

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY MARCH 16, 2023 @7:00PM**

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Pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022, 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.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82645727625?pwd=Um9hZXd2RUZMbDByQIRPanZhZnBJUT09>

Meeting ID: 826 4572 7625

Passcode: 150564

One tap mobile

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Meeting ID: 826 4572 7625

Find your local number: <https://us02web.zoom.us/j/82645727625>

**New Business:**

1. Open Space Committee Update – Delinquent Tax List
2. Planning Board Request for Comments - § 125-60. Smart Growth Overlay District
3. Allocation of Funding for “Developing an Invasive Plant Management Program” Training
4. Approve Minutes
5. Approve Invoices

**Old Business:**

1. Violation of the Order of Conditions – 175 Littleton County Road, DEP#177-694, Harvard#0820-04
2. Review Amendments of the Memorandum of Understanding for Ann Lees Field from Parks & Recreation Commission
3. Pine Hill Village Status Update

**Public Hearings:**

7:30pm **Request for Determination of Applicability Hearing- Michael & Connie Woolcock, 24 Littleton Road, Harvard#0223-02**, for the construction of landscaped and hardscaped areas around the existing dwelling within the 100’ wetland buffer zone and the 200’ riverfront area – **Waiver Request**

7:40pm **Abbreviated Notice of Resource Area Delineation Hearing - Juno Development corner of Old Mill and Ayer Roads (Map 4 Parcels 52, 52.1, 52.2, 53), Harvard#0323-01**, for the confirmation of the delineation of a Bordering Vegetated Wetland and the Mean Annual High Water of Bower’s Brook

7:45pm **Continuation of a Notice of Intent Hearing –Rainer Park, 7 Peninsula Road, Harvard#0223-01**, for the replacement of a single-family home, removal of excess pavement, replacement

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.

septic system, and removal of barn within the 100' wetland buffer zone and 200' of Bare Hill Pond – ***Waiver Request***

8:00pm **Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01**, for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone – ***Waiver Request***

**NEXT MEETING:  
APRIL 6, 2023**

AS

**TO:** Rich Maiore, Kara Minar, Select Board  
**FROM:** Peter Dorward, Open Space Committee  
**DATE:** February 11, 2021 (updated 4/30/22)  
**SUBJECT:** Delinquent Tax Parcel Recommendations

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At the request of the Select Board, the Open Space Committee (OSC) reviewed a list of delinquent tax parcels for suitability as active recreation sites and for protection as open space (OS). This analysis was performed using the recently developed OSC GIS tools, and with the assumption that Select Board would agree to acquire the parcels for municipal use without recovering the delinquent tax.

The OSC voted at its meetings of 1/14/21 and 2/10/21 to recommend the following disposition for these parcels.

- Gebo Lane RE Trust - the majority of this parcel is a fire pond so may be of interest to the Fire Department. It has little value for active recreation or OS protection.
- ~~Higgins, St. John's Lane~~—this parcel was taken by eminent domain at the 2013 ATM (article 40). ~~It appears the deed was not recorded.~~ (4/30/22)-The Town does not own this property as the Harvard Municipal Affordable Housing Trust did not accept title to the property.

#### Active Recreation

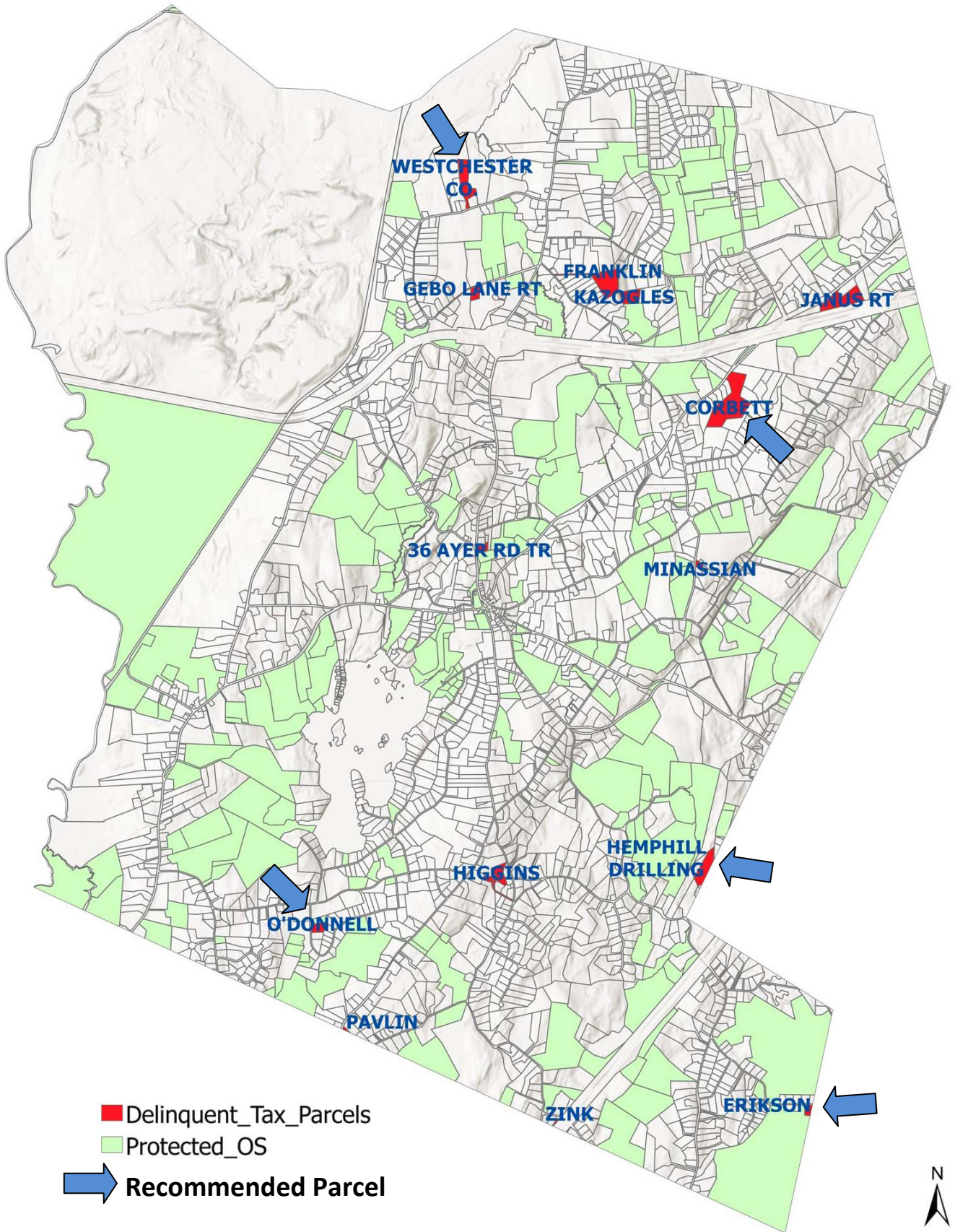
None of the parcels meet the requirements for sufficient level land outside of wetland buffers and with road access.

#### Open Space Protection

The following properties have OS qualities that make them worthy of protecting.

- Corbett, Littleton Road – 25 Ac parcel which is currently trying to be developed. It is in an ecologically significant area, and could become part of an OS corridor. It does contain a residence so the parcel may have to be divided.
- Erikson, Finn Road – 2 Ac parcel which abuts Delaney. Mostly wetlands, but has a dry area along Finn Road which could provide parking and a viewshed.
- Hemphill Drilling, Codman Hill Road – 7.5 Ac parcel which contains ecologically sensitive areas, and has the strong potential to become part of an extensive open space corridor. (4/30/22) Adjacent land was purchased by HCT, would be part of the OS corridor.
- ~~Kazogles, Poor Farm Road – 6 Ac parcel which abuts existing conservation land and contains wetlands.~~ (4/30/22)-No longer in title.
- O'Donnell, Woodside Road – 3 Ac parcel which abuts conservation land.
- Westchester Company, Old Mill Road – 10 Ac parcel adjacent to several OS parcels ranked as Priority, so has potential for OS connectivity; contains wetlands. (4/30/22) Renamed Rice?

The remainder of the tax delinquent parcels have little value for OS protection.



- Delinquent\_Tax\_Parcels
- Protected\_OS
- ➡ Recommended Parcel





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§ 125-60. Smart Growth Overlay District.

**Commented [EA1]:** Formatting should be consistent with the existing bylaws

A. Purposes.

1. The purposes of the Smart Growth Overlay District (“SGOD”) include but are not limited to
  - a. Promoting a mixture of residential, commercial and recreational land uses;
  - b. Providing a diversified housing stock for Town of Harvard and the greater community with (i) for sale and rental units, (ii) market rate and affordable units, (iii) in townhomes and higher-density multifamily buildings with studio, 1-, 2- and 3-bedroom units;
  - c. Assisting the Town of Harvard with its efforts to provide affordable housing eligible for inclusion in the Department of Housing and Community Development’s (DHCD) Subsidized Housing Inventory (SHI) and multifamily housing as an MBTA community under Mass. General Laws Chapter 40A, § 3A;
  - c. Generating tax revenue for the Town of Harvard to help meet its long-term public finance and infrastructure needs;
  - d. Ensuring high-quality site planning, architecture and landscape design that enhances the visual character and identity of the Town of Harvard generally and the Ayer Road neighborhood in particular;
  - e. Allowing compact, flexible design through appropriate lot and building dimensional requirements;
  - f. Reducing curb openings and uncoordinated access, circulation and signage;
  - g. Encouraging shared parking and utilities including water and sewer;
  - h. Promoting reduced impervious surfaces and greater open space; and
  - i. Creating a strong sense of place or community through common facilities and a pedestrian-friendly living environment.

B. Definitions.

1. “Affordable Housing” means housing that is eligible for inclusion in DHCD’s SHI.

**Commented [EA2]:** Identify Acronyms

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2. “Affordable Housing Unit” means a housing unit either leased or sold to an Income Eligible Household and that is eligible for inclusion in the DHCD’s SHI.
3. “Income Eligible Household” means a household of one or more persons whose maximum income does not exceed 80% of the area median income, adjusted for household size, or as otherwise established by the DHCD in guidelines. For homeownership programs, the Subsidizing Agency (as defined in 760 CMR 56.02) may establish asset limitations for Income Eligible Households by statute, regulations, or guideline. In the absence of such provisions, Income Eligible Households shall be subject to asset and/or other financial limitations as defined by the DHCD in guidelines.
4. “SGOD” means the Smart Growth Overlay District which is the subject of this § 125-60.
5. “SGOD Project” means a project permitted, constructed and maintained in accordance with the requirements of this § 125-60 and consisting of one or more of the following uses as defined herein: Affordable Housing, Senior Housing, Market Rate Multi-Family Residential, Small-scale Commercial, Medium-scale Commercial, Large-scale Commercial, Recreational and/or Restaurant uses.
6. “Senior Housing” means multi-family or duplex housing for persons older than age 55 or 62 in compliance with applicable requirements of the U.S. Department of Housing and Urban Development (HUD) and Massachusetts General Law chapter 151B.
7. “Market Rate Multi-Family Residential” means residential housing containing more than one unit which is rented at rates or sold at prices determined by the market rather than by the government.
8. “Small-scale commercial” means the uses defined in this Bylaw, § 125-12(A)-(I).
9. “Medium-scale commercial” means the uses defined in this Bylaw, § 125-13(A)-(AC).
10. “Large-scale commercial” means the uses defined in this Bylaw, § 125-14(A)-(I).
11. “Recreational” means the uses defined in this Bylaw, § 125-14(D).
12. “Restaurant” means the uses defined in this Bylaw, § 125-13(P).
13. “Open Space” means land completely devoid of any structure but shall include (i) land supported by pervious pavers or a similar structure solely to permit access/egress for emergency vehicles, and (ii) drainage basins and other Low

**Commented [EA3]:** 125-2 Senior Household definition is similar

**Commented [EA4]:** Reduce length of bylaw by using “as defined in this bylaw §125-XX, in section 125-60F(2)(a)-(e)

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Impact Development (LID) and Best Management Practices (BMP) stormwater infrastructure, provided, however, that it shall exclude impervious parking areas and access/egress thereto

14. “Gross Floor Area” means, gross floor area as defined in the Massachusetts Building Code, which is the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings or interior courts. For purposes of this § 125-60, the following areas shall be excluded from the calculation of gross floor area: (i) The floor area of crawl spaces having less than four feet of headroom; and (ii) In a dwelling, the floor area of unfinished attic space under a roof with a pitch no greater than 12/12 (vertical over horizontal) and (iii) underground, enclosed or semi-enclosed parking under a building.

**Commented [EA5]:** Other than this reference this definition is the same as that within 125-2

C. Establishment of Overlay District and Applicability.

1. The SGOD consists of parcels 59, 60, and 62.2 on the Town of Harvard Assessors' Map 8 and contains approximately 16 acres in the aggregate as shown on the SGOD Map on file in the Town Clerk's Office. [To be prepared.]
2. The SGOD is an overlay district. Applicants seeking to develop a SGOD Project within all or part of the SGOD, must comply only with the provisions of § 125-60 and such other provisions of this Bylaw as are expressly incorporated by reference into § 125-60.
3. Parcels 59, 60, and 62.2 on the Town of Harvard Assessors' Map 8 and containing approximately 16 acres in the aggregate make up both the SGOD and another overlay district, the “Ayer Road Village Special Permit” (“ARV-SP”), § 125-52. All or part of the land within these two overlay districts may be the subject of only one overlay district at a time; provided, however, that an Applicant who has secured an approval under either overlay district may seek an approval under the other overlay district so long as the initial approval is relinquished, annulled or is otherwise of no further force and effect.
4. In cases where a SGOD Project is proposed to be located on a site subject to an existing Ayer Road Village Special Permit under Bylaw, § 125-52 (“ARV-SP”) and/or an SGOD authorized use is proposed to be located within an existing building that has been approved as part of an ARV-SP, and no changes are proposed to the ARV-SP site plan, the Planning Board may waive the requirement for a new, additional site plan submission in conjunction with such SGOD application, and instead require the Applicant to add an appropriate notation to the



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previously approved site plan upon approval of the new SGOD Site Plan Approval.

5. No building permit shall be issued for, and no person shall undertake, any use or improvement in the SGOD pursuant to this section unless an application for Site Plan Review under the SGOD has been filed for the proposed development in accordance with the requirements of this § 125-60 and the SGOD a Site Plan Approval has been granted by the Planning Board.

D. Procedures.

1. An application for Site Plan Review for a SGOD Project (“SGOD-SPR”) shall be filed with the Town Clerk and submitted to the Planning Board. The Applicant shall submit two hard copies and one electronic copy of the application on a USB device to the Planning Board which shall forthwith transmit one electronic copy from the USB device to the Department of Public Works, Building Department, Police Department, Fire Department, Board of Health, Conservation Commission, Historical Commission, and the Select Board. Such departments and boards shall, within 30 days of receiving said copy, submit a report containing any comments, recommendations and recommended conditions, all with supporting reasons, to the Planning Board. The Planning Board shall not render a decision until said reports have been received and considered or until the 30-day period has expired, whichever is earlier. Failure of such departments and/or boards to submit a report shall be treated as concurrence with the application.
2. The Planning Board shall commence a public hearing on the SGOD-SPR application within 65 days after the filing of an application, provide notice of such hearing, and render its decision within 90 days of the close of said hearing. Except as provided herein, the applicable provisions of G.L. c. 40A, §§ 9 and 11 shall govern all procedural aspects of the SGOD-SPR application including the notice, hearing and decision. All costs of the notice requirements shall be at the expense of the Applicant. Approval of the SGOD-SPR application shall require a simple majority vote (the “SGOD Site Plan Approval” or “SGOD-SPA”).
3. The Planning Board may waive strict compliance with one or more of the standards, criteria or requirements set forth in this § 125-60 by making a finding, in writing, that the Applicant has demonstrated that the requested waiver is consistent with the purposes of the SGOD or allows the SGOD Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this § 125-60. The Planning Board may also waive compliance with one or more submittal requirements set forth in this § 125-60 by making a finding, in writing that the Applicant has demonstrated that such information is not appropriate or relevant to the SGOD Project. Approval of waiver by the Planning Board shall require a simple majority vote.

**Commented [EA6]:** Why not 35 days as allowed under MGL Ch. 40A S.11?

**Commented [EA7]:** Is this necessary as it repeats MGL Ch. 40A? No other provision within Ch. 125 has this language

**Commented [EA8]:** On the PB application

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4. If, in the discretion of the Planning Board, a peer review of the application is required to evaluate the impacts of an SGOD-SPR application, the Planning Board may require the Applicant to pay for a Peer Review Consultant. The Planning Board shall select the Peer Review Consultant. The Planning Board, Applicant, and Peer Review Consultant shall confer in a good faith effort to agree on a written scope of work for and the cost of said work by the Peer Review Consultant.

**Commented [EA9]:** Is this necessary as the right to hire a consultant is with Ch. 133 PB Regulations?

E. Submittal Requirements.

1. The following plans and materials shall be included in the submittal:
- a. Site plans as defined in § 125-38.D (1-5);
  - b. Renderings as defined in § 125-38.F (1)(a);
  - c. Landscape plans as defined in § 125-38.G;
  - d. Project Overview. Narrative and accompanying plans describing ownership of the property and SGOD Project, the number, size and type of buildings and dwelling units; gross floor area where applicable; estimated time required to complete the proposed project, expected start of construction; and all proposed phases and zoning compliance;
  - e. Stormwater. Drainage calculations with an accompanying narrative demonstrating compliance with the MassDEP Stormwater Management Standards and rules and regulations of the Town of Harvard Department of Public Works and showing use, to the extent practicable, of municipal, state and federal Best Management Practices. These materials shall be prepared by a registered professional engineer;
  - f. Site planning/Architecture/Landscaping. Narrative and accompanying plans describing rationale behind and goals for the proposed design and placement of buildings, roads, driveway, open space, landscaping locations, and building design. These materials shall be prepared by a civil engineer working in collaboration with a registered architect and landscape architect;
  - g. Site Infrastructure. Narrative with accompanying plans of the design and location of proposed mechanical equipment, including HVAC equipment; related noise levels; location and operation of trash storage and removal systems; location and operation of loading facilities; mitigation measures to reduce visual and/or noise impacts on abutters. These materials shall be prepared by a professional engineer;

**Commented [EA10]:** DPW does not have a set of SW rules and regulations, however the ConCom does under 147-14C

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- h. Sewer and Water. Plans, calculations and narrative of the existing and/or proposed sewer and water service infrastructure either on-site and/or off-site including existing and proposed capacity, impacts on municipal infrastructure, condition of any existing infrastructure, proposed infrastructure improvements, and any legal arrangements necessary to secure adequate capacity. These materials shall be prepared by a professional engineer;
- i. Parking. Narrative describing the number of spaces needed for the SGOD Project and how the Project will accommodate those spaces with adequate and safe off-street parking at the SGOD Project. These materials shall be prepared by a professional traffic engineer;
- j. Traffic. A Traffic Impact Study addressing existing and proposed site circulation, vehicular traffic volumes, peak hour levels, average daily traffic, trip distribution and levels of service (LOS) for the nearest and/or most impacted intersections. This report shall also address proposed methods to mitigate the estimated traffic impact if necessary including traffic calming measures. These materials shall be prepared by a professional traffic engineer; and
- k. **Environmental.** Narrative addressing any environmental impacts to wetlands, floodplains, or other sensitive resources including proposed methods to mitigate the estimated environmental impacts. These materials shall be prepared by a professional civil engineer and/or environmental scientist.

**Commented [EA11]:** Recommend consultation with the Conservation Commission

F. Use Regulations.

- 1. Within the SGOD, the following uses are permitted as-of-right subject to approval of the SGOD-SPR application:
  - a. Affordable Housing.
  - b. Senior Housing which may include accessory amenities for its residents including, but not limited to, common facilities such dining rooms, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty salon, barbershop, personal banking services, concierge, valet services, third-party vendor services, as well as real estate and management offices.
  - c. Multi-Family Market Rate housing which may include accessory amenities for its residents including, but not limited to, common facilities such dining rooms, common rooms, activity rooms, exercise rooms, theater, chapel, library, pharmacy/gift shop/convenience store, beauty

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salon, barbershop, personal banking services, concierge, valet services, third-party vendor services, as well as real estate and management offices.

2. Within the SGOD, the following uses are permitted by an SGOD Special Permit subject to (i) approval of the SGOD-SPR application and (ii) compliance with the purposes of § 125-60 of the SGOD unless these uses are accessory to uses ~~125-60F(1)-(a)-(c) through 1-e~~ above, in which case said uses are permitted as-of-right:

Commented [EA12]: What Special Permit? As I read this it only needs site plan review

- a. Small-scale Commercial, as defined in this Bylaw, § 125-12A-I.
- b. Medium-scale Commercial, as defined in this Bylaw, § 125-13A – AC. -
- c. Large-scale Commercial, as defined in this Bylaw, §125-14A-I.
- d. Recreational, as defined in this Bylaw, §125-14D.
- e. Restaurant, as defined in this Bylaw, §125-13P.

3. To ensure that uses of land permitted pursuant to a Special Permit granted prior to the enactment of § 125-60 remain in compliance with this Protective Bylaw, said Special Permit uses, if permitted in the SGOD, may be included in an SGOD-SPR/SGOD Special Permit application which, if approved, shall supersede the originally issued Special Permit as the legal authority for said use. In such event, the Special Permit granted prior to the enactment of § 125-60 shall be of no further force and effect.

Commented [EA13]: Incorporate into 125-60C(4)?

G. Dimensional Regulations and Other Development Standards.

1. Lot Dimensions.

- a. Minimum lot size is 1 acre.
- b. Minimum lot frontage is 100 feet.

2. Density.

- a. Residential
  - i. The maximum density for Affordable Housing, Senior Housing and Market Rate Multifamily is, collectively, 25 units per acre.
- b. Commercial
  - i. The maximum density for Small-scale, Medium-scale and Large-scale Commercial is, collectively, one building per acre and 48,000 square feet of gross floor area.

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- c. Restaurant
  - i. The maximum square feet of gross floor area per restaurant is 15,000 square feet of gross floor area.
- 3. Setbacks.
  - a. Front yard setback shall be 20 feet from the SGOD boundary.
  - b. Side Yard setback shall be 20 feet from the SGOD boundary.
  - c. The rear yard setback along the SGOD's common boundary with 35 Lancaster County Road shall be 60 feet; provided, however, that there shall be a 10-foot landscape buffer.
  - d. Between buildings the minimum setback shall be 0 feet.
  - e. From driveways, the minimum setback shall be 10 feet.
  - f. Any sign, wall, fence or landscape plantings within 20 feet of Ayer Road shall be located so as not to substantially impair visibility between any driveway and vehicular traffic entering or exiting Ayer Road.
  - g. Sewage disposal. Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an SGOD Project, if maintained and operated by an owner if such disposal or treatment facility or system is approved by the Town's Board of Health and in compliance with the requirements of Title 5, 310 CMR 15.00, or is approved in accordance with the requirements of 314 CMR 5.00 (the Ground Water Discharge Permit Program). Such an approved system may be located on land owned in common by the owners of the building(s) or lots within the development. The minimum setbacks of such system and any absorption area must comply with Title 5, 310 CMR 15.00, the Town Board of Health's regulations, or with 314 CMR 5.00 (the Ground Water Discharge Permit Program).
- 4. Height.
  - a. The maximum building height, above average grade, shall be no more than four residential stories above average grade and sixty feet. For purposes of this provision, silos, and chimneys, parapets, ventilators, antennas (except for wireless communications towers and antennas), spires, and similar unoccupied projections, including rooftop solar arrays, above the roof are not included in building height. Height shall be

Commented [EA14]: From what?

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calculated by the average proposed finish grades around the building perimeter to the highest peak of the roof.

5. Multiple Buildings on Single Lot.
  - a. Multiple buildings on a single lot shall be permitted for any SGOD Project.
6. Open Space.
  - a. A SGOD Project must provide at least 25 percent open space.
  - b. Open Space may be either landscaped or left in its undisturbed natural condition. It shall be appropriate in size, shape, dimension, location, and character so as to serve as a visual and natural amenity for the SGOD Project, the Town of Harvard and the Ayer Road neighborhood.
7. Landscaping.
  - a. Open areas should be landscaped in an appropriate manner, utilizing both natural and man-made materials such as indigenous grasses, trees, shrubs, and attractive paving materials and outdoor furniture.
  - b. Native trees should be placed along new and existing driveways and streets. Outdoor lighting should be considered in the landscaping plan, and should be designed to complement both man-made and natural elements of the SGOD and adjacent areas. Appropriate methods (such as cutoff shields) should be used to avoid glare, and light spillover onto abutting property.
  - c. Professional landscaping or preservation of existing vegetation should be provided within the SGOD where it abuts Ayer Road, existing residential areas, and along internal drives.
  - d. To the extent practicable, preservation of existing vegetation or tree-lined areas should be maintained.
  - e. Parking areas and lots should use landscaping and terracing to break up large areas of pavement and to enhance residential flavor and appearance; trees and shrubs should be used to the maximum extent feasible.
  - f. Features such as shade trees, forest trees, and expansive planting areas should be preserved and/or introduced along external property boundaries on the perimeter of the SGOD to buffer it from adjoining parcels.

**Commented [EA15]:** Current Open Space bylaw (125-35K) requires 50% along with other criteria

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8. **Parking.**
  - a. In general, in the SGOD, the Planning Board shall seek to make the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Planning Board shall consider complementary or shared use of parking areas by activities having different peak demand times, and the Applicant shall seek to locate adjacent uses in a manner that facilitates the complementary use of such parking areas.
  - b. The following minimum parking ratios, which include parking for visitors, apply to an SGOD Project:
    - i. 1 space per studio unit for Affordable, Senior Housing and Market Rate Multifamily uses;
    - ii. 1.5 spaces per 1-bedroom unit for Affordable, Senior Housing and Market Rate Multifamily uses;
    - iii. 1.75 spaces per 2-bedroom unit or 3-bedroom unit for Affordable, Senior Housing and Market Rate Multifamily uses;
    - iv. 3 spaces per 1000 square feet of gross floor area for Small-scale Commercial, Medium-scale Commercial and Large-Scale Commercial
    - v. 5 spaces per 1000 square feet of gross floor area for Restaurant
  - c. All parking spaces required for the SGOD Project shall be off-street parking located in the SGOD. On-street parking for a SGOD Project is prohibited. Parking may be provided at ground level, underground or in a basement or parking garage. Parking garages can be freestanding or attached to building(s) used for other purposes.
9. **Driveways.**
  - a. To reduce the impact of impervious surfaces and the number of curb cuts, within the SGOD it is intended that the number of driveways within the SGOD onto Ayer Road shall be no more than two.
10. **Utilities.**
  - a. Structures and uses within the SGOD may share septic, sewer and/or water supply infrastructure and facilities constructed and maintained in the SGOD or they may be connected to other septic, sewer and/or water

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supply infrastructure facilities subject to any necessary licensing or approvals by the applicable approval authority. Any pipes necessary for this connection installed on land owned by the Town of Harvard shall be subject to any necessary licensing or approvals by the applicable Town of Harvard and/or Devens approval authority. An approved system may be located on land owned in common by the owners of the lots within the SGOD. The existing buildings at 188, 196, 198 and 200 Ayer Road may be connected into any sewer system or water system that is in the SGOD Project or to which the SGOD Project is connected subject to any applicable licensing or approvals by the necessary Town of Harvard and/or Devens approval authority.

- c. To the maximum extent feasible, all utilities should be underground.

11. Signs

- a. Signage in the SGOD shall be governed by § 125-41(A-C) and (E-F); provided, however, that signs are subject to applicable height and setback requirements of this § 125-60. In addition to the foregoing, two monument or standing signs shall be permitted for the purpose of identifying all of the uses in the SGOD Project.

H. Review Criteria.

- 1. The Planning Board may approve a SGOD-SPR application if it finds that the proposed development meets the following criteria:
  - a. The SGOD Project complies with the dimensional and other requirements of this § 125-60;
  - b. Adequate and appropriate facilities, infrastructure and utilities are provided for the proposed uses and structures;
  - c. Safe and viable access to and from the site is provided;
  - d. The uses and structures as developed will not create a hazard to abutters, pedestrians, vehicles, and/or the environment; and
  - e. Traffic and pedestrians can access and circulate to/from and with SGOD Project safely.

I. Expiration and Extension.

- 1. A SGOD-SPA shall lapse after three (3) years from the date of issuance which shall not include such time required to pursue or await the determination of an

Commented [EA16]: Why not the standard 2 years?



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appeal referred to in G.L. c. 40A, § 17, from the grant of the SGOD-SPA, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

2. Prior to the expiration of the SGOD-SPA, the Applicant may request an extension of time of not more than three (3) years for which the Applicant must show good cause.

J. Amendments.

1. Following the granting of a SGOD-SPA, an Applicant may file with the Building Commissioner who, in his sole discretion, shall determine if the change is major or minor provided, however, that (a) minor amendments include, but are not limited to, changes in lot lines shown on the plan, except for changes to perimeter lot lines and (b) major amendments include, but are not limited to, an increase the number of buildings or units, increase the height of buildings, or decrease of the number of rental Affordable Housing Units below ten (10) percent or reduction of the size or change the location of Open Space. Where the Building Commissioner determines the change is minor, he may issue a Building Permit for the change.
2. In those instances where the Building Commissioner determines that the change is major, the Applicant shall file an application to amend the SGOD-SPA and follow all procedural requirements in § 125-60 above, including holding a public hearing, and rendering its decision in accordance with the criteria of this section.

K. Phased Development.

1. An Applicant may propose that a SGOD Project be developed in phases, provided that the application shows the full buildout of the project and all associated impacts as of the completion of the final phase. Such a phased development shall be considered a single development project.

L. Subdivision Control Law.

1. In the event the Applicant seeks a subdivision approval pursuant to the Subdivision Control Law, G.L. c. 41, §§ 81K through 81GG, in connection with an application for a SGOD-SPR, the Applicant shall file the appropriate application thereunder. In order to facilitate processing, the Planning Board shall consider said application simultaneously with the application for the SGOD-SPR.

M. Severability.

1. If any provision of this § 125-60 is found to be invalid by a court of competent jurisdiction, the remainder of § 125-60 shall remain in full force and effect.

**Commented [EA17]:** Should Chapter 130 also be referenced within this section?



# Proposed 125.60 - SGOD

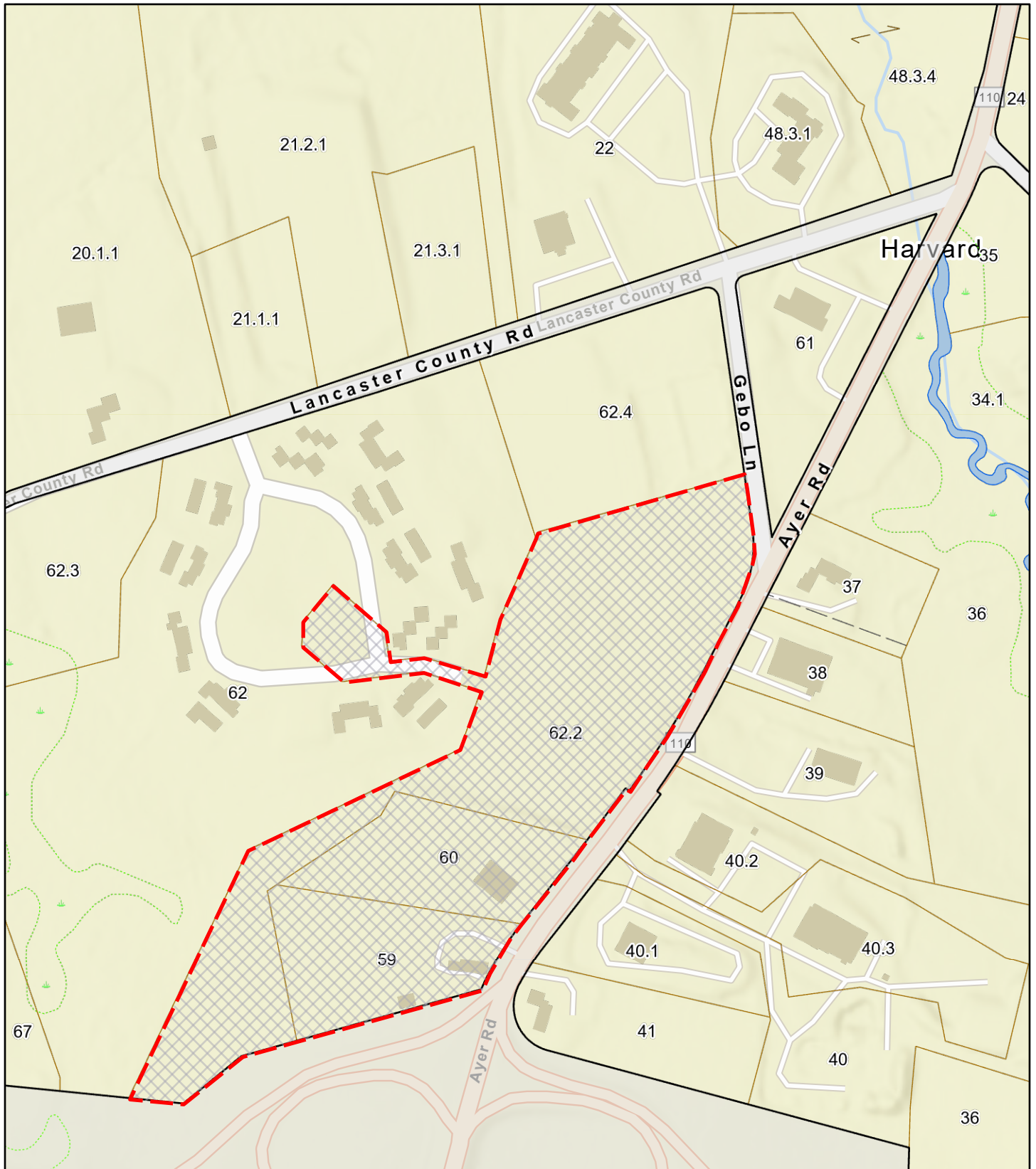
Town of Harvard, MA

1 inch = 300 Feet



www.cai-tech.com

March 7, 2023



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

**Memorandum of Understanding between the Harvard Conservation Commission and Harvard Parks and Recreation Commission for Anne Lee's Field**

November 19, 2020

This inter-board Memorandum of Understanding (MOU) is entered into by the Harvard Conservation Commission (ConCom) and the Harvard Parks and Recreation Commission (P&R), collectively referred to as the "Parties."

Whereas the Anne Lees playing field (3.08 acres, Harvard Assessor's Map 5, Parcel 104) is on Town conservation land, and;

Whereas the Harvard Conservation Commission authorizes P&R to conduct recreation programs and activities on this site ~~as a grandfathered use~~ ~~as a grandfathered use~~ and confers management of the playing field itself to the Harvard Parks and Recreation Commission;

**Commented [BO1]:** Re-inserted this as it is in the gift paperwork for this land.

NOW, THEREFORE, the Parties agree as follows:

1. Term and Termination - the MOU will continue in effect from year to year unless either of the Parties chooses to withdraw or both parties agree to amend,
2. The MOU ~~should will~~ be reviewed annually by P&R and ConCom ~~independently. Concom will monitor site conditions. If changes are needed the parties will get together to make updates as and updated as needed and~~ agreed to by both parties,
3. ConCom allows P&R to conduct ~~softball~~ recreation programs and activities on the ~~existing~~ Ann Lees recreation field ~~limited to Harvard residents only and their opposing teams, that involve and are designed for students of the Harvard Public Schools. Any activities outside of these softball use, including rental of the site to others non-residents, P&R sponsored programs for extracurricular groups or clubs, or P&R activities for other groups, must be approved by the Conservation Commission (note: activities organized by and for Harvard residents, such as "pick-up" games, walks, and neighborhood gatherings, are not covered by this MOU).~~
4. ~~without interference or yearly ConCom approval,~~
- 5.4. The playing field is defined as the area from and including the backstop fence to the outfield fence line extending 200' from the back of home plate (see Diagram 1).
- 6.5. The outfield will be bound by temporary fencing (200' from home plate) that will be removed when the field is not in regular use,
- 7.6. P&R will maintain a mowed swath outside the outfield fence up to 215' from the back of home plate,

**Commented [BO2]:** P&R agrees that both parties will look at the agreement each year, but we do not need to formally get together unless someone wants to make a change.

**Commented [BO3]:** We think the intent of this is to give ConCom a say in the type of recreation on the site. P&R agrees to limit it to softball and residents only. Possible softball Summer camps/clinics may be developed by our new Recreation Director.

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8.7. P&R agrees to manage operation and routine maintenance of the playing field and the contiguous area from the field to the main parking lot (see Diagram 1).

9-8. Work done on the field and in this contiguous area that is proposed, funded or donated by any private group or Town department, board or committee must be approved by P&R. Changes to the field or contiguous area will require approval by ConCom,

10-9. The land outside the playing field plus the mowed outfield swath and outside the contiguous area up to the parking lot is managed by ConCom,

11-10. Storage or disposal of equipment, construction materials (including soils), or litter is not permitted on the surrounding land managed by ConCom,

12-11. Operation and maintenance activities for the playing field are documented in a Mass DEP Notice of Intent (NOI) approved by ConCom to permit itemized activities in the wetland buffer,

12. Any projects/activities that are not covered in the NOI will be presented to ConCom for approval with possible modification to the NOI or this MOU.

13. ConCom has advised P&R that the best way to manage weeds on Ann Lees field is to out compete them with grass growth vs using fertilizers. ConCom thus allows P&R to have the field hand watered using water from the adjacent wetlands based upon a mutually agreed to schedule.

~~Concom will monitor site conditions and hold an annual winter meeting with P&R to review conditions, maintenance, activities in the past year, and plans for the coming year. Any within year changes to agreed upon activities may be approved by the Conservation Agent or brought to the Commission for consideration.~~

13.

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**Commented [B04]:** If we can better establish grass, and limit the activities to softball, we will need less fertilizer and the grass will be more resilient to draughts.

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**Commented [B05]:** Moved monitoring to agreement 2. The rest of this is already covered in agreements 11 & 12

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Signed and dated by:

Harvard Conservation Commission

 /r

tlJL,,

3/10/21

Harvard Parks and Recreation Commission

*Robert O'Shea* 3/10/21

# Worcester District Registry of Deeds - 20/20 Perfect Vision i2 Document Detail Report

Current datetime: 2/6/2023 11:44:41 AM

Doc#	Document Type	Town	Book/Page	File Date	Consideration
52822	DEED		05297/435	12/29/1972	149250.00
<b>Property-Street Address and/or Description</b>					
ALSO COVS REG LAND					
<b>Grantors</b>					
SHAKER MEADOWS CORP					
<b>Grantees</b>					
HARVARD TOWN CONSERVATION					
<b>References-Book/Pg Description Recorded Year</b>					
07121/388 NONE 1980					
<b>Registered Land Certificate(s)-Cert# Book/Pg</b>					

## SHAKER MEADOWS CORPORATION

a corporation duly established under the laws of Massachusetts

and having its usual place of business at Acton,

Middlesex

County, Massachusetts,

for consideration paid, and in full consideration of \$149,250.00

grants to the TOWN OF HARVARD, MASSACHUSETTS, through its Conservation Commission for administration, control and maintenance under the provisions of the Massachusetts General Laws ~~with quitclaim covenants~~ Chapter 40, Section 8C, as amended, with Quitclaim Covenants, ~~with quitclaim covenants~~

[Description and encumbrances, if any]

Five certain parcels of land situated in Harvard, Worcester County, Massachusetts, being shown as Lots 9A, 10A, 11A, 12A, and 13A on a plan entitled, "Land in Harvard, Mass., Surveyed for Shaker Meadows Corporation", dated June 1972, by Charles A. Perkins Co., Inc., recorded with Worcester District Registry of Deeds as Plan 31 in Plan Book 365, to which reference may be made for a more particular description.

Also twelve certain parcels of land situated in said Harvard, Worcester County, Massachusetts, being shown as Lots 48, 49, 50, 101, 102, A, B, C, D, F, G, H, on plan entitled, "'Shaker Land', Subdivision of Land in Harvard, Mass., Surveyed for Shaker Meadows Corporation", dated August, 1970, by Charles A. Perkins Co., Inc., recorded with said Deeds as Plan 42 in Plan Book 349, to which reference may be made for a more particular description.

Also another certain parcel of land situated in said Harvard, Worcester County, Massachusetts, being shown as Lot 39B on plan entitled, "Land in Harvard, Mass. surveyed for Harvard Conservation Commission", dated January 1972, by Charles A. Perkins Co., Inc., to be recorded herewith, to which reference may be made for a more particular description. See Plan Book 375, plan 61.

Also another certain parcel of land situated in Harvard, Worcester County, Massachusetts, being shown as Lot 46A on a plan entitled, "Land in Harvard, Mass. Surveyed for Shaker Meadows Corp.", dated December 1972 by Charles A. Perkins Co., Inc., to be recorded herewith, to which reference may be made for a more particular description. See Plan Book 375, plan 62.

For title, see deed to the grantor recorded with said Deeds in Book 4998, Page 539. See also deed recorded with said Deeds in Book 5064, Page 528.

Also another certain parcel of land situated in Harvard, Worcester County, Massachusetts, shown as Lot 7 on a plan No. 9907-E, drawn by Charles A. Perkins Co., Inc. dated December 1970, as approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title No. 7521.

For title to Lot 7 see Certificate of Title No. 7521.

The fee in and to Myrick Lane, Simon Atherton Row, Babbitt Lane and Ann Lee Road is not hereby conveyed.

Lots 101, 102, A, 7, 9A, 10A, 11A, 12A, 13A, and B are conveyed with the right to use Ann Lee Road from the aforesaid Lot 101 to South Shaker Road for all purposes for which streets and ways are commonly used in the Town of Harvard. Lots G and F are conveyed with the right to use said Myrick Lane from the aforesaid Lot G to Ayer Road, for all purposes for which said streets and ways are commonly used in the Town of Harvard. No other rights in the streets and ways shown on said plans are hereby conveyed.



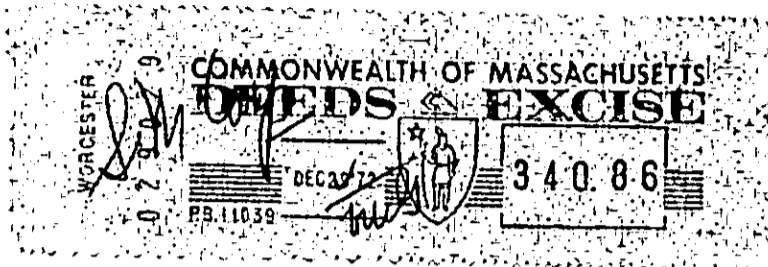
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ALSO

conveying another certain parcel of land situated in said HARVARD, Worcester County, Massachusetts, being shown as "access to Lot D and easement for future way" as shown on plan entitled "Shaker Land Subdivision of Land in Harvard, Mass., surveyed for Shaker Meadows Corporation", dated August, 1970, by Charles A. Perkins, Co., Inc., recorded with said Deeds, as Plan 42, in Plan Book 349, to which reference may be made for a more particular description.

The above "access to Lot D and Easement for future way" and Lot D are conveyed with the right to use Ann Lee Road from said "access to Lot D" to South Shaker Road for all purposes for which streets and ways are commonly used in the Town of Harvard.



**In witness whereof**, the said SHAKER MEADOWS CORPORATION has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by ROBERT C. POWER its President hereto duly authorized, this twenty-ninth day of December in the year one thousand nine hundred and seventy-two

Signed and sealed in presence of For Authority, see Vote registered as Document No. 28594

SHAKER MEADOWS CORPORATION  
*Robert C. Power, President*  
ROBERT C. POWER, PRESIDENT

The Commonwealth of Massachusetts

Middlesex, ss. December 29, 1972

Then personally appeared the above named ROBERT C. POWER, President as aforesaid and acknowledged the foregoing instrument to be the free act and deed of the SHAKER MEADOWS CORPORATION

before me

Notary Public—Justice of the Peace

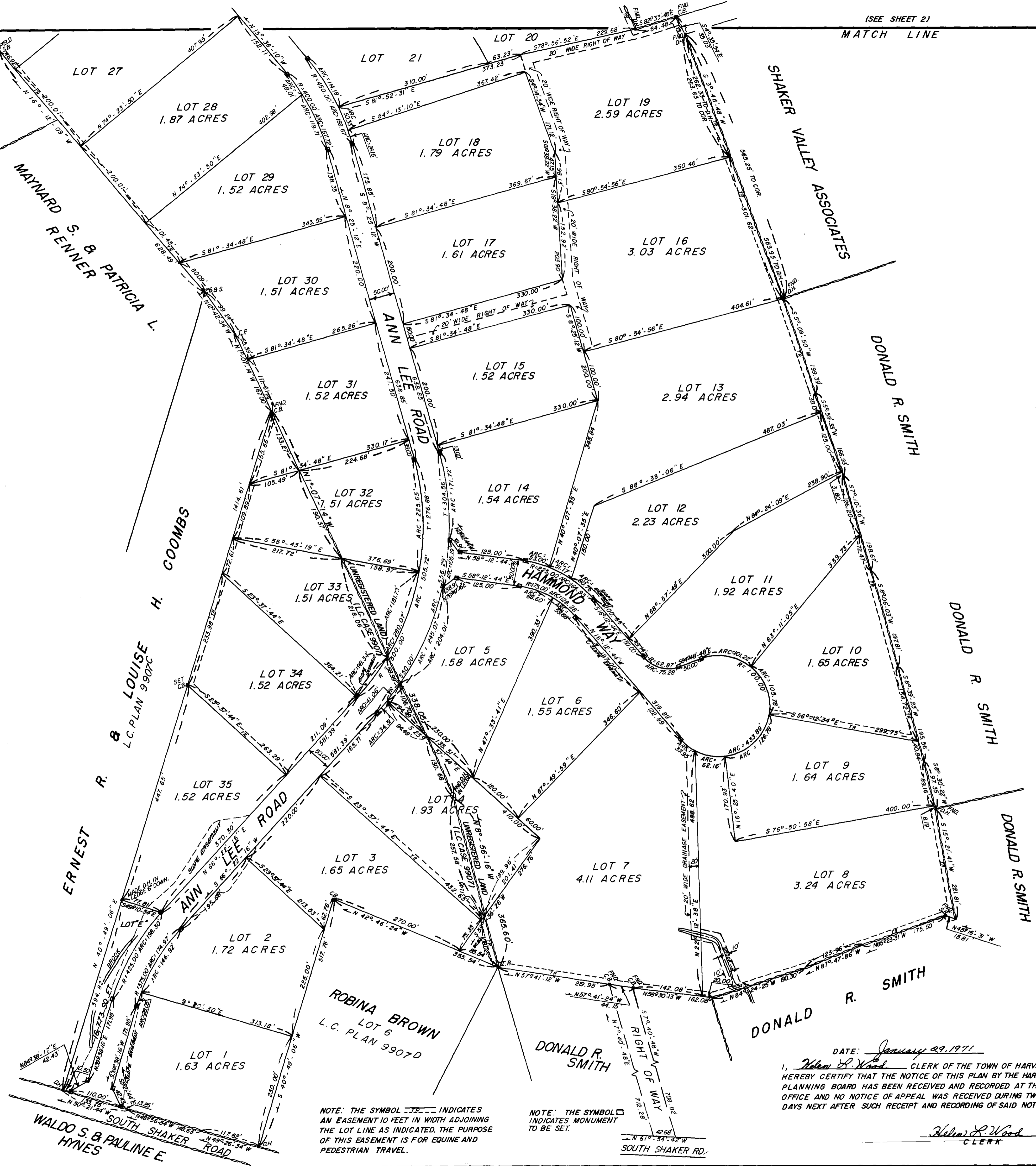
My commission expires

CHARLES G. KADISON, JR.  
NOTARY PUBLIC  
My Commission Expires Sept. 4, 1976

Recorded Dec. 29, 1972 at 3h. 16m. P. M.

(SEE SHEET 2)  
MATCH LINE

(SEE SHEET 2)  
MATCH LINE



NOTE: JUNE 27, 1972  
 LOTS 1 THRU 19 OF SHEET 1 ARE REVISED BY  
 PLAN RECORDED JUNE 22, 1972 IN PLAN  
 BOOK 365 PLAN 31

NOTE:  
 "THE FOLLOWING RESTRICTIONS RUN WITH THE LAND:  
 1. BUILDING IS SUBJECT TO BUILDING PERMITS  
 AND BOARD OF HEALTH APPROVAL FOR THE INDIVIDUAL  
 LOTS.  
 2. LOTS A, B, C, E, H, 18, 19, 20, 24, AND 102 ARE  
 SET ASIDE FOR PARKS FOR PLAYGROUND, RECREATION,  
 AND OPEN SPACE USES. NO BUILDING MAY BE  
 ERECTED ON SAID LOTS FOR A PERIOD OF THREE  
 YEARS WITHOUT THE APPROVAL OF THE HARVARD  
 PLANNING BOARD."

NOTE:  
 LOTS A, B, C, D, E, F, G, H, ARE NOT BUILDING LOTS  
 UNTIL THEY CONFORM WITH THE ZONING BYLAWS  
 OF THE TOWN OF HARVARD.

NOTE:  
 BUILDING UPON OR CONVEYANCE OF LOTS IS SUBJECT TO  
 PROVISIONS OF A COVENANT RECORDED SEPARATELY. LOTS 2  
 THRU 47 AND LOTS 51 THRU 121 SHALL NOT BE BUILT UPON  
 OR CONVEYED OTHER THAN BY MORTGAGE DEED UNTIL SAID  
 LOTS HAVE BEEN RELEASED IN WRITING BY THE HARVARD  
 PLANNING BOARD.

HARVARD PLANNING BOARD	
APPROVED: JAN 8, 1971	
ENDORSEMENT DATE: February 1, 1971	
Philip R. Shaw	
David P. Patis	
Richard L. Case	
Blair A. Murphy	

WORCESTER DISTRICT REGISTRY  
 OF DEEDS-WORCESTER, MA  
 PLAN BOOK 349 PLAN 42  
 Received JUN 16 1971  
 4 h 14 m 2 s  
 SHEET 1 of 4  
 ATTEST: *Anthony J. ...*  
 Registrar

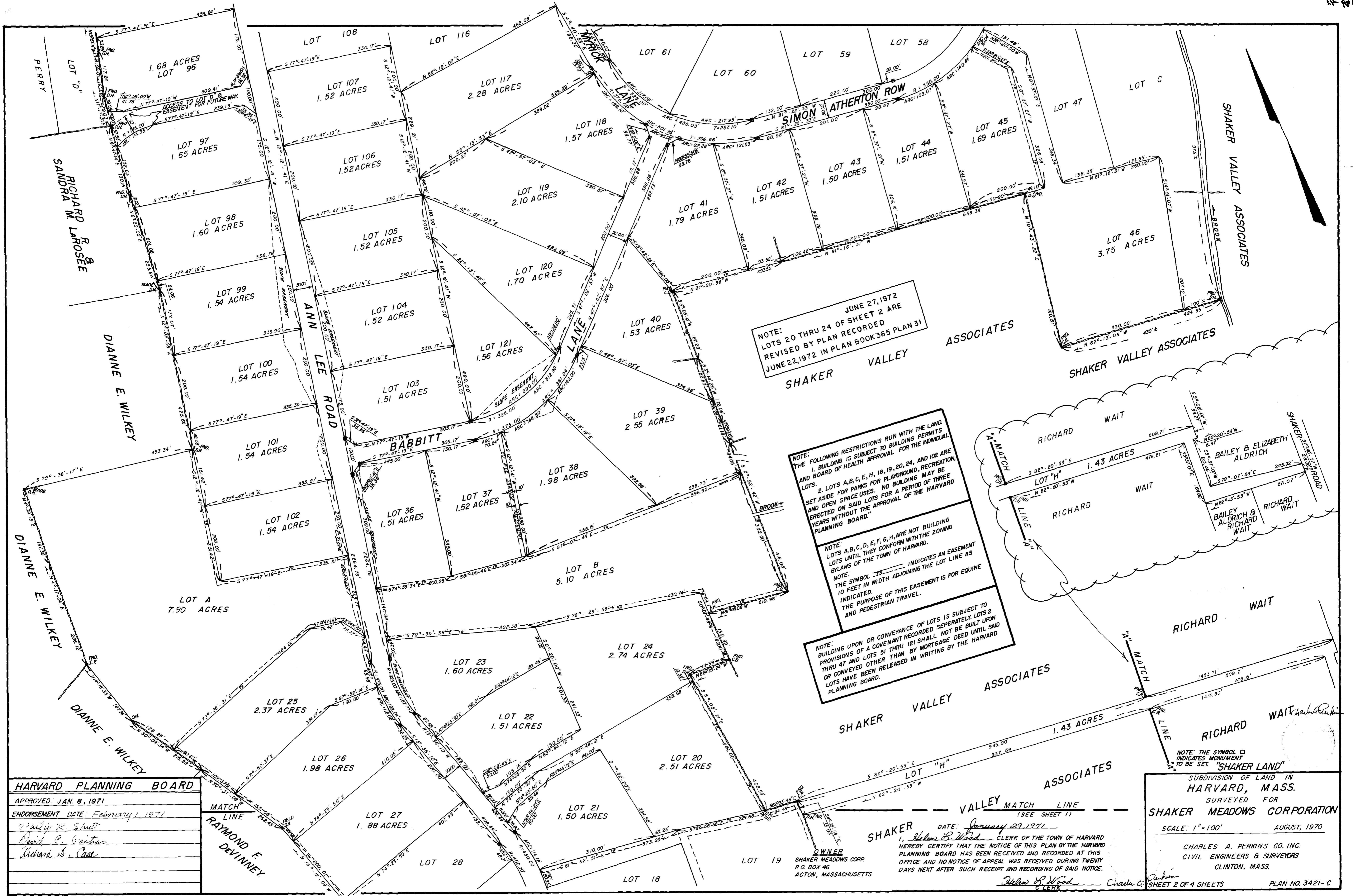
OWNER  
 SHAKER MEADOWS CORPORATION  
 P.O. BOX 46  
 ACTON, MASSACHUSETTS

"SHAKER LAND"  
 SUBDIVISION OF LAND IN  
 HARVARD, MASS.  
 SURVEYED FOR  
 SHAKER MEADOWS CORPORATION  
 SCALE: 1" = 100' AUGUST, 1970  
 CHARLES A. PERKINS CO. INC.  
 CIVIL ENGINEERS & SURVEYORS  
 CLINTON, MASS.  
 SHEET 1 OF 4 SHEETS PLAN NO. 3421-B

DATE: January 29, 1971  
 I, *William D. Wood*, CLERK OF THE TOWN OF HARVARD  
 HEREBY CERTIFY THAT THE NOTICE OF THIS PLAN BY THE HARVARD  
 PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS  
 OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY  
 DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.  
*William D. Wood*  
 CLERK

NOTE: THE SYMBOL  $\text{---}$  INDICATES  
 AN EASEMENT TO FEET IN WIDTH ADJOINING  
 THE LOT LINE AS INDICATED. THE PURPOSE  
 OF THIS EASEMENT IS FOR EQUINE AND  
 PEDESTRIAN TRAVEL.

NOTE: THE SYMBOL  $\text{---}$   
 INDICATES MONUMENT  
 TO BE SET.



**HARVARD PLANNING BOARD**  
 APPROVED: JAN. 8, 1971  
 ENDORSEMENT DATE: February 1, 1971  
 Philip R. Shurt  
 David C. Coates  
 Edward L. Case

MATCH LINE  
 RAYMOND F. DEVINNEY

NOTE:  
 JUNE 27, 1972  
 LOTS 20 THRU 24 OF SHEET 2 ARE  
 REVISED BY PLAN RECORDED  
 JUNE 22, 1972 IN PLAN BOOK 365 PLAN 31

NOTE:  
 THE FOLLOWING RESTRICTIONS RUN WITH THE LAND.  
 1. BUILDING IS SUBJECT TO BUILDING PERMITS  
 AND BOARD OF HEALTH APPROVAL FOR THE INDIVIDUAL  
 LOTS.  
 2. LOTS A, B, C, D, E, H, 18, 19, 20, 24, AND 102 ARE  
 SET ASIDE FOR PARKS FOR PLAYGROUND, RECREATION,  
 AND OPEN SPACE USES. NO BUILDING MAY BE  
 ERECTED ON SAID LOTS FOR A PERIOD OF THREE  
 YEARS WITHOUT THE APPROVAL OF THE HARVARD  
 PLANNING BOARD.

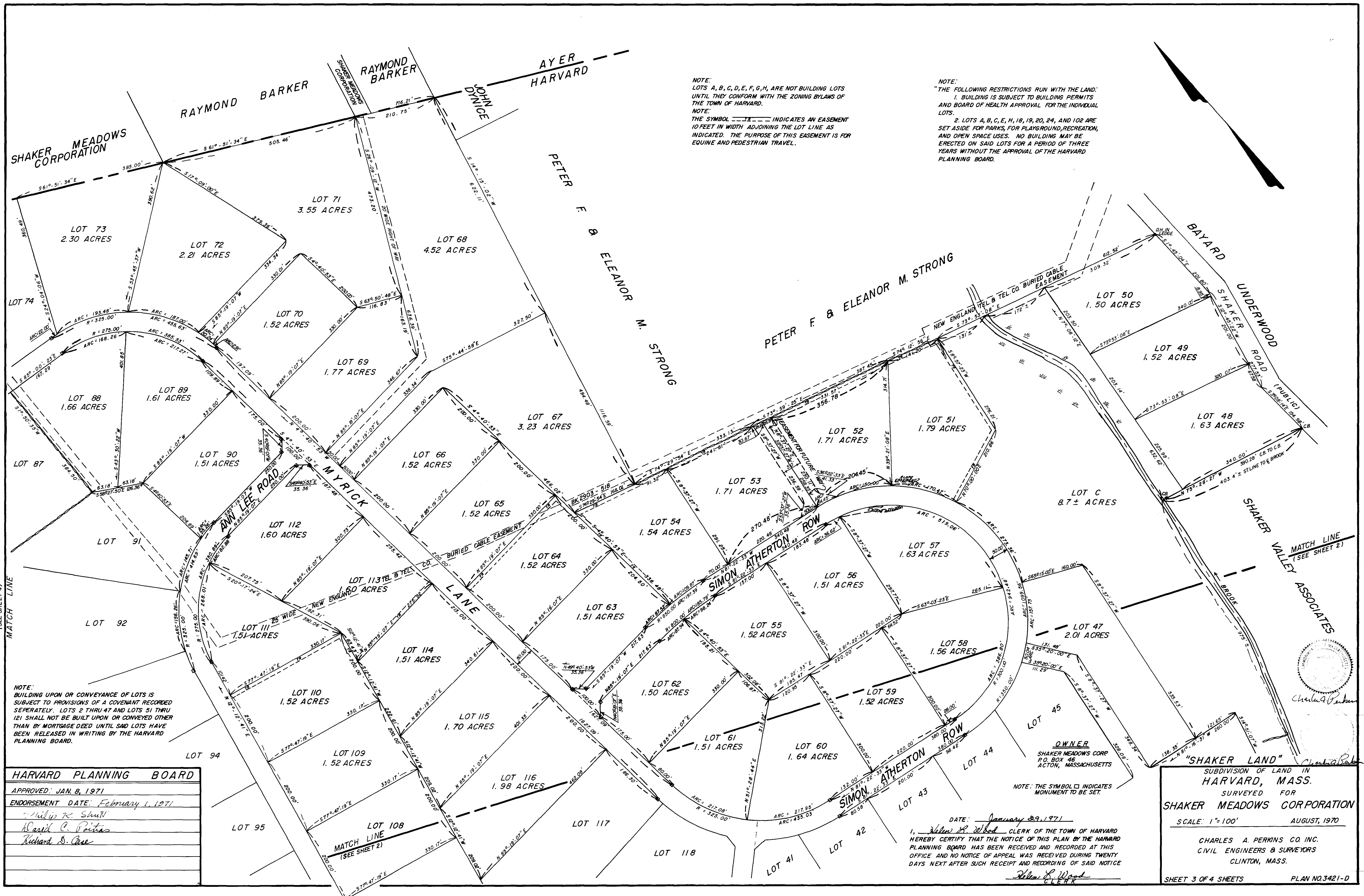
NOTE:  
 LOTS A, B, C, D, E, F, G, H, ARE NOT BUILDING  
 UNLESS THEY CONFORM WITH THE ZONING  
 BYLAWS OF THE TOWN OF HARVARD.

NOTE:  
 THE SYMBOL INDICATES AN EASEMENT  
 10 FEET IN WIDTH ADJOINING THE LOT LINE AS  
 INDICATED.  
 THE PURPOSE OF THIS EASEMENT IS FOR EQUINE  
 AND PEDESTRIAN TRAVEL.

NOTE:  
 BUILDING UPON OR CONVEYANCE OF LOTS IS SUBJECT TO  
 PROVISIONS OF A COVENANT RECORDED SEPARATELY. LOTS 2  
 THRU 47 AND LOTS 51 THRU 121 SHALL NOT BE BUILT UPON  
 OR CONVEYED OTHER THAN BY MORTGAGE DEED UNTIL SAID  
 LOTS HAVE BEEN RELEASED IN WRITING BY THE HARVARD  
 PLANNING BOARD.

SHAKER VALLEY ASSOCIATES  
 DATE: January 29, 1971  
 I, *William P. Wood* CLERK OF THE TOWN OF HARVARD  
 HEREBY CERTIFY THAT THE NOTICE OF THIS PLAN BY THE HARVARD  
 PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS  
 OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY  
 DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

SUBDIVISION OF LAND IN  
 HARVARD, MASS.  
 SURVEYED FOR  
**SHAKER MEADOWS CORPORATION**  
 SCALE: 1" = 100' AUGUST, 1970  
 CHARLES A. PERKINS CO. INC.  
 CIVIL ENGINEERS & SURVEYORS  
 CLINTON, MASS.  
 SHEET 2 OF 4 SHEETS PLAN NO. 3421-C



NOTE:  
 LOTS A, B, C, D, E, F, G, H, ARE NOT BUILDING LOTS  
 UNTIL THEY CONFORM WITH THE ZONING BYLAWS OF  
 THE TOWN OF HARVARD.  
 NOTE:  
 THE SYMBOL INDICATES AN EASEMENT  
 10 FEET IN WIDTH ADJOINING THE LOT LINE AS  
 INDICATED. THE PURPOSE OF THIS EASEMENT IS FOR  
 EQUINE AND PEDESTRIAN TRAVEL.

NOTE:  
 THE FOLLOWING RESTRICTIONS RUN WITH THE LAND:  
 1. BUILDING IS SUBJECT TO BUILDING PERMITS  
 AND BOARD OF HEALTH APPROVAL FOR THE INDIVIDUAL  
 LOTS.  
 2. LOTS A, B, C, E, H, 18, 19, 20, 24, AND 102 ARE  
 SET ASIDE FOR PARKS, FOR PLAYGROUND, RECREATION,  
 AND OPEN SPACE USES. NO BUILDING MAY BE  
 ERECTED ON SAID LOTS FOR A PERIOD OF THREE  
 YEARS WITHOUT THE APPROVAL OF THE HARVARD  
 PLANNING BOARD.

NOTE:  
 BUILDING UPON OR CONVEYANCE OF LOTS IS  
 SUBJECT TO PROVISIONS OF A COVENANT RECORDED  
 SEPARATELY. LOTS 2 THRU 47 AND LOTS 51 THRU  
 121 SHALL NOT BE BUILT UPON OR CONVEYED OTHER  
 THAN BY MORTGAGE DEED UNTIL SAID LOTS HAVE  
 BEEN RELEASED IN WRITING BY THE HARVARD  
 PLANNING BOARD.

<b>HARVARD PLANNING BOARD</b>
APPROVED: JAN. 8, 1971
ENDORSEMENT DATE: February 1, 1971
<i>Philip R. Smith</i>
<i>Richard S. Case</i>

DATE: January 29, 1971  
 I, Allen B. Wood CLERK OF THE TOWN OF HARVARD  
 HEREBY CERTIFY THAT THE NOTICE OF THIS PLAN BY THE HARVARD  
 PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS  
 OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY  
 DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE  
*Allen B. Wood*  
 C.L.E.R.K.

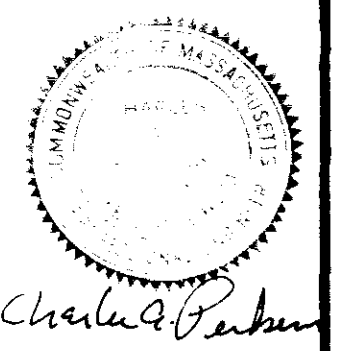
OWNER  
 SHAKER MEADOWS CORP.  
 P.O. BOX 46  
 ACTON, MASSACHUSETTS

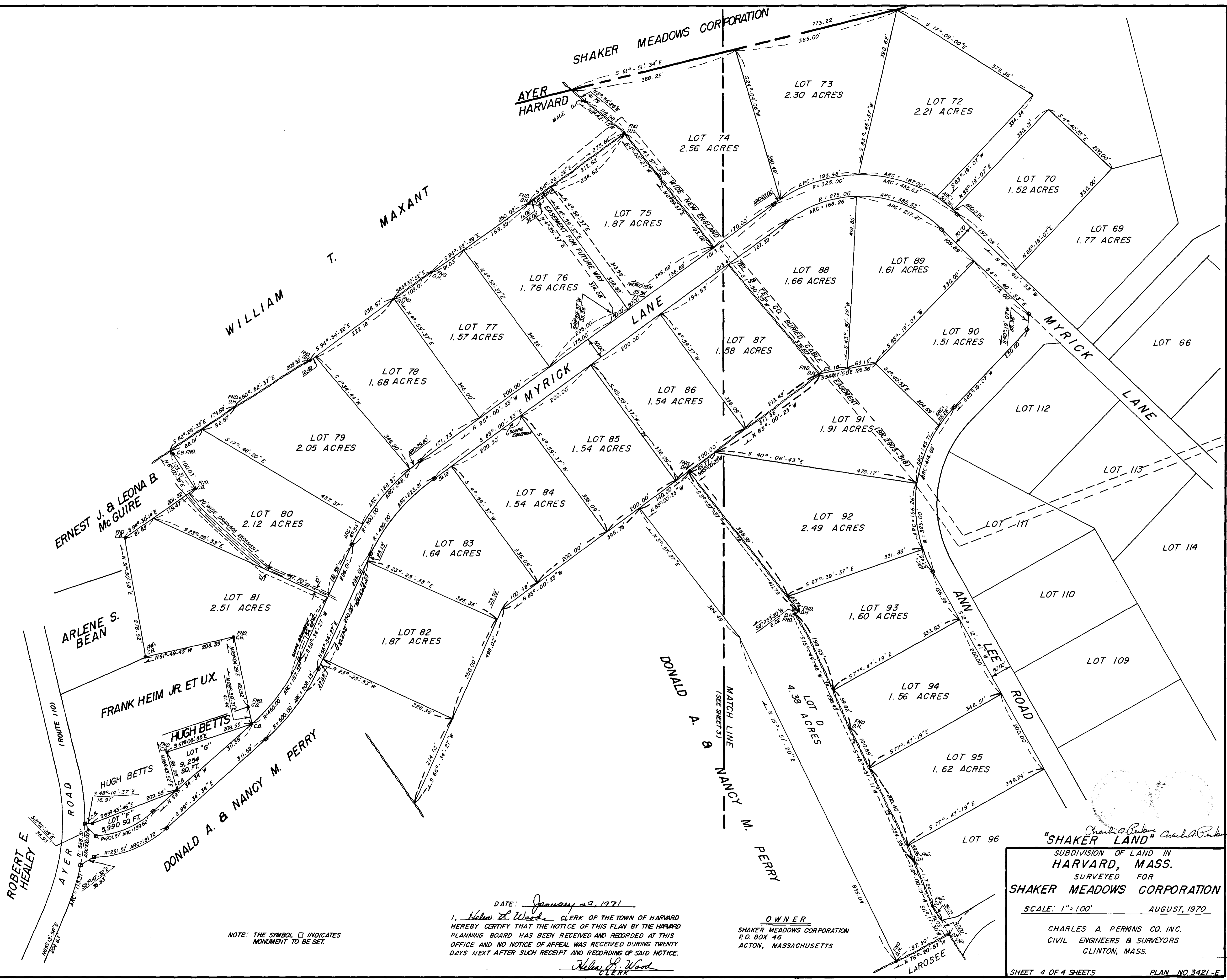
NOTE: THE SYMBOL INDICATES  
 MONUMENT TO BE SET.

DATE: January 29, 1971

1, Allen B. Wood CLERK OF THE TOWN OF HARVARD  
 HEREBY CERTIFY THAT THE NOTICE OF THIS PLAN BY THE HARVARD  
 PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS  
 OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY  
 DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE  
*Allen B. Wood*  
 C.L.E.R.K.

**"SHAKER LAND"**  
 SUBDIVISION OF LAND IN  
 HARVARD, MASS.  
 SURVEYED FOR  
 SHAKER MEADOWS CORPORATION  
 SCALE: 1" = 100' AUGUST, 1970  
 CHARLES A. PERKINS CO. INC.  
 CIVIL ENGINEERS & SURVEYORS  
 CLINTON, MASS.  
 SHEET 3 OF 4 SHEETS PLAN NO. 3421-D





NOTE:  
"THE FOLLOWING RESTRICTIONS RUN WITH THE LAND:  
1. BUILDING IS SUBJECT TO BUILDING PERMITS AND BOARD OF HEALTH APPROVAL FOR THE INDIVIDUAL LOTS.  
2. LOTS A, B, C, E, H, 18, 19, 20, 24, AND 102 ARE SET ASIDE FOR PARKS FOR PLAYGROUND, RECREATION, AND OPEN SPACE USES. NO BUILDING MAY BE ERECTED ON SAID LOTS FOR A PERIOD OF THREE YEARS WITHOUT THE APPROVAL OF THE HARVARD PLANNING BOARD."

NOTE:  
LOTS A, B, C, D, E, F, G, H, ARE NOT BUILDING LOTS UNTIL THEY CONFORM WITH THE ZONING BYLAWS OF THE TOWN OF HARVARD.  
NOTE:  
THE SYMBOL ----- INDICATES AN EASEMENT 10 FEET IN WIDTH ADJOINING THE LOT LINE AS INDICATED. THE PURPOSE OF THIS EASEMENT IS FOR EQUINE & PEDESTRIAN TRAVEL.

NOTE:  
BUILDING UPON OR CONVEYANCE OF LOTS IS SUBJECT TO PROVISIONS OF A COVENANT RECORDED SEPARATELY. LOTS 2 THRU 47 AND LOTS 51 THRU 121 SHALL NOT BE BUILT UPON OR CONVEYED OTHER THAN BY MORTGAGE DEED UNTIL SAID LOTS HAVE BEEN RELEASED IN WRITING BY THE HARVARD PLANNING BOARD.

<b>HARVARD PLANNING BOARD</b>
APPROVED: JAN. 8, 1971
ENDORSEMENT DATE: February 1, 1971
<i>Timothy R. Smith</i>
<i>Richard J. Carter</i>
<i>Richard J. Carr</i>

NOTE: THE SYMBOL □ INDICATES MONUMENT TO BE SET.

DATE: January 29, 1971  
I, Robert A. Wood CLERK OF THE TOWN OF HARVARD HEREBY CERTIFY THAT THE NOTICE OF THIS PLAN BY THE HARVARD PLANNING BOARD HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE AND NO NOTICE OF APPEAL WAS RECEIVED DURING TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.  
*Robert A. Wood*  
CLERK

**OWNER**  
SHAKER MEADOWS CORPORATION  
P.O. BOX 46  
ACTON, MASSACHUSETTS

*Charles A. Perkins*  
**"SHAKER LAND"**

SUBDIVISION OF LAND IN  
**HARVARD, MASS.**  
SURVEYED FOR  
**SHAKER MEADOWS CORPORATION**

SCALE: 1"=100'      AUGUST, 1970

CHARLES A. PERKINS CO. INC.  
CIVIL ENGINEERS & SURVEYORS  
CLINTON, MASS.

SHEET 4 OF 4 SHEETS      PLAN NO. 3421-E

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MARCH 2, 2023**

Chair Don Ritchie called the meeting to order at 7:03pm, virtually, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Eve Wittenberg, Paul Willard (departed at 7:40pm), Joanne Ward and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent), Shawn MacDonald and Jefferson Burson (Climate Initiative Committee)

**Planning Board Request for Comments – 60 Old Shirley Road**  
The Commission had no comments on this application.

**Zoning Board of Appeals Request for Comments – 184 Ayer Road**  
The Commission had no comments on this application.

**Approve Minutes**

Eve Wittenberg made a motion to accept the minutes of November 3, 2022 as amended. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

**Approve Invoices**

There were no invoices for approval this evening.

**Review Amendments of the Memorandum of Understanding for Ann Lee Field from Parks & Recreation Commission**

With the Parks & Recreation Commission unable to meet this week this item was passed over.

**State Ethics Training – March 14, 2023 6-8pm**

The Town Clerk has contacted members of the Commission who are not up-to-date on the State's required ethics training and strongly encourages attendance of all volunteers and staff at this event. Liz Allard will follow-up with the Town Clerk on the option of attending virtually.

**Climate Action Plan: Natural Resources**

- Priority Action - Educate and advise residents on the management of private land near/in wetlands and sustainable invasive species management
  - A library of education materials is being gathered for inclusion on the Commission's page of the website to assist with educating the public
- Understanding Lead Committee Role with Jefferson Burson
  - After discussing the Commission's level of unease of having to be the Lead Committee to other Boards and Committees within the Natural Resource section of the Climate Action Plan, the Commission and Jefferson Burson agreed the Commission would only be responsible for the implementation of the priority actions assigned to them.
  - It was also agreed that under the priority action item "Educate residents on sustainable practices for lawn care, landscaping, tree care, invasive species management, and water management during drought conditions" the Commission is only responsible to educate residents on sustainable invasive species management.

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**2023 Wild & Scenic Stewardship Council Grant Proposal – Mapping Culvert Locations**

Liz Allard informed the Commission that grant funding has been provided for the mapping of all catch basins and culverts with the Town of Harvard as part of a larger project to replace outdated culverts with those that are compliant with Stream Crossing Standards. Ms. Allard will be provided training from Montachusett Regional Planning Commission on the process for collecting the data to be used to create the map.

**Pine Hill Village Update**

As-built plans of Phase 2 have been received in order for the developer to receive Certificates of Occupancy. A site visit was conducted last week with Steve Ventresca, of Nitsch Engineering; with a report received earlier this week. The reports details items that need to be addressed by the developer. The Building Commissioner has indicated there are a number of items to be addressed with in the units in as well.

Liz Allard had been informed snow was being plowed across Stow Road. With additional snow coming this weekend Ms. Allard requested a member visit the site on Sunday to ensure snow is being stored as required by the approved plans. Joanne Ward stated she could do so; Ms. Allard will provide her with the appropriate plan.

**Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01.** Opened at 7:43pm.

**Continuation of a Notice of Intent Hearing –Rainer Park, 7 Peninsula Road, Harvard#0223-01.** Opened at 7:45pm

**Adjournment**

Joanne Ward made a motion to adjourn the meeting at 7:50pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated March 2, 2023

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing**  
**Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01**  
**March 2, 2023**

The public hearing was opened at 7:43pm 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, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022.

**Members Present:** Don Ritchie, Eve Wittenberg, Paul Willard, Joanne Ward and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent) and Shawn MacDonald

This hearing was continued from February 2, 2023 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard

At the request of the applicant's representative, Bruce Ringwall, Eve Wittenberg made a motion to continue the hearing to March 16, 2023 at 8:00pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent



**Harvard Conservation Commission  
Notice of Intent Hearing  
Rainer Park, 7 Peninsula Road, Harvard#0223-01  
March 2, 2023**

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The public hearing was opened at 7:45pm 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, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022.

**Members Present:** Don Ritchie, Eve Wittenberg, Paul Willard, Joanne Ward and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent) and Shawn MacDonald

This hearing was continued from February 16, 2023 for a Notice of Intent filed on behalf of Rainer Park or the replacement of a single-family home, removal of excess pavement, replacement septic system, and removal of barn within the 100' wetland buffer zone and 200' of Bare Hill Pond 7 Peninsula Road, Harvard

At the request of the applicant, Eve Wittenberg made a motion to continue the hearing to March 16, 2023 at 7:45pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Mark Shaw, aye; Joanne Ward, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

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**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
DECEMBER 15, 2022**

Chair Don Ritchie called the meeting to order at 7:03pm, virtually, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Eve Wittenberg, Paul Willard (7:06pm), Jaye Waldron, Joanne Ward (7:12pm), Jim Burns, Mark Shaw (7:07pm) and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Marc Sevigny (Harvard Conservation Trust), Bruce Leicher (Bare Hill Pond Watershed Management Committee), Kelsey Nickerson, Diane Rayla, Kelvin Wiebe, Don Osmer, Tom Cotton (Deer Management Subcommittee), David Pinard, Joe Pulido (Deer Management Subcommittee), Dan Wolfe (Ross Associates), Mya Minkin, Robert Kody (Envision Homes), Daniel Tracey, Bob Douglas (Deer Management Subcommittee) and Diandra Bilodeau

**Harvard Conservation Trust Request to use Prospect Hill Management Area for the annual New Year's Day Walk**

Eve Wittenberg made a motion to approve the use of the Prospect Hill Management Area by the Harvard Conservation Trust for the annual New Year's Day Walk. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Eve Wittenberg, aye and Don Ritchie, aye.

**Discuss Bare Hill Pond Drawdown Status, DEP#177-659**

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee, stated the drawdown started with the goal of 6.5 feet, however that goal was exceeded due to an error that Mr. Leicher took responsibility for, which was the miss reading of the markers indicating the level of the pond. Mr. Leicher explained the Department of Public Works had alerted him on November 18<sup>th</sup> that he should check the level of the pond as their readings indicated it had been drawn down lower than 6.5 feet. Mr. Leicher has now added a failsafe for determining the depth of the drawdown by using the manhole housing as the 6.5-foot marker. The amount beyond the 6.5 feet might be 6" – 12". Paul Willard stated the Pond Committee may want to be aware of the amount of water coming into the pond, which has been less due to the drought conditions. Mr. Leicher agreed. Mark Shaw asked what are the Pond Committee's thoughts on the amount of mud in the tributaries and drawdown depths at around 8 feet in some areas. Mr. Leicher stated the pond has been down to 8 feet in the past without any damage. Mr. Shaw stated deeper drawdowns tend to leave a lot of silt and muck on the private beaches. Mr. Leicher stated data shows the silt and decomposing material will erode as the rain runs into the center of the pond and not to the shores. Jim Burns suggests now that pipe has been exposed and gages are back in place to paint an orange marker on the pipe to serve as a second level indicator as the pond is being drawn down. Jaye Waldron, who lives on the pond, stated she does not recall seeing the pond this low, but maybe she is forgetting that. Don Ritchie thanked Mr. Leicher for attending this evening to discuss publicly what had occurred during the drawdown this season.

**Deer Management Subcommittee (DMS) Update on Hunter Information**

As a result of the events pertaining to the DMS providing hunter information to the Conservation Agent, Eve Wittenberg wanted the entire Commission to be aware of what had taken place. Liz Allard, the Conservation Agent, explained she became aware that the list of approved hunters for the 2022 season was lacking two of the hunters. When this information was requested by Ms. Allard from the DMS she was repeatedly denied that information because a member of the DMS felt it was confidential information that she was not qualified to have it nor was there need for her to have it. Joe Pulido, a member of the DMS, stated the information the Commission had previously received is what is

54 considered Personally Identified Information (PII). The DMS uses that information as part of the vetting  
55 process to qualify the hunters, with the hunters having the understanding that is what that information  
56 was going to be used for. Mr. Pulido stated information sent had the names of the hunters only; the  
57 information previously sent to the Agent with all of the PII was in error and should not have been sent;  
58 which leads to the question, if the Commission is requesting that level of information what is it going to  
59 be used for? Don Ritchie stated in order for the Commission to have contact information of the hunters  
60 who are on the conservation land. Mr. Pulido stated again the information shared with the Agent was  
61 more than just name and address; it included such things as license numbers, license plate numbers and  
62 hunter ID numbers; that should have not been passed sent on to the Commission. Paul Willard asked  
63 why? Mr. Pulido stated the hunters had no given their consent to provide that information to the  
64 Commission; the DMS has an obligation to protect that information; if others, such as the Commission,  
65 want it they have to have a legitimate reason why. Mr. Ritchie stated the Agent is a very responsible  
66 individual who knows which information is to remain confidential and which can be shared with the  
67 public.

68  
69 Ms. Wittenberg wanted to point out that the DMS is a subcommittee of the Commission, structurally DMS  
70 is subordinate to the Commission and that all information is not DMS information, it is the Commissions  
71 information. Other than a license number, the other information provided by the hunters is not PII. Ms.  
72 Wittenberg further stated the error on the part of DMS was not letting the hunters know this information  
73 was to be shared with the Commission. The burden of justification for not letting the Commission know  
74 who is participating in our program rest with DMS, because this is the Commission's program. This  
75 information is a matter of public record and could be requested by a member if the public. In addition,  
76 DMS should provide this information to the Commission for the permanent record. Mr. Pulido stated he  
77 had no concerns with providing the names of the hunters, but does with providing the additional  
78 information being requested. Ms. Wittenberg asked what Mr. Pulido what he is worried about;  
79 confidential information, such as driver's license numbers, would be kept confidential as the Agent is  
80 qualified to keep that information private. Mr. Pulido asked about phone numbers and email addresses  
81 being kept confidential, stating the Commission would need consent from the hunters to have that  
82 information. Again Mr. Pulido asked why the Commission needed that level of information. Joanne Ward  
83 stated she has dealt with this on the government side of things in her previous job; name, address, email  
84 address, phone numbers and license plate number are not PII.

85  
86 Don Osmer, a hunter within the program, understands the contact information, and explained what type  
87 of information he provides to the DMS for the vetting process. Mr. Osmer wanted to know if that  
88 information is being stored somewhere and if it were going to be kept safe. Mr. Ritchie explained the role  
89 of the Agent, who would redact any personal information if it were requested. Ms. Allard explained why  
90 it would be useful as her role as the Agent to have this information and the that her job description  
91 includes a confidentiality clause. Ms. Ward asked who sent the information in the first place, as that was  
92 in error. Ms. Allard explained the information was not sent in error. This same incident occurred during  
93 the first season of this program with Bob Douglas eventually being told by the Town Administrator that  
94 the information was to be proved to the Agent because the Commission had agreed they wanted that  
95 information provided to their staff. In addition, Ms. Allard wondered how the DMS was keep this  
96 information safe, as they are not employees of the Town of Harvard. Ms. Wittenberg wanted to reiterate  
97 that this is the Commission's subcommittee; if the Commission wants the information then they should be  
98 provided the information.

99  
100 John Iacomini asked why the program was put on pause. Mr. Ritchie explained the Town Administrator  
101 felt it was the only way to get the information being requested. Mr. Iacomini asked how would the  
102 hunters have known the program was paused? Mr. Ritchie stated it was his understanding the Police  
103 Department was put on notice; however, he is not certain that ever happened as the information was  
104 received. Mr. Ritchie suggested if the DMS wants to change the rules next year and the Commission  
105 approves it then that is what will happen. Mr. Pulido and Ms. Allard did not agree on what the Town  
106 Administrator had requested and Mr. Ritchie was not interested in continuing this discussion. A final

107 comment from Kelvin Wiebe requested an action point after this meeting as to what the Commission  
108 needs and what they will be doing with that information. Mr. Wiebe had an issue with his personal email  
109 address being shared by an Town Hall employee with another Town Hall employee shortly after he moved  
110 to Town two years ago. Mr. Wiebe wants to know if that information will be shared within Town Hall or  
111 beyond. Mr. Ritchie stated the only time it would be shared is when a Freedom of Information Act for  
112 that information is requested, which would include any PPI being redacted.

113  
114 **Notice of Intent Hearing – Mary Maxwell, 90 Warren Avenue, Harvard#1122-02.** Opened at 7:46pm

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116 **Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711,**  
117 **Harvard#0322-01.** Opened at 8:29pm

118  
119 **Continuation of a Notice of Intent Hearing - Sean & Diandra Bilodeau, 134 Old Littleton Road, DEP#177-**  
120 **718, Harvard#1122-01.** Opened at 8:30pm

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122 **ZBA Request for Comments – 90 Warren Avenue**

123 This location is before the Commission this evening for a Notice of Intent. The Commission will request  
124 the ZBA reference the Order of Conditions within their decision.

125  
126 **Planning Board Request for Comments- 184 Ayer Road**

127 The Conservation Agent has reviewed the application and plans submitted to the Planning Board and have  
128 found there are no wetland resource areas within 100' of any of the proposed activity, therefore the  
129 Commission has no comments on this application.

130  
131 **Annual Town Report**

132 The Annual Town Report is due on January 30<sup>th</sup>. Eve Wittenberg volunteered to assist in drafting the 2022  
133 annual report of the Commission. Wendy Sisson will provide the land management update and Liz Allard  
134 will update the application table within the report.

135  
136 **Approve Minutes**

137 Eve Wittenberg made a motion to accept the minutes of December 1, 2022 as amended. Joanne Ward  
138 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye  
139 Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie,  
140 aye.

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142 **Review Ann Lees Field Memorandum of Understanding (MOU)**

143 A draft of the revised MOU had been provided to the members for their review for further discussion at  
144 the next meeting of the Commission.

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146 **Pine Hill Village Update – Request to Extend Order of Conditions, DEP#177-586**

147 Paul Willard made a motion to extend the Order of Conditions for Pine Hill Village, DEP#177-586 to  
148 December 31, 2023. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion  
149 by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve  
150 Wittenberg, aye and Don Ritchie, aye.

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152 **Adjournment**

153 Jim Burns made a motion to adjourn the meeting at 8:44 pm. Jaye Waldron seconded the motion. The  
154 vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne  
155 Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye; Paul Willard, aye; and Don Ritchie, aye.

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159 Respectfully submitted,

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Liz Allard,  
Land Use Administrator/  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated December 15, 2022
- BHPWMC Drawdown Update December 14, 2022
- Sewage Disposal System Mary Maxwell 90 Warren Avenue Harvard, MA Job No.: 33970, Plan No.: L-14604, prepared by David E. Ross Associates, Inc., November 202
- Bilodeau Residence, 134 Old Littleton Road, L-1 Pool Layout Plan, prepared by James K. Emmanuel Associates, Landscape Architects, September 23, 2022



**Harvard Conservation Commission**

**Notice of Intent Hearing**  
**Mary Maxwell, 90 Warren Avenue, Harvard#1122-02**  
**December 15, 2022**

The public hearing was opened at 7:46pm 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, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022.

**Members Present:** Don Ritchie, Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates), Mya Minkin and Robert Kody (Envision Homes)

This hearing is for a Notice of Intent filed on behalf of Mary Maxwell the demolition of an existing cottage and the reconstruction of a new single-family home, driveway, bridge, wells and septic system with portions within the 100' wetland buffer zone and the 200' of Bare Hill at 90 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, explained the application before the Commission this evening is the third plan they have seen over the past several years. The bridge crossing has been redesigned with a lot of effort put into its orientation and installation. As in the previous versions, the existing cottage is to be removed and replaced with a new dwelling. Also, as previously proposed, the existing driveway has been moved from where it was originally located by the original applicant. The bridge crossing is proposed at the narrowest point of the wetland. As for the placement of the house, moving it any further from the wetland would require a large retaining wall and fill on the Bare Hill Pond side of the property. Waivers to the setbacks within the Wetland Protection Bylaw (WPB) Regulations are being requested, as the site has some unique features. The proposed bridge will require a waiver to the 50-foot no disturbance of natural vegetation due to its placement over the wetland, as well as to the 75-foot no structures setback. The placement of the bridge over the wetlands is necessary to access the house. A portion of the house is also within the 75-foot no structure setback, however if the house were to be located outside the 75-foot setback it would then be located on the steep slope down to Bare Hill Pond; therefore, a waiver to the 75-foot no structures is being requested. Mr. Wolfe is also seeking a waiver of the \$6,544.75 filing fee to a lesser amount. As suggested on the site walk, shifting the house would create a difficult approach to the garage from the driveway and pushes everything closer to the steep slopes. The proposed walkway at the front of the house has been removed, however the proposed ramp remains as it is necessary for the owner, who is wheelchair bound. The ramp remains slightly within the 50-foot setback. A recharge trench has been added along the driveway to address the concerns expressed by the Bare Hill Pond Watershed Management Committee. Mr. Wolfe explained with ledge in that area the trench may be as shallow as 6-inches in some areas. Mr. Wolfe noted the family developing the property is very conservation orientated; and has done their best to create a plan that is sensitive to the environment of the land and the needs of their family.

Jaye Waldron suggested removing the elevated deck and shifting the house to that area without much disturbance to the steep slope. Mr. Wolfe stated during design that was looked at, however by shifting the house would push the elevated deck closer to the pond, which would make it appear as if it were looming over the pond as opposed to the low-profile design it currently has. Eve Wittenberg feels the Commission is trading off the esthetics of the house with the requirements of the WBP Regulations. Ms. Wittenberg suggested the house could be made smaller to eliminate the need for it to be within the 75-foot setback, along with fear of it looming over the pond if it were to be shifted outside the 75-foot setback, as protection of the wetland is the concern of the Commission. Mr. Wolfe noted the position of the house was an overriding factor in the two previous approved applications and is how he based his

264 advice to the applicant and their designer. Mark Shaw stated the placement of the house has been well  
265 done considering the land, wetlands and required offsets.

266  
267 Mya Minkin, the applicant's daughter, explained the family has been respectfully of the pond in its design  
268 of the house, but her father Jim, who is confined to a wheelchair due to ALS, will only be able to access  
269 the outside on the proposed elevated deck. Ms. Waldron feels she is being made to feel as the bad guy  
270 and wants Jim to enjoy the house and what the location has to offer, but the Commission's role is to  
271 protect the wetlands. The shifting of the house and other features was further discussed as it pertained  
272 to the need for retaining walls. Ms. Wittenberg agreed with Ms. Waldron on feeling like the bad guys and  
273 the Commission's role of protecting the wetlands. Ms. Wittenberg was not a member of the Commission  
274 when the previous plans were approved, therefore she is looking at this plan as the only plan in question  
275 this evening. Ms. Wittenberg stated the house should either be moved or reduced in size to better fit in  
276 to the wetland areas the Commission is trying to protect.

277  
278 A discuss of arbitrarily reducing the filing fee was had. It was determined Liz Allard would review a recent  
279 reduction in the filing fee to determine how that fee was reduced in comparison to this application fee.  
280 With the request to look at moving structures outside the 75-foot setback, Jim Burns made a motion to  
281 continue the hearing to January 5, 2023 at 7:30pm. Paul Willard seconded the motion. The vote was  
282 unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye;  
283 Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

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285 Respectfully submitted,

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288 Liz Allard,  
289 Conservation Agent

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**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing**  
**Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01**  
**December 15, 2022**

The public hearing was opened at 8:29pm 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, pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 16, 2022.

**Members Present:** Don Ritchie, Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and John Iacomini (Associate Member)

**Others Present:** Liz Allard (Conservation Agent)

This hearing was continued from December 1, 2022 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard

As requested by the applicant's representative, Jim Burns made a motion to continue the hearing to January 19, 2023 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent



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**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing**  
**Sean & Diandra Bilodeau, 134 Old Littleton Road,**  
**DEP#177-718, Harvard#1122-01**  
**December 15, 2022**

376 The public hearing was opened at 8:30pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland  
377 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
378 pursuant to Chapter 107 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures  
379 Adopted during the State of Emergency, and signed into law on July 16, 2022.

380  
381 **Members Present:** Don Ritchie, Eve Wittenberg, Paul Willard Jaye Waldron, Joanne Ward, Jim Burns,  
382 Mark Shaw and John Iacomini (Associate Member)

383  
384 **Others Present:** Liz Allard (Conservation Agent) and Diandra Bilodeau

385  
386 This hearing was continued from December 1, 2022 for a Notice of Intent filed on behalf of Sean &  
387 Diandra Bilodeau for a proposed in-ground swimming pool, patio area, pool house and security fence  
388 within the 100' wetland buffer zone at 134 Old Littleton Road, Harvard

389  
390 Diandra Bilodeau detailed the additions to the plan which included gutters on the backside of the pool  
391 house to a surface drain within the proposed retaining wall. As designed the retaining wall will remain in  
392 order to have access out of the back of the pool house for lawn equipment. The request to remove the  
393 tree at the edge of the wetland was discussed and agreed upon to remove the broken leader only, with  
394 inspection by the Conservation Agent to determine if the entire tree should be removed.

395  
396 Jim Burns made a motion to close the hearing and issue an Order of Condition with the following  
397 additional condition pertaining to the removal of the tree. Jaye Waldron seconded the motion. The vote  
398 was unanimously in favor of the motion by a roll call, Jim Burns, aye; Paul Willard, aye; Jaye Waldron, aye;  
399 Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

400  
401 Respectfully submitted,

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404 Liz Allard,  
405 Conservation Agent