

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY JANUARY 18, 2024 @7:00PM**

Pursuant to Chapter 2 of the Acts of 2023, an Act Making Appropriations for the Fiscal Year 2023 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects, and signed into law on March 29, 2023, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below:

Hildreth Pro is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Jan 18, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89121114224?pwd=c1FXOHhvM3JSWjRpa2w2cVI3NHJzZz09>

Meeting ID: 891 2111 4224

Passcode: 520003

One tap mobile

+16469313860,,89121114224# US

+19294362866,,89121114224# US (New York)

Dial by your location

• +1 646 931 3860 US

• +1 929 436 2866 US (New York)

• +1 301 715 8592 US (Washington DC)

Meeting ID: 891 2111 4224

Find your local number: <https://us02web.zoom.us/j/89121114224>

Public Hearings:

7:05pm **Continuation of a Notice of Intent Hearing - Harvard Fire Department, 266 Stow Rd, 21 Scott Rd, 2 Lancaster County Rd, 74 Poor Farm Rd, 3 Cliffside Dr., 5 Sholan Circle, 175 Littleton County Rd, 140 Old Littleton Rd, 199 Still River Rd, across from 183 Littleton Rd, and the Ann Lees Playing Field on Ann Lees Rd, DEP#177-708, Harvard#0821-04**, for the dredging of existing fire ponds and the replacement of appliances associated with those ponds within the wetland resource area and the 200' wetland buffer zones at the following locations in Harvard – ***Withdrawal Requested***

7:10pm **Continuation of a Notice of Intent Hearing – Travis Dery, 62 Old Littleton Road, DEP#177-729, Harvard#1023-01**, for the installation of a pool within the 100' wetland buffer zone

7:30pm **Continuation of a Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), DEP#177-33, Harvard#0923-01**, 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

New Business:

1. Review Draft policy on Memorials on Conservation Land
2. Prospect Hill Conservation Area Boardwalk Installation - Presentation by Eagle Scout Jack Stahl
3. Parks & Recreation Bare Hill Pond Vegetation Data and Plan
4. Zoning Board of Appeal Peer Review of Craftsman Village Harvard – Review & Comment
5. Act on the 2023 Annual Report
6. Request to Extend the Order of Conditions – 53 Turner Lane, DEP#177-697

Old Business:

1. Update on DEP Appeal of Bare Hill Pond Watershed Management Committee Order of Conditions, DEP#177-726
2. Status Report Pine Hill Village, DEP#177-586

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.

3. Status Report 90 Warren Ave, DEP#177-719, Harvard#1122-02

Standard Business:

1. Updates from Representatives & Liaison
2. Approve Minutes
3. Approve Invoices

NEXT MEETING: FEBRUARY 1, 2024

AS

Harvard Conservation Commission
Draft policy on memorials on conservation land
November 28, 2023, amended January 11, 2024

Over the years, citizens have occasionally requested to install memorials on conservation land. These have taken the form of engraved granite benches, engraved rocks, and plaques on benches, but could take other forms. Because of issues of fairness in deciding what and how many requests should or shouldn't be allowed, the Commission's desire to steward conservation land to focus on the natural world and in consideration of all visitors to our public lands now and into the future, the Commission has established a policy that memorial markers are not permitted on town-owned Harvard Conservation land. This will apply to all new requests for memorials, leaving existing memorials to remain in place.

Response from LSS regarding a possible memorial bench and tree program:

As it happens, we have been discussing this topic in recent months and recommend against placing memorials on town conservation land. This would apply to planted trees as well as markers. The prohibition of memorials aligns with the Commission's Land Use Rules and reasons for the policy are outlined in the statement.

BARE HILL POND

Town of Harvard Parks and Recreation Department

Vegetation Survey Data Matrix

Vegetation Survey Map



BARE HILL POND VISUAL SURVEY/INSPECTION

DATA MATRIX

Survey Date: December 4, 2023

A. GENERAL & MORPHOMETRIC CHARACTERISTICS

Site Characteristics	Description
Area of Interest	Town beach/swim area, adjacent marina, and surrounding areas - Approximately 5.0 acres (see attached map)
Area Uses	Highly recreational - boat access & storage and public swimming areas
Average Depth	Approximately 4.0 ft in surveyed areas
Maximum Depth	Unsure of entire water body, but the surveyed areas were a maximum of 10 feet in depth
Qualitative Bottom Type	Areas of sand and organic muck
Water clarity (Secchi Depth)	Approximately 2.5 ft - survey was conducted in early December and therefore clarity is likely not representative of growing season conditions

B. OBSERVED VEGETATION GROWTH CONDITIONS

Common Name	Scientific Name	General Density/Abundance	General Observed Conditions
Bladderwort	<i>Utricularia spp.</i>	Trace	Trace patches
Coontail	<i>Ceratophyllum demersum</i>	Trace	Only a few scattered plants
Fanwort	<i>Cabomba caroliniana</i>	Sparse-Dense	Fanwort was the most abundant species throughout the site, as it dominated most near-shore areas. The immediate swim area supported heavy growth of fanwort
Spikerush	<i>Eleocharis spp.</i>	Trace	Very small amounts on shoreline
Water Lily	<i>Nuphar & Nymphaea spp.</i>	Sparse	Cold-damaged individual plants and small patches of growth
Variable Watermilfoil	<i>Myriophyllum heterophyllum</i>	Sparse to Moderate	Scattered patches around surveyed area, mixed among fanwort patches

* Red text indicates invasive species.

C. MANAGEMENT CONCERNS

- It is important to note that this inspection was conducted in early December and as a result observed conditions, native and non-native are likely under representative of actual growing season conditions.
- Abundant non-native (fanwort and variable watermilfoil) aquatic plant growth within the swim area and other littoral areas suggest that water level drawdown may not be provided the level of plant control needed to support the recreational requirements of this site/area.
- Abundant, near monotypic, non-native plant growth throughout the area suggests limited species richness and diversity and an overall imbalance in the submersed aquatic vegetation assemblage.
- Although not directly related to aquatic vegetation growth, there was evidence of power-loading and associated bottom alterations at the boat ramp. Power-loading of motorized boats can erode sediments away from the toe of the ramp resulting in possible damage to the structure and impaired boat access.

D. MANAGEMENT RECOMMENDATIONS & BUDGET

- Power-loading at the boat ramp should be restricted in order to preserve the integrity of the structure and optimal boat access. Signage and staff enforcement is recommended
- The abundant fanwort and variable milfoil growth pose a threat to both swimmer safety and the balance of the aquatic plant assemblage of the area. Given that fanwort and milfoil growth exist throughout Bear Hill Pond, The Park & Rec. Department's management focus should be on restoring and maintaining growth conditions suitable to the safe operation of the site facilities (boat ramp, swim area, and marina).
- Based on the target plants, site conditions, and expected management goals the recommended strategies are Bottom barrier, Diver Assisted Suction Harvesting (DASH), Sonar herbicide, and/or Flumigard & ProcellaCOR herbicides.
 - Bottom Barrier - consists of the installation of a PVC mesh that is designed to be laid across the bottom in areas of target plant to "stamp-out" the growth similar to the traditional landscape weed barriers. However, this aquatic bottom barrier has a small mesh aperture to allow sediment gasses to escape without resulting in the billowing of the barrier. This approach is generally reserved for small dense areas of target growth typically less than 1.0 acre. This approach requires annual removal, cleaning and redeployment of the barriers to prevent sediment build up and plant growth on top of the barrier. The cost of materials and labor for the installation of barrier within the approximate half acre swim area would be in the range of \$40,000-\$60,000. This does not include the maintenance of the installation in subsequent years.
 - DASH - is essentially a more efficient method for conducting diver hand-removal. Using surface supplied air to facilitate more continuous diver operation and a suction delivery system to transport removed plants to the surface this technique aims to physically remove target plants. Although traditionally this technique has been employed on small areas of growth or very low density infestations, it does have the capacity to address denser infestations within specific focus areas like this site. The primary drawbacks with this approach is that it does have the potential to produce plant fragments that could spread the infestation, it is labor intensive and costly compared to other strategies, and must be conducted when viable plants are present, so operations could interfere with swimming and boating. The cost to address the fanwort and milfoil growth within the 5.0 acre area of interest is likely to be in the range of \$27,000-\$35,000
 - Sonar Herbicide - is a USEPA and MA DAR registered systemic aquatic herbicide that is effective at controlling both fanwort and variable milfoil growth. Fluridone, the active ingredient in Sonar, targets a specific process in plants and therefore poses negligible risk to fish, wildlife and human health. In fact,

the use of Sonar is approved for use at or below 20 ppb in potable water reservoirs without restrictions on the use of the water for drinking. Typical application rates for the control of fanwort and variable milfoil are between 8-10 ppb. Sonar herbicide requires a long concentration exposure time with the target plants, typically between 30-60 days. This extended exposure requirement makes partial pond/lake treatments more difficult due to the dilution of the herbicide to surrounding untreated water. Pellet formulations of the herbicide that release the active ingredient over a period of several weeks help maintain desired concentrations within partial lake management areas. A single successful treatment program would potentially provide effective control of the target plants for multiple seasons, but like all strategies would require follow up control to maintain conditions. The cost of a Sonar treatment program for control of fanwort and milfoil within the 5.0 acre area of interest would be in the range of \$12,000-\$17,000.

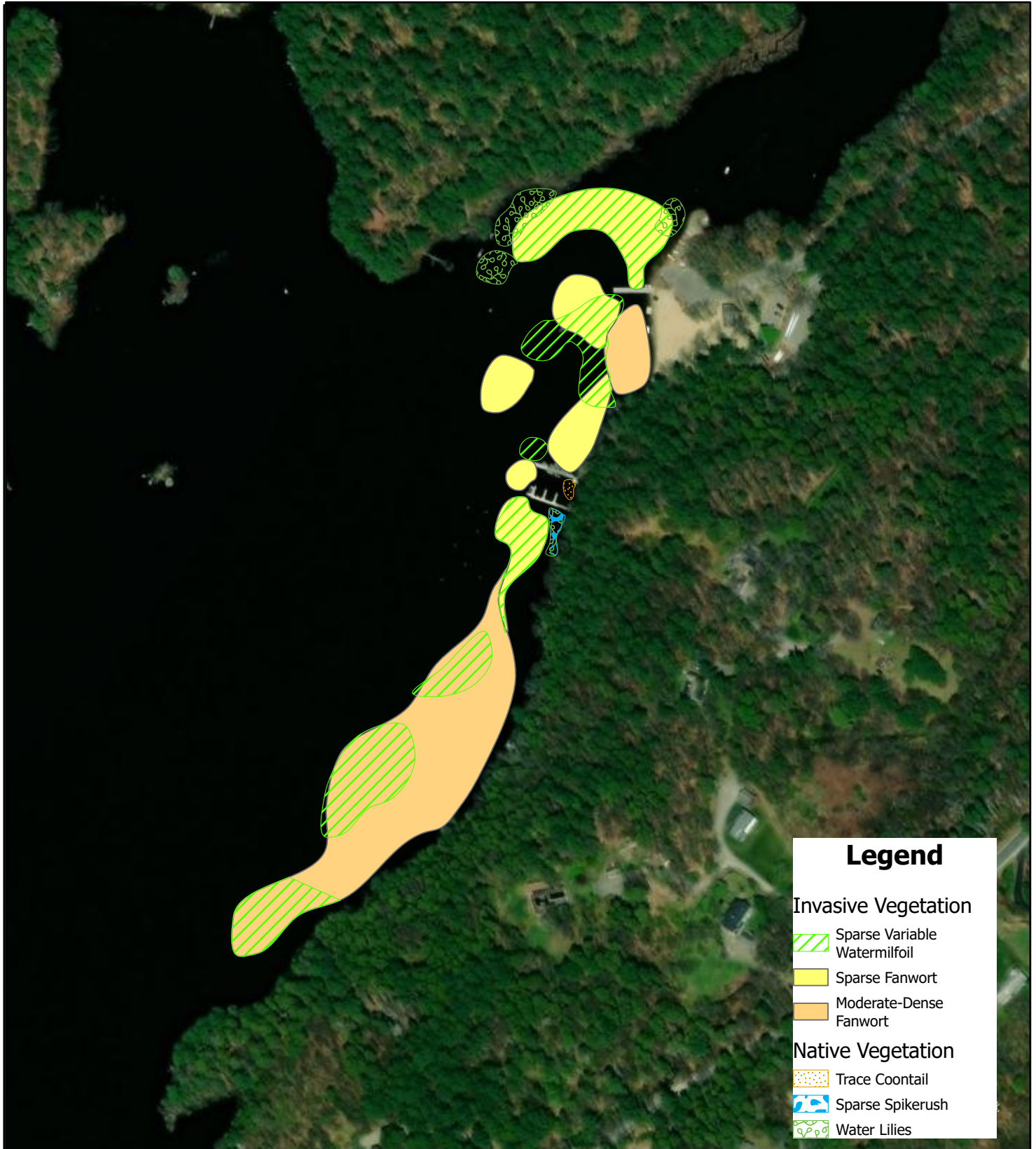
- Flumigard & ProcellaCOR herbicides - a combination treatment of these two USEPA/MA DAR registered aquatic herbicides would provide a more economical means of providing annual control of the target species. ProcellaCOR herbicide is very effective at providing systemic control of milfoil growth and Flumigard is an effective contact herbicide for the control of fanwort. As such, follow up treatment for the maintenance of fanwort growth would be required on an annual basis, but milfoil control should only be required periodically after the initial combination treatment. Therefore ongoing maintenance would be at a reduced cost. The cost for an initial treatment with a combination of Flumigard and ProcellaCOR would be in the range of \$8,000-\$12,000.

Keith Gazaille

SOLitude Lake Management

Keith Gazaille, Senior Project Manager





<p>Bare Hill Pond Harvard, MA</p>	<p>Bare Hill Pond</p> <p>1:4,438</p> <p>0 112.5 225 450 Feet</p> <p>N</p>	<p>Map Date: 12/5/2023 File: BarehillPd23_survey Prepared by: SB/KV Office: Shrewsbury, MA</p>
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January 12, 2024
5779

Harvard Zoning Board of Appeals
c/o Christopher Tracey, Chair
13 Ayer Road
Harvard, MA 01451

VIA EMAIL

RE: As-Built Review
“Craftsman Village Harvard”
361 Ayer Road, Harvard MA

Dear Members of the Board:

Dillis & Roy Civil Design Group, Inc. (CDG) has received the As-built plans and supporting letter for Craftsman Village. We have reviewed the plans and supporting documents for accuracy with respect to visible site features.

The following documents were received by CDG:

1. Letter dated November 30, 2023 prepared by Hannigan Engineering, Inc
2. As-Built Plan dated November 29, 2023 prepared by Hannigan Engineering, Inc.

DR conducted a site visit on January 3, 2024 with Frank O’Connor (Town Planner), Liz Allard (Conservation Agent), and Chris Anderson (Hannigan Engineering). The plans by Hannigan accurately represent the As-Built Condition for the project site. There are several items however that should be addressed by the Applicant during the next growing season, which are listed below:

- Provide stone drip edges around units without gutters of sufficient width to prevent erosion around the units;
- Regrade and hydroseed trailer area on south side of Cortland Lane;
- Regrade and hydroseed grassed area along south side of Cortland Lane to provide positive, stable drainage to existing DCB-3;
- Provide additional rip-rap reinforcement at 24-inch flared end structure discharge from DMH-6;
- Restore grassed slope with hydroseed behind Units 15 through 17;
- Hydroseed disturbed area in existing rain garden and supplement existing plantings to meet planting requirements of originally permitted Rain Garden Cross-Section (Detail 1 Plan C-6).

Based on our review, it is our opinion that the work depicted on the As-built plan has been constructed in general conformance with the approved plans for the project, and that the above noted items can be easily addressed during the next growing season. We trust this meets your needs at this time. If you have any questions or require any additional information, please do not hesitate to contact me.

Regards,

DILLIS & ROY
CIVIL DESIGN GROUP, INC.

A handwritten signature in black ink, appearing to read "Francis McPartlan". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Francis McPartlan, PE (MA)
Senior Civil Engineer

CONSERVATION COMMISSION

The Harvard Conservation Commission is composed of seven volunteer members and an associate member appointed by the Select Board. The Commission is supported by a Conservation Agent and has a primary role in administering the following statutes and regulations:

- Massachusetts General Law Chapter 40, Section 8C Establishment of Conservation Commission for the promotion and development of natural resources and watershed resource protection;
- Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40;
- Massachusetts Wetland Protection Regulations at 310 CMR 10.00;
- Town of Harvard Wetlands Protection Bylaw, Town Code Chapter 119, and
- Town of Harvard Wetlands Protection Bylaw Rules, Town Code Chapter 147.

The Commission also coordinates with other Town bodies in activities including:

- Protection and management of conservation land in Harvard;
- Review and comment on zoning and planning applications, including 40B housing developments;
- Review and comment on forest management plans;
- Protection and management of Bare Hill Pond.

The Commission holds public meetings on the first and third Thursdays of each month, or as otherwise announced. Meetings normally begin at 7:00 p.m.

Wetlands Protection

Under the Massachusetts Wetlands Protection Act and Harvard's Wetlands Protection Bylaw, projects involving disturbance in or within 100 feet of the edge of a wetland (or within 200 feet of streams, rivers, ponds, and vernal pools) require an application and permit. Guidance as to whether and which sort of permit may be required is offered, along with forms and instructions, at the

Commission's office during Town Hall business hours and online at www.harvard-ma.gov. The Commission's Conservation Agent, Liz Allard, welcomes inquiries.

The Conservation Commission held a total of 24 virtual public meetings during 2023, in addition to its first a strategic planning session in August, at which a plan was developed to complete activities that are under the purview of the Commission beyond those related to protecting wetlands, such as monitoring conservation restrictions and public outreach.

An increase in the number of applications kept the Commission very busy in 2023, which continued to meet in virtual format. The Commission conducted numerous site visits at proposed project sites. Our activity statistics for the past and two previous years are as follows:

Type of Activity	2023	2022	2021
Notices of Intent	20	10	13
Orders of Conditions (Approvals)	18	8	13
Orders of Conditions (Denials)	0	0	0
Abbreviated Notices of Resource Area Delineation	1	0	0
Orders of Resource Area Delineation	1	0	0
Requests for Determination of Applicability	7	14	17
Determination of Applicability	7	15	17
Certificates of Compliance	3	9	14
Extensions to Order of Conditions	2	2	2
Enforcement Orders	5	4	3
Amended Orders of Conditions	1	1	0

The Commission works with property owners to resolve issues of wetland violations, avoiding

potentially costly fines associated with the Town's Wetland Protection Bylaw. Projects other than home or septic construction/renovation, such as the removal of vegetation, burning of yard waste, and landscape improvements within 100' wetland buffer zones, may also require permitting and the Commission encourages homeowners to consult with the Commission's Agent before undertaking activities on their property that may create ground disturbance or involve the removal of tree canopy.

We would like to thank all the Harvard residents who have worked diligently with the Commission to preserve our environment and natural resources through thoughtful development.

Conservation Land Acquisition and Management

No new land was acquired by the Town in 2023 but a notable conservation restriction (CR) and trail easement was put in place by Margaret Nestler before selling her land at the end of Cruft Lane. The new trail easement allows walkers access to Hermann Orchard from Cruft Lane which is a significant improvement over the only prior public access off Ayer Rd which required walking along the rough road verge next to fast-moving traffic. The CR also protects wetlands bordering Bowers Brook and is held by the Harvard Conservation Trust.

2023 saw the final sign-off by the State on the Prospect Hill Orchard Agricultural Preservation Restriction (APR). This APR has been an effort of many years with fundraising by the Community Harvest Project, the Town of Harvard, the Harvard Conservation Trust, Sudbury Valley Trustees, and funding from the Commonwealth of MA. A trail easement connecting from Prospect Hill Rd to the Dean's Hill conservation land is now in place in perpetuity.

2023 marked the fourth year of a controlled deer hunt, permitting bow hunters on selected conservation parcels as part of the deer management program. The Tripp land off Brown Rd was added to the program, making for 14 conservation areas currently in the program. Eleven deer were harvested on seven different

parcels from October to December. The Commission will continue to work with the Deer Management Subcommittee (DMS) to provide information for the public before hunting season, evaluate the program, and plan for the future. The Commission wishes to thank Bob Douglas, chair, and DMS members Tom Cotton, Ben Urquhart, Joe Pulido, and Jessie Panek for their hard work and commitment of time to develop and manage this program.

The Land Stewardship Subcommittee (LSS) and a network of volunteers monitor conservation areas and maintain trails. Two trails on Old Mill and Prospect Hill lands required some rerouting this year to adapt to changed conditions or property boundaries. The annual spring public walk explored Bare Hill Wildlife Sanctuary from Bolton Rd to Bowers Springs noting the wetland corridor of Bowers Brook and its headwaters on the Bolton/Harvard line. The fall walk was dedicated to LSS member, Jim Adelson, who sadly died this June. Jim's extended family joined the hike, sharing tales of Jim's life-long passion for hiking and then traversing Great Elms to pause atop the grassy drumlin on the Williams land.

Aiding in the effort to develop blight-resistant American chestnut trees, LSS member Brian McClain cared for the orchard of 119 chestnut saplings on the Powell land. In their fourth year, 33 young trees produced male catkins (pollen) and 15 of those trees also produced female flowers producing about 150 nuts.

Also on the Powell land, LSS planted a small pollinator garden this spring. The project was facilitated by a Sudbury Valley Trustees (SVT) initiative offering for purchase an assortment of plants selected specifically to support local native bees and other insects that are in jeopardy from loss of habitat and other stressors of our time.

LSS obtained a small grant from the regional invasive plant collaborative, SuAsCo CISMA, to treat two sites of Japanese knotweed spreading from roadsides onto conservation land, one along

Mass Ave/Rt. 111 and another on Stow Road. The sites will be monitored for follow-up and the potential to expand the effort to manage knotweed around Town will be explored.

The spring garlic mustard pull was back this year coordinated with the annual citizen roadside cleanup with a dramatic increase in the areas attended to and the amount of garlic mustard removed. Ongoing efforts to manage invasive plants were carried out on Town conservation land using manual, mechanical, and chemical methods. Areas of focus included the lands of Williams, Powell, Stone, Haskell, Barton, Hermann Orchard, and Dean's Hill conservation areas. Mowing of the fields on Town conservation land was accomplished with all fields hayed or mowed by the end of November.

The revenues from agricultural licenses on conservation land in 2023 totaled \$3,860. Harvard Community Gardens flourished on the Coke land off Littleton Road; to request a plot for next year, contact hcgmembership@gmail.org.

We would like to thank the members of the Land Stewardship Subcommittee: Pam Durrant, Jim Burns, Brian McClain, Peter von Conta, and Wendy Sisson, with special appreciation for two new members this year, Jim Gorss and Petri Flint.

Conservation Commissioners and Staff

The Commission's membership changed in 2023, most notably with the departure of Paul Willard, who served on the Commission for 27 years. In July, Jessie Panek was appointed by the Select Board to fulfill the remainder of Paul's term. In addition, John Lee was appointed as the Associate member. Don Ritchie and Eve Wittenberg switched roles, with Eve being appointed as Chair of the Commission and Don appointed Vice Chair. At the strategic session in August the Commission presented Mr. Willard and Wendy Sisson (who retired from the Commission in 2022) with service awards for their 2-plus decades of service on the Commission.

Several Commissioners wear more than one hat, working in concert with other boards on projects of joint interest. Jim Burns serves on the Land Stewardship Subcommittee; John Lee is the Commission's representative on the Community Preservation Committee; Jessie Panek serves as the Commission's representative on the Deer Management Subcommittee.

The Conservation Agent continues to monitor projects permitted by the Commission during all phases of work and to share information and filings with the other Land Use Boards. During 2023 the Agent monitored several different projects around Town, including the two Chapter 40B projects, the first along Stow Road known as Pine Hill Village and the other along Ayer Road, at the Ayer town line, known as Craftsman Village.

Respectfully submitted,

Eve Wittenberg, Chair

Don Ritchie, Vice-Chair

Janet (Jaye) Waldron

Joanne Ward

Jim Burns

Mark Shaw

Jessie Panek

John Lee, Associate Member

Liz Allard, Conservation Agent

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

January 3, 2024

Harvard Conservation Commission
13 Ayer Road
Harvard, MA 01451

Re: 53 Turner Lane, Harvard
Request for Extension to Order of Conditions
DEP File No. 177-0697
Project No. 33465

RECEIVED
JAN 04 2024

Dear Commission Members:

On behalf of our client, Ms. Nicola Cavicchio, we are requesting an Extension to the existing Order of Conditions assigned to the property at 53 Turner Lane.

This project has been ongoing since the original Order was issued on February 3, 2021 (recorded on 2/23/21). This project was also the subject of an Amendment to the Order of Conditions that was requested on August 1, 2023, and subsequently approved by the Commission at their meeting on August 17, 2023 (recorded on 9/25/23). As reported at that time, work continues to progress, and the property owner is anxious to continue with the exterior improvements this coming springtime.

We trust that this extension will meet with your approval, but if you have any questions, please don't hesitate to contact me at this office.

Very truly yours,
DAVID E. ROSS ASSOCIATES, INC.

By:



Daniel B. Wolfe, P.E.

RECEIVED
JAN 04 2024



2023 00079631



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #: 177-0697
 eDEP Transaction
 #: 1601620
 City/Town: HARVARD

A. General Information

1. Conservation Commission HARVARD

2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name NICOLA b. Last Name CAVICCHIO

c. Organization

d. Mailing Address 20 SUNNYSIDE STREET, APARTMENT 9

e. City/Town BOSTON f. State MA g. Zip Code 02130

4. Property Owner

a. First Name NICOLA b. Last Name CAVICCHIO

c. Organization

d. Mailing Address 20 SUNNYSIDE STREET, APARTMENT 9

e. City/Town BOSTON f. State MA g. Zip Code 02130

5. Project Location

a. Street Address 53 TURNER LANE

b. City/Town HARVARD c. Zip Code 02130

d. Assessors MAP 21 e. Parcel/Lot# PARCEL 40

f. Latitude 42.49351N g. Longitude 71.60022W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
WORCESTER		59618	390
WORCESTER		64526	288

7. Dates

a. Date NOI Filed : 12/21/2020 b. Date Public Hearing Closed: 1/21/2021 c. Date Of Issuance: 2/3/2022

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
SITE PLAN NICOLA CAVICCHIO 53 TURNER LANE HARVARD, MA JOB NO. 33465 PLAN NO. L-14145	DAVID E. ROSS ASSOCIATES, INC.	DANIEL B. WOLFE	8/17/2023	1"=10'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act
 Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:177-0697
 eDEP Transaction #:1254977
 City/Town:HARVARD



Bk: 64526 Pg: 288
 Page: 1 of 14 02/23/2021 11:58 AM WD

A. General Information

1. Conservation Commission HARVARD
 2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name NICOLA b. Last Name CAVICCHIO
 c. Organization
 d. Mailing Address 20 SUNNYSIDE STREET, APARTMENT 9
 e. City/Town BOSTON f. State MA g. Zip Code 02130

4. Property Owner

a. First Name NICOLA b. Last Name CAVICCHIO
 c. Organization
 d. Mailing Address 20 SUNNYSIDE STREET, APARTMENT 9
 e. City/Town BOSTON f. State MA g. Zip Code 02130

5. Project Location

a. Street Address 53 TURNER LANE
 b. City/Town HARVARD c. Zip Code 01451
 d. Assessors MAP 21 e. Parcel/Lot# PACEL40
 Map/Plat#
 f. Latitude 42.49351N g. Longitude 71.60022W

6. Property recorded at the Registry of Deeds for:

a. County WORCESTER b. Certificate c. Book 59618 d. Page 390

7. Dates

a. Date NOI Filed : 12/21/2020 b. Date Public Hearing Closed: 1/21/2021 c. Date Of Issuance: 2/3/2021

8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:
 SITE PLAN,
 NICOLA
 CAVICCHIO, 53
 TURNER LANE,
 HARVARD, MA
 JOB NO. 33465,
 PLAN NO. L-14145
 DAVID E. ROSS
 ASSOCIATES, INC. DANIEL B. WOLFE 01/20/2021 1"=10'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

FORM F

Wetland filing fees calculation worksheet for work in resource areas

	Fee	Total
<u>Notice of Intent Fees</u>		
1) <i>Single family</i>		
Septic Repair or Upgrade (Enter Fee & Skip to Total Fee)	\$200.00	_____
New Construction or alteration involving 500sf or less of total construction	\$300.00	_____
New Construction or alteration involving 501sf to 1499sf of total construction	\$600.00	_____
New Construction or alteration involving 1500 sf or more of total construction	\$900.00	_____
2) <i>Subdivision/mini Subdivision</i>		
Roads and Utilities only	\$1,500.00	_____
Multifamily/Condominium Structures construction	\$1,500.00	_____
3) <i>Commercial or Industrial Projects</i>	\$1,500.00	_____
<u>Additional charges under a Notice of Intent for disturbance within the buffer zone</u>		
1) Disturbance within the buffer zone	_____ sf	x 0.25 = _____
2) Confirmation delineated wetland line	_____ linear ft	x 0.50 = _____
3) Alteration or replication of wetlands	_____ sf	x 1.00 = _____

TOTAL FILING FEE

Fee doubled if Notice of Intent is filed after work began or an Enforcement Order was issued

Other fees

Request for an amendment to an Order of Conditions	\$200.00	_____
Request for an extension to an Order of Conditions	\$125.00	_____ \$125 _____
Request for a reissued Certificate of Compliance	\$100.00	_____
Request for an Emergency Certificate of Compliance	\$200.00	_____
Request for an Emergency Certification Form	\$200.00	_____
Request for Certificate of Compliance with Expired OOC or Partial Certificate of Compliance	\$125.00	_____
Request for Determination of Applicability (RDA)	\$100.00	_____
Abbreviated Notice of Resource Area Delineation (ANRAD) (Minimum \$100.00, Maximum \$1,500.00)	_____ linear ft	x \$1.50= _____

Note: These fees are in addition to recording and advertising fees, and to the State Wetlands Program Fees charged under MGL. Ch. 131 Sec.40 and 310 CMR 4.10(8)(n).

TOTAL FEE PAYABLE TO THE TOWN OF HARVARD

_____ **\$125** _____

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 14, 2023**

Chair Eve Wittenberg called the meeting to order at 7:00pm, 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, Don Ritchie, Jaye Waldron, Mark Shaw, Jessie Panek and John Lee (Associate Member) (arrived at 7:59pm)

Others Present: Liz Allard (Conservation Agent), Walter Eriksen (Juno Development), Bruce Ringwall (GPR, Inc.), Peter Dorward (Open Space Committee), Seth Donaho, and Valerie Into

Approve Minutes

Joanne Ward made a motion to approve the minutes of December 7, 2023 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.

Approve Invoice

Jessie Panek made a motion to approve the two invoices from Beals + Thomas in the amount of \$5,850.00 for the peer review of the Village at Robin Lane application. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.

Continuation of a Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), DEP#177-733, Harvard#0923-01. Opened at 7:05pm

Continuation of a Notice of Intent Hearing - Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03. Opened at 8:11pm

Executive Session with Harvard Conservation Trust pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease, or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position only to return to the open session of the public meeting

On a motion made by Don Ritchie and seconded by Jaye Waldron the Conservation went into executive session with a member of the Open Space Committee, Peter Dorward, and a member of the Harvard Conservation Trust, John Lee, to discuss the purchase, exchange, lease, or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position, only to return to the open session of the public meeting. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.

At the end of the executive session a motion was made by Jessie Panek and seconded by Mark Shaw to return to the open session of the public meeting. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.

Request to Extend the Order of Conditions, Pine Hill Village, Pin Hill Way, DEP# 177-586

Don Ritchie made a motion to extend the Order of Conditions for Pine Hill Village, DEP#177-586 until December 31, 2024. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.

54 **Request for Certificates of Compliance – 204 Ayer Road, DEP#177-699 and 10 Ann Lees Road, DEP#177-**
55 **565**

56 After discussing the deficiencies on the site with the Orde of Conditions, Don Ritchie made a motion to
57 issue and release a Certificate of Compliance on the condition the applicant provides a check in the
58 amount of \$500.00 to be held in escrow until a fence is reinstalled and the outfalls for the perimeter
59 drains are reinforced with rip rap. Jessie Panek seconded the motion. The vote was unanimously in favor
60 of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and
61 Mark Shaw, aye.

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63 **Adjournment**

64 Mark Shaw made a motion to adjourn the meeting at 9:08pm. Joanne Ward seconded the motion. The
65 vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne
66 Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

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68 Respectfully submitted,

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71 Liz Allard,
72 Conservation Agent

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74 **EXHIBITS & OTHER DOCUMENTS**

- 75 • Conservation Commission Agenda, dated December 14, 2023
- 76 • As-Built Plan 10 Ann Lees Road Harvard, Massachusetts, Valerie Into, Job No. 4336, prepared by
- 77 Dillis & Roy Civil Design Group 12/12/23
- 78 • Chapter 40B Residential Development The Village at Robin Lane Harvard, MA prepared for Juno
- 79 Development, JOB 21140, prepared by GPR, Inc., June 2023
- 80 • Residential Development Notice of Intent Site Plan 119 Clinton Shore Drive Harvard, MA Baer
- 81 Construction, JOB 231081, prepared by GPR, Inc., November 2023

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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),
DEP#177-733, Harvard#0923-01
December 14, 2023

112 The public hearing was opened at 7:05pm by Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland
113 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,
114 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 measures
115 adopted during the State of Emergency, and signed into law on March 29, 2023.

117 **Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Mark Shaw, Jessie Panek
118 and John Lee (arrived at 7:59pm)

120 **Others Present:** Liz Allard (Conservation Agent), Walter Eriksen (Juno Development), Bruce Ringwall (GPR,
121 Inc.) and Limhout Tiv (GPR, Inc.)

123 This hearing was continued from November 30, 2023 for a Notice of Intent filed on behalf of Juno
124 Construction LLC for the construction of one duplex unit, deck, drainage, public water supply wells, tree
125 clearing, grading and associated utilities within the 100' wetland buffer zone and the 200' riverfront area
126 on Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard.

128 Bruce Ringwall, of GPR, Inc., explained the septic system is designed for an excessive amount of treatment
129 due to the Public Water Supply (PWS) (drinking water wells) on the property. An innovated alternative
130 (IA) system treats the effluent to almost drinking water quality, lowers nitrogen outputs and is discharged
131 to a full-size leaching facility. There is not going to be any impact on groundwater, the adjacent wells, or
132 the wetlands. The entire system is designed within the upland area on the property. Mr. Ringwall further
133 explained the area needed for an IA system and the need to increase the amount of stormwater being
134 treated on the site.

136 Mr. Ringwall explained that during construction erosion control methods under a Stormwater Prevention
137 Pollution Plan will be utilized. The infiltration basin will not be constructed to its lowest grades until all is
138 established on the site. Don Ritchie questioned the test pits, which indicate water could be sitting in the
139 basin after large rain events. Mr. Ringwall stated that was incorrect, as design the bottom of the basin is 2
140 feet above high groundwater mark. Mr. Ritchie further contended the plan shows groundwater at an
141 elevation higher than that of the bottom of the basin. Mr. Ringwall thought that was incorrect and will
142 look into it. Mr. Ringwall noted the stormwater calculations were done using a greater intensity in rainfall
143 than the Town's regulations require.

145 The stabilization of the slope for the infiltration basin was discussed and agreed woody vegetation
146 recommendations will be provided for review by GPR. With an operation and maintenance plan has been
147 submitted for the stormwater facilities, Liz Allard requested the ability to edit that document to make it
148 more user-friendly for the home owners by adding information that explains the purpose of the facilities
149 and how to maintain them.

151 The gravel-based access roadway to the PWS will be allowed to revegetate naturally. With concerns over
152 the removal of vegetation for any type of maintenance to the PWS, Mr. Ringwall offered a condition that
153 requires approval from the Agent to remove vegetation prior to any maintenance. In addition, wetland
154 signage will be included on the gate to the access road to alert someone to the resource area.

156 Additional items discussed included reducing the 3:1 slope behind Unit 11 to move activity further from
157 the 50-foot buffer zone line. Mr. Ringwall agreed to a condition to use boulders found during construction
158 to retain the area as opposed to the slope. More wetland signs to be installed along the 50-foot wetland

159 line to avoid dumping in those areas was agreed upon by Mr. Ringwall. And finally, the existing tail to
160 remain open to the public was discussed. Next meeting the overall site will be discussed including the
161 installation of rain gardens.
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163 Jessie Panek made a motion to continue the hearing to January 4, 2024 at 8:10pm. Joanne Ward
164 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye;
165 Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.
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167 Respectfully submitted,
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170 Liz Allard,
171 Conservation Agent
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Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03
December 14, 2023

The public hearing was opened at 8:11pm 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, Don Ritchie, Jaye Waldron, Joanne Ward, Mark Shaw, Jessie Panek and John Lee (Associate Member)

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

This hearing is for a Notice of Intent filed on behalf of Baer Construction, for the removal and replacement of an existing deck within the 200' buffer zone of Bare Hill Pond at 119 Clinton Shore Drive, Harvard.

Bruce Ringwall, of GPR, Inc, explained the proposed deck will be replace the existing deck within the same footprint, including the stairs associated with the deck. In addition, new footings will be installed. The Harvard erosion control barrier is shown on the plan. Due to limited access to the area, all work will be done by hand. There were no questions from the Commission members.

With a Department of Environmental Protection file number received with no comments, Joanne Ward made a motion close the hearing and issue an Order of Conditions to include the standard special conditions and an additional condition that no heavy equipment shall be used. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek; aye.

Respectfully submitted,

Liz Allard,
Conservation Agent