross Associates, Inc., dated September 2020
- Site Plan, Dennis Quinn, 14 Wilroy Avenue, Harvard, MA, Job No.: 32697, Plan No.: L-14065, prepared by David E. Ross Associates, Inc., dated 10/15/2020