

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY MARCH 21, 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: Mar 21, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85870388382?pwd=VnpFdckwWGZHcGJIYnRlRytPeFgzQT09>

Meeting ID: 858 7038 8382

Passcode: 715885

One tap mobile

+13017158592,,85870388382# US (Washington DC)

+13052241968,,85870388382# US

Dial by your location

• +1 301 715 8592 US (Washington DC)

• +1 305 224 1968 US

• +1 309 205 3325 US

• +1 929 436 2866 US (New York)

Meeting ID: 858 7038 8382

Find your local number: <https://us02web.zoom.us/u/kckNEuNIDz>

Public Hearings:

- 7:02pm **Continuation of a Notice of Intent Hearing – CSX Transportation, Inc., CSXT Railway Right-of-Way at Route 2, Harvard#0124-03**, for improvements to the existing bridge clearance within the 100' wetland buffer zone – ***Waiver Requested***
- 7:05pm **Request for Determination of Applicability Hearing –Fred Alach, 26 Bolton Road, Harvard#0324-01**, for the addition of fill to create a flower and vegetable garden within the 100' wetland buffer zone
- 7:15pm **Notice of Intent Hearing – Harvard Parks & Recreation – 31 Pond Road, Harvard#0324-02**, for public safety improvements, stormwater management and handicapped access within the 200' wetland buffer zone to Bare Hill Pond – ***Waiver Requested***
- 7:45pm **Continuation of a Notice of Intent Hearing – Shakers' Quarry Property Owner's Association, Inc., Stonecutters Path and Quarry Lane, Harvard#0124-01**, for the grinding and removal of existing asphalt, repairs to gravel base, and resurfacing the roadways, and the replacement of an 18" culvert and reforming portions of the existing open channel drainage system within the 100' wetland buffer zone

New Business:

1. Deer Management Subcommittee Annual Report
2. Review Update of Deer Management Mission
3. Wetland Enforcement Restoration Plan – 8 Willow Road
4. 203 Ayer Road
 - Act on Approval of Qualified Wetland Scientist
 - Act on Approval of Bond Amount for Wetland Replication
 - Discuss Engaging Site Monitor
5. Transfer Station Committee Request for Comments

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.

6. MACC Annual Environmental Conference Round-up
7. Schedule Strategic Planning Session

Old Business:

1. Allocation of Additional Funds for Prospect Hill Conservation Area Boardwalk Installation by Eagle Scout Jack Stahl (\$44.43)
2. Update on Warrant Article for Wetland Protection Bylaw Fees
3. Update on Action Items from the Strategic Planning Session
4. Status Report Pine Hill Village, DEP#177-586
5. Status Report 90 Warren Ave, DEP#177-719, Harvard#1122-02

Standard Business:

1. Updates from Representatives & Liaison
2. Updates from the Conservation Agent
 - Merrimack Restoration Partnership Meeting
 - MCA Land Protection Workshop
3. Approve Minutes

NEXT MEETING: APRIL 4, 2024

AS

2023 Season Report: Deer Management Subcommittee Harvard, Massachusetts

The Deer Management Subcommittee (DMS) has been entrusted by the Conservation Commission and the Town of Harvard to conduct controlled archery hunts on designated Town parcels to help control the deer population. The 2023 deer hunting season concluded at dusk on December 30. This report is to share a few observations on deer management and hunting activity from the past season.

DMS continued to survey conservation land in the Town of Harvard that might be appropriate for deer management. DMS volunteers made note of access points, distance to dwellings, trails, and roadways, and evaluated if the property had signs of deer activity. Following a number of hunter inquiries about land in town that was not under the care and custody of the Conservation Commission, DMS volunteers evaluated several of those as well. A Spring Town Meeting article brought forth by Harvard Police Chief Babu put the Selectmen in charge of giving permission to hunt on Town Land other than Conservation land, clarifying the authority DMS would need to contact to include those town parcels.

After consulting with its DMS Volunteer Scouts, the Conservation Stewardship Committee, the Select Board Chair, and the Harvard Conservation Trust, the DMS requested that the Conservation Commission approve adding two new conservation properties and two Town properties to the land under Deer Management. These four properties were the Conservation properties Tripp/Stephenson (west) and Old Mill, and the Town's Warila and Gravel Pit properties.

The Conservation Commission voted on September 7th to approve the inclusion of these properties in the program and recommended to the Select Board that permission be granted for deer management of the Warila and Gravel Pit properties. The Select Board voted on September 19th to include those two town-managed parcels in the program.

Currently 17 properties (or contiguous groups of properties) are approved for Deer Management: Barrett, Blomfelt, Coke, Damon/Stephenson (east), Dunlap, Gillette, Gravel Pit, Great Elms, Hermann Orchard/Rodriquez, Maxant, Old Mill, Perini, Shaker Spring House, Tripp/Stephenson (west), Vesenska, Warila, and Willard/Poitras.

DMS began preparation for our fourth season by hosting qualification sessions at the Harvard Sportsman's Club. This location has been a great facility for our purposes. It is large enough for archers to be socially distanced at all times and provides tables to lay out their gear and for the range DMS staff to process the paperwork. Each qualifier was supervised by a certified Archery instructor and followed proper range protocols. A DMS member and Rangemaster, Joe Pulido, was present at all qualifiers, recorded their paperwork, and performed a poundage-pull check on each of their bows.

Participants were required to hit a six-inch round target at 25 yards with at least three of five arrows, which is the strict requirement specified in our original plan. Eight new archers successfully passed the test. A total of 25 qualified hunters were issued Harvard Hunter ID numbers for the 2023 season, and 23 actively participated.

Each hunter has taken a State-mandated hunter safety class and has a current Massachusetts hunting license. Each hunter is requested by DMS to purchase antlerless deer permits, commonly known as "doe tags" in addition to the buck tags that come with the hunting license. While all deer consume nearly 2000 pounds of vegetative material a year, harvesting does is more effective in controlling the deer population. A number of hunters in the program have told us they "save their doe tags" for their hunting in Harvard. They understand the DMS and Commission program and actively work toward the program's goals.

Each approved hunter was issued a photo ID with their hunter number on it and a dashboard parking placard, as well as two bright orange numbered stand tags. Each hunter was vetted by the Harvard Police Department and the Environmental Police Officer (EPO). The hunters carried the contact numbers of the Harvard Police, Environmental Police, the Conservation office and a DMS member. They also were required to have in their possession their Hunter ID, hunting license, doe and buck tags, and a map of their assigned properties. Hunters also follow the regulations and rules as stated by the MA Division of Fisheries & Wildlife. The hunters were required to complete a daily log after each hunt or scouting activity.

DMS has had discussions regarding the best way to distribute hunters over designated properties. The majority of towns in the Commonwealth simply open their designated properties so that qualified hunters may choose where to set

their stands. A minority of towns and land trusts assign hunters to specific properties. Both distribution strategies have their benefits. DMS has interviewed and surveyed the participating hunters from previous seasons and several different towns and land trusts in an effort to determine which method would best serve the Town of Harvard conservation lands.

DMS decided in 2023 to continue to assign the hunters to specific properties. Each hunter would have their own parcel, or in the case of larger lots, share a parcel with one other hunter. This allowed each hunter to have responsibility and 'ownership' of each property assigned to them. (The Great Elms, Tripp/Stephenson (west) and Barrett properties were each assigned a team of two hunters).

If a hunter shared the property with a second hunter, they were given their contact information and could coordinate hunts if they chose to. In some cases, previously qualified hunters came to the qualifier with an existing hunting buddy. The DMS saw this as an opportunity to increase hunting on the properties by assigning the pair to a single parcel. This made sense as the two were familiar with each other's hunting style, and there was already good communication in place. Three different pairs of hunters have been successful in harvesting a deer during the past three years.

DMS made a concerted effort to match hunters with their desired parcels. Hunters were asked to select their top five preferred properties and given the best match available. The properties were then assigned based on participation in the previous year program, Harvard residency, or Town of Harvard employment. Those that participated more in the past were given a priority for their properties of choice.

When asked how the system of fixed assignments worked this year, DMS received the following replies:

- The assigned properties worked great. We had our best year as a group.
- For me this location is in my back yard. I think it takes time each season to learn your property well and the deer traffic. That traffic changes as the deer get hunted. They learn to change their patterns. I see nothing positive in moving locations during the season unless someone is ill or moves.

- I feel strongly that assigned properties are a huge contributor to success with the program.
- Assigned properties is great. It takes about 2-3 seasons to really dissect a property so bouncing people around would only hurt us.
- Yes, it absolutely works. No rotation. You get to know the property and deer patterns.
- I prefer the locations fixed. Give you a sense of responsibility and gets you to know the area and pattern deer year to year. This is why I was able to harvest a deer this year, I was able to use last year's knowledge to move my stand to a spot I thought was better based on what I saw last year, and I was right.
- I like the system that's in place. If someone is unable to hunt a property, it's offered up to another that can like this year.
- I would like to hunt another area.
- I wanted to move to other properties later in the season but being only limited to bow hunting, I decided to hunt other places where I could use my blackpowder gun.
- Definitely rotating annually.

Other hunter comments included:

- I'd like to see more of under hunted properties opened up to the rest of DMS hunters before shotgun season starts.
- Very well-run program and administrators made themselves very accessible for questions and concerns.
- Getting the hunter documents earlier and correct would be a good improvement.
- I wouldn't change anything with the current program. It would be interesting to have an in-person meeting of the hunters to meet and know each other a little better. Like at the Harvard Sportsman's Club some afternoon.
- If the program is about deer management and harvesting does, then once a doe is harvested, then other hunters [*with doe tags still available—ed.*] should be allowed the opportunity to hunt the parcel.
- I was hoping I would have better luck knowing more about my assigned property this year, but it didn't work out. It would be nice if other plots opened up sooner than December if people weren't hunting them.

A number of hunters who qualified for the program requested a longer period to scout and setup their tree stands/equipment. We hope to accommodate this request in the future. We believe that hunter assignments to the same parcel year after year provides a hunter more time to study the terrain and “pattern” the deer activity. In order to be successful, hunters continue to make observations throughout the seasons to predict where the deer will be at a given time and make stand location adjustments appropriately. The skilled hunter looks for deer prints in the winter’s snow. They check pathways, grazing patterns, bedding areas, territorial marking “rubs” and “scrapes.” Ideally, their hunting stands are installed weeks or months before the season begins so the deer become used to them. We can reasonably expect a continuing increase in harvested deer each year going forward due to our experienced hunters having a better command and knowledge of the properties and the deer movements across them.

One goal of the individual parcel assignment method was to increase the number of individual stand visits by each hunter. Of the 288 hunter log entries that were collected through Google Forms, 85% of all hunting and scouting activity was on 10 (out of 17) parcels: Barrett, Blomfelt, Coke, Daman/Stephenson (east), Gillette, Great Elms, Hermann Orchard/Rodriquez, Tripp/Stephenson (west), Warila and Willard/Poitras.

23 of the 25 approved hunters got out to hunt during the season. Of these, 10 accounted for 85% of the trips to scout or hunt. Some approved hunters only hunted once or twice due to other time commitments, hunting opportunities at other locations, plan changes due to Covid, or personal challenges. According to other programs and the State Deer Biologist, Dr. Feehan, it is common that the people hunting most actively will be a minority within the group of hunters. Our selection of hunters is a meritocracy in that hunters that put in the most time scouting and hunting are more likely to receive their preferred choices of hunting areas for the next year. In the future if there are more hunters than can be assigned to parcels, hunters who do not participate as much may be asked to step back to allow new hunters in. We want to follow Dr. Feehan’s advice to keep a pathway open for new hunters to come in, because “they may be your future super stars.” One new hunter, Tom, proved that this is good advice; he spent a lot of time in the woods and harvested two deer.

Ten deer — six does and four bucks — were harvested by seven of the DMS hunters on Town property in the program. The deer were harvested from Barrett (doe), Blomfelt (buck), Coke (doe), Damon/Stephenson east (doe and 2 bucks), Hermann Orchard/Rodriquez (doe), Tripp/Stephenson west (doe and buck) and Willard/Poitras (doe).

There was a single report of hunter harassment or vandalism. A camera was interfered with, and the police were contacted.

Unpermitted hunting and poaching on DMS program parcels continue to be observed and reported by our hunters:

- The brother of a nearby resident was found in a stand on posted Conservation land. This is likely a repeat offender that had been caught hunting over bait the first season we posted the hunt. The person in the stand immediately apologized and left the area with his gear. DMS contacted the Stewardship Chair who in turn contacted the neighboring property owner.
- A DMS hunter approached two gun hunters entering Conservation Land and told them the property was restricted to DMS program archery hunters. The gun hunters apologized and left the scene.
- A DMS hunter saw a gun hunter hunting at night with a headlamp. The Environmental Police were contacted along with Harvard Police dispatch. The program hunter relayed the precise location to the EPOs and HPD. Hunting deer with a flashlight “jacklighting” is a crime.
- During routine parking surveillance, a DMS Committee member found a parked car at the Stow Road Gravel Pit. Both the HPD and EPO responded and caught a poacher that apparently had a record in other Massachusetts towns.

It is clear that having authorized hunters in the woods can discourage illegal hunters. Word will get around about the police actions, and this will likely reduce the unpermitted hunters attempting to hunt on Town Conservation Land. We would like to commend the hunters, the Harvard Police, State Environmental Police, the Conservation and Town Administrator’s offices, and the Conservation Chairman for their quick responses and hard work in helping to stop illegal hunting.

We are satisfied with all important aspects of the program in 2023. First, there were no reported safety incidents involving participants in the hunt. Secondly, there were no conflicts or negative interactions that we are aware of in the woods between hunters and the general public (not counting the incident of vandalism of a camera) Archery continues to show itself as a very effective means to reduce deer population.

The development and implementation of a local hunting program can be frustratingly complex and slow, as the Harvard Conservation Commission and the Deer Management Subcommittee has seen. However, after almost 5 years, the 2023 season appears to be an inflection point beginning to show the yields of all of the hard work by everyone involved. There has been a consistent effort put forth by the Commission to carefully consider and approve additional properties each year with corresponding increased deer harvest. The 2023 harvest of 10 deer was a resounding success with a harvest exceeding the previous years' combined totals. The more than doubling of the harvest for the program in 2023 over 2022 far exceeded the harvest gains of 8% across the entire town and 1% across Zone 9. The results show how fostering a community of active hunters that have gained local experience combined with increasing property access can lead the program to continued success. MassWildlife continues to encourage the Harvard Conservation Commission to increase property access where possible to further foster the success of the deer management program.

*—Martin Feehan, Deer & Moose Biologist,
Wildlife Health Specialist, Mass Fisheries & Wildlife*

Deer Harvest in Town of Harvard, 2023

Season	Female	Male	Total
Archery	20	26	46
Shotgun	11	12	23
Primitive	5	4	9
Total	36	42	78

With a harvest of 10 deer in 2023, the DMS feels that it played a significant role in protecting the ecological value of our conservation land by helping control the

overpopulation of deer. It is estimated that a deer consumes approximately 2000 pounds of plant material each year, so removing 10 deer makes a difference of 20,000 pounds. It is particularly valuable that our hunter team prioritizes taking does, as that is more effective in controlling the deer population. While we cannot assume we will double our harvest every year, it is likely that our hunters will continue to have good success based on the increased time they are putting into scouting and hunting, and their increased knowledge of the movement of the deer herds in town. This year's results seem to confirm what MassWildlife told DMS, that opening more of the landscape to hunting increases the season's yield, both on DMS properties and elsewhere, because the deer move around more.

Evidence continues to mount for how critical it is for the health of our forests to manage deer populations. Biologist Karro Frost shared this with the DMS: "Deer browse mostly on native species. They tend to avoid the invasive species because their systems, just like those of native insects, aren't capable of digesting the invasives. As the deer numbers go up, so will invasive plants, because the natives don't stand a chance between browsing by deer and then being shaded out. I've also seen results of primarily deer spreading seeds of invasives that get stuck in the fur on their legs. This is particularly true for Japanese stilt grass. Unfortunately, deer overabundance is a part of the invasive species problem."

The DMS is very pleased that the management program was successful again this year. Bow hunting is an inherently difficult activity, and we are proud of all of the volunteers that worked with us this year. We are pleased that our archery team harvested a new record for a season. We appreciate that more properties were approved to expand the managed area.

We are grateful for the continued support of the Conservation Commission, and we are looking forward to next year's deer season!

Robert Douglas, Chair
Tom Cotton
Ben Urquhart
Jessie Panek, Conservation Liaison
Joe Pulido, Rangemaster/Hunt Coordinator

The Deer Management Subcommittee's (DMS) continuing mission is to help protect the ecological integrity of Harvard's forests by limiting the local population of white-tailed deer. The deer population is managed by a controlled hunt during State hunting season on selected conservation and other public land in Harvard. Town conservation lands picked for the program are approved by the Conservation Commission, other parcels by their managing authorities. Bow hunting by special permit is conducted while prioritizing public safety and enjoyment of conservation land. DMS selects, coordinates, and supervises volunteer archery hunters who meet strict competency standards. DMS shares the MA Division of Fish and Wildlife's population density goal for this region of 12-18 deer per square mile and relies on the State deer biologist's assessment of current deer densities.

DRAFT



Wetlands Delineation & Permitting Wildlife Studies Herpetology Vernal Pool Ecology Botany Aerial Imagery

February 22, 2024

Harvard Conservation Commission
13 Ayer Road
Harvard, MA 01451

**Re: Wetland Evaluation & Restoration
8 Willow Road
Harvard, MA**

Dear Members of the Commission,

In response to the Enforcement Order issued on December 5, 2023, Oxbow Associates, Inc. (OA, specifically S. Smyers & S. Campbell) reviewed the above referenced property and associated wetland on January 15, 2024. There was little snow and the wetlands were reviewed in accordance with standard methods for delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act (WPA: MGL Ch. 131, §40) and the Harvard Wetlands Protection Bylaw (Ch. 119-2). The site is located south of Route 110, North of Bare Hill Pond, and west of Willow Road. The lot contains a single-family house, a shed, a chicken coop, a paved driveway, and landscaped yard. The topography slopes down from the road continuously to an emergent marsh along the western edge of the Site.

OA delineated the Bordering Vegetated Wetland (BVW: 310 CMR 10.55) located to the western portion of the property with blue plastic flags labeled OA A-1 through OA A-9. This wetland contains red maple (*Acer rubrum*), highbush blueberry (*Vaccinium corymbosum*), phragmites (*Phragmites australis*), sweet pepperbush (*Clethra alnifolia*), swamp azalea (*Rhododendron sp.*), glossy false buckthorn (*Frangula alnus*), silky dogwood (*Swida amomum*), and cattail (*Typha latifolia*).

A portion of the property within the BVW contains alterations including an elevated walkway created by stone and soil (340 s.f.), raised planting beds (680 s.f.), pergola, treehouse, wooden bridge and planks, planted saplings, yard debris (e.g., pine needles, leaves, branches, 830 s.f.) in the wetland and buffer, one stump in the wetland and several in the upland, cut shrubs including on a small island in the wetland at the end of the path. Please see a series of [photos at this link](#) from our site inspection. According to the owner, the fill from the planting beds was from the wetland, not the upland and all the work was completed using hand tools.

The MassGIS FEMA layer indicates that the site is within the 100-year flood zone [Bordering Land Subject to Flooding (BLSF: 310 CMR 10.57)]. According to the current Massachusetts Natural Heritage and Endangered Species Program (MassGIS 2017) data layers, the site does not contain Estimated or Priority Habitats for Rare Wildlife or any Certified Vernal Pools.

Proposed Restoration Recommendations

The wetland delineation is OA's interpretation of the wetland boundary, and it must be reviewed and approved by the Harvard Conservation Commission (HCC) before it is the legally affirmed boundary. Figure 1 can be used as a planning tool to show the resource areas and alterations. OA GPS-located, the stone pathway, the garden beds, and the yard debris zone, all within the wetland boundary or buffer. As explained in the Enforcement Order, unauthorized alteration of a wetland resource violates the Massachusetts Wetland Protection Act, as well as the Harvard Wetlands Protection Bylaw.

Restoration Plan

To bring the site back into compliance and release the Enforcement Order, OA recommends removing all non-native stone and fill, as well as naturalizing other alterations by dismantling planting beds and yard debris. Native plants within the restoration area may be distributed throughout the restoration area. Any disturbed soil shall be seeded with New England Roadside Matrix Wet Meadow seed mix (<https://newp.com/product/new-england-roadside-matrix-wet-meadow-seed-mix/>). All work will be completed with hand-tools except a small machine may be used to bring material up the hill from the edge of the wetland. Removed material will be placed in the outer portion of the buffer zone or entirely outside the buffer, when practical.

OA will oversee the restoration work and provide a report with photo-documentation, dates, and descriptions of work. After work is complete, OA will conduct seasonal inspections and submit an annual report for two years summarizing the condition of the restoration area, photos, and any recommendations. At the end of the second season, OA will request the Enforcement Order be released.

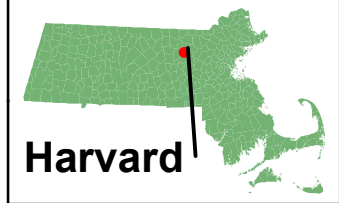
If you have any questions, please do not hesitate to contact Scott Smyers at 978-929-9058 ext. 103.

Sincerely,



Scott D. Smyers, M.S. P.W.S.
Senior Scientist

encs.

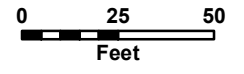


Harvard

Figure 1
Wetland Restoration
8 Willow Road
Harvard, MA

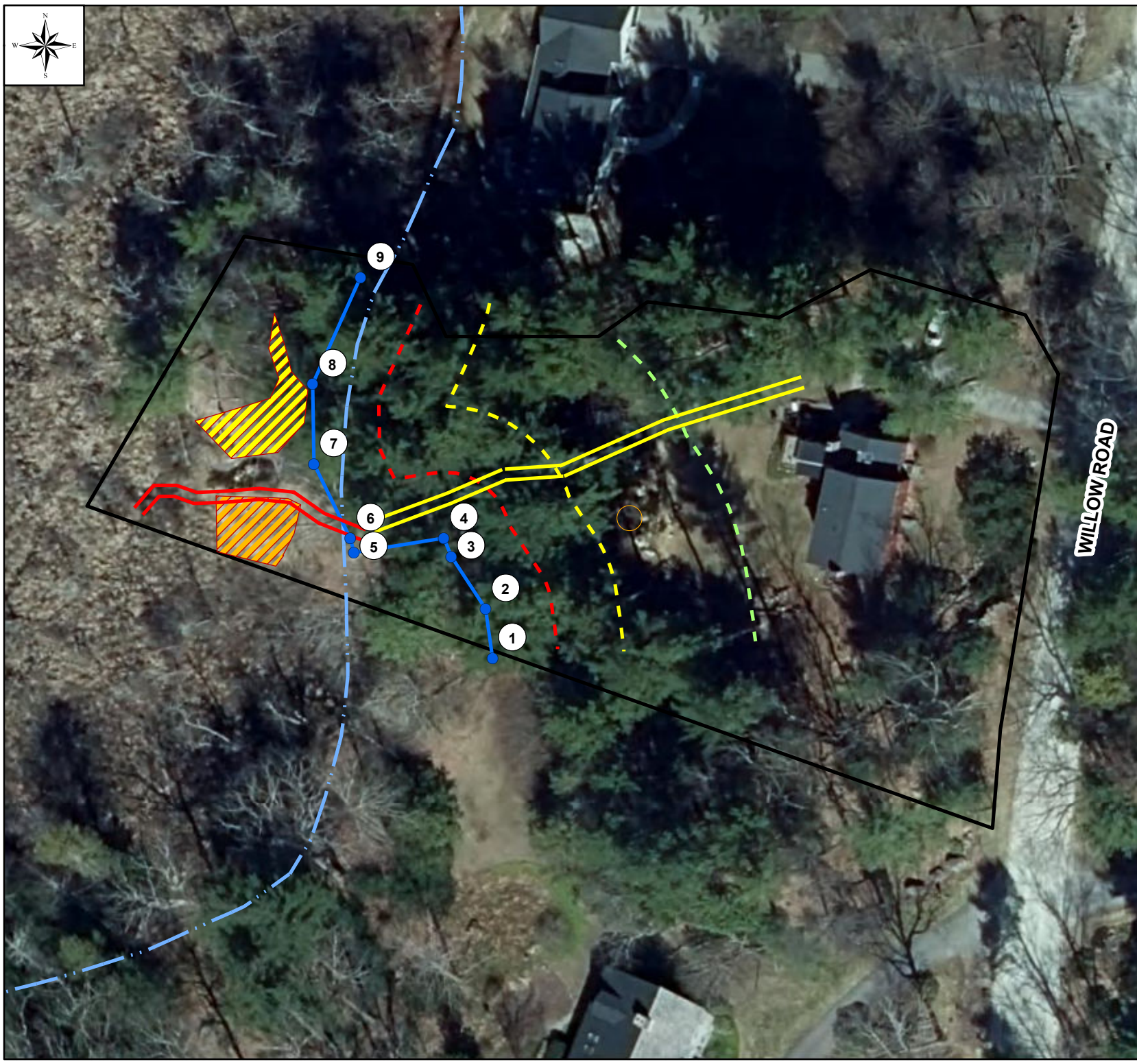
1:600

1 inch = 50 feet



Legend

- Wetland Flags
- Sand Pile
- Stone Path
- Walkway to House
- 100ft Buffer
- 50ft Buffer
- 25ft No-Disturbance Zone
- Wetland Line
- Garden Bed
- Yard Debris
- Flood Zone AE
- Property Boundary



Wetlands Bond

Bond No. _____

KNOW ALL MEN BY THESE PRESENTS, that we L.D. Russo, Inc. c/o Wheeler Realty LLC & Chern Realty Trust

198 Ayer Road, Harvard, MA 01451

as Principal, and Hanover Insurance Company, 440 Lincoln St., Worcester, MA 01653

authorized to do business in the State of Massachusetts, as Surety, are held and firmly bound unto _____

Town of Harvard Conservation Commission, Town Hall, 13 Ayer Road, Harvard, MA 01451

as Obligee, in the penal sum of _____

Twenty Thousand and 00/100***** (\$ 20,000.00) DOLLARS, lawful money of the United States of America, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, L.D. Russo, Inc. c/o Wheeler Realty LLC & Chern Realty Trust

has agreed to construct in 203 Ayer Road

the following improvements: Wetlands Replication in Accordance with the Town of Harvard Order of Conditions issued as Permit DEP File #177-0707 Harvard #1310101 and DEP File #177-711 Harvard #159279

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the said Principal shall construct, or have constructed, the improvements herein described and shall save the Obligee harmless from any loss, cost or damage by reason of its failure to complete said work, then this obligation shall be null and void; otherwise to remain in full force and effect.

Provided However, this bond shall continue in force until March 8, 2025, or until the date of expiration of any Continuation Certificate executed by the Surety. Signed and Sealed this 8th day of March, 2024.

L.D. Russo, Inc. c/o Wheeler Realty Trust LLC & Chern Realty LLC

Principal

By: _____

Hanover Insurance Company

By: _____

Attorney-in-Fact

Timothy P. Lyons

MATTHEW S. MARRO
45 Lisa Drive
Leominster, Ma 01453
(978) 314-7858
mattmarro@cs.com
matt@marro-consulting.com

EDUCATION: Fitchburg State College
160 Pearl Street
Fitchburg, Ma 01420
Bachelor of Science- Biology/Chemistry
Awarded degree June, 1986

Leominster High School
Granite Street
Leominster, Ma 01453
High School Diploma- With Honors, 1981

EXPERIENCE:

August 1999- present: Matthew S. Marro Environmental Consulting.

Wetlands Consulting in the areas of permitting services to local, state and federal regulatory authorities, resource area delineation, facilitation and coauthoring of wildlife habitat evaluations, creation and supervision of wetland restoration/replication planning and implementation. Performance of third-party reviews and project evaluations for local Conservation Commissions. Representation provided for residential commercial and industrial development. Larger corporate clients have included Wal-Mart, Dollar General, Amerada Hess and Cumberland Farms.

Town of Lunenburg Conservation Commission: (Conservation Administrator) August

2016 - May 31, 2022

The Conservation Administrator is a management position within the Town of Lunenburg serving the town by performing evaluations and project analysis for the Commission in all matters to appear before them. Enforce and forward the public interests of the Wetland Protection Act and Local By-Law on behalf of the Commission on a case-by-case basis as the need arises. Responsible for monitoring the natural resources within the Town for Compliance with the Act and local By-Law, and to interact with other state, federal and municipal agencies as needed. The Administrator represents the Commission in all adjudicatory and court litigation and enforces local open space land use regulations as mandated by the Commission. The Conservation Administrator also manages all conservation restrictions and manages the Hollis Road house, a donated single family home with 76 acres of open space converted to an outreach center. The Conservation Administrator aids in the

planning and implementation of a local pollinator habitat and current forest management and harvesting projects.

Town of Tyngsborough Conservation Commission: (Conservation Director)
January 2007 – August 2016. (note started as consultant in December 2006)

The Conservation Director is a management position within the Town of Tyngsborough serving the town by performing evaluations and project analysis for the Conservation Commission in all matters to appear before them. Enforce and forward the public interests of the Wetland Protection Act and Local By-Law on behalf of the Commission on a case-by-case basis as the need arises.

Responsible for monitoring the natural resources within the Town for Compliance with the Act and local By-Law, and to interact with other state, federal and municipal agencies as needed. The Director represents the Commission in all adjudicatory and court litigation. The Director also enforces local Storm water management regulations as mandated by the EPA. The Director also oversees town owned open space and the protection of the bald eagle along the Merrimack River. The Conservation Director also manages all conservation restrictions and manages the Sherburne Nature Center, a donated single-family home converted to an education and outreach center. The Conservation Director aids in the planning and implementation of all current and proposed regulation and open space uses as well as implementing the updates to local GIS data basing.

Leominster Conservation Commission: (Environmental Inspector)
Employment period from: February 1, 1992, to
March 10, 2006.

Responsible as a department head for the Leominster Conservation Commission in all day-to-day aspects of office operation, inclusive of budgetary and open space management. Performed evaluations and delineation confirmations and project analysis for the board in all matters to appear before them. Enforced the Wetland Protection Act on behalf of the Commission on a case-by-case basis as the need arose. Responsible for managing commission owned open space within the city, and interacted with other state, federal and municipal agencies frequently. Experienced in adjudicatory and superior court litigation. Aided local DPW and Planning in Storm water enforcement.

Town of Lunenburg Conservation Commission: (contracted per diem consultant)
July 1999 –August 2016 (see City of Leominster description above) Appointed as a Fulltime town employee August 2016 to present.

Town of Sterling Conservation Commission: Field Agent
April 2001- May 2022 (see City of Leominster description above)

Town of Westminster Conservation Commission:
January 2018 – present (see City of Leominster description above)

Town of Winchendon Conservation Commission:
June 2022 – present (see City of Leominster description above)

Other communities previously served within Massachusetts either as staff or a consultant:

Towns of Phillipston, Templeton, Lancaster and Dudley.

BOARD AND COMMITTEE EXPERIENCE:

Former member: Mass Watershed Stewardship Committee

Former member: Montachusett Regional Emergency Planning Commission

Former Member: Montachusett Trails and Stewardship Committee

Current Member: Sterling ADA Advisory Committee : Coordinating Chair

Current Member: Sterling Conservation Commission

PROFESSIONAL ACHIEVEMENTS:

October 2004: Authored former City of Leominster Storm water Control Ordinance

January 2007: Successful Application to the USDA on behalf of the Town of Phillipston for funding construction of a new public works building and garage.

Funding secured: \$750,000.

Aided in the Authoring of Tyngsborough Storm-water by-law and Sterling Regulations, 2009-2010

Authored and co-authored grants for the acquisition of open space totaling over two Million dollars, saving over 1200 acres of open space from 1995-2011

2018- 2022 Multiple grants from DCR to fund forest stewardship planning and harvest/management activities in Sterling and Lunenburg Massachusetts.

2020: ADA accessibility grant for the Town of Sterling for a handicap parking area and accessible trail.

Public Contribution:

Provided pro bono services to the City of Leominster for permitting, Wetland delineation and construction management for a memorial skate park dedicated to the memory of a Leominster youth who died at the age of 19 as the result of a hit and run incident.

Former volunteer analyst for the University of Massachusetts in the Acid Rain Monitoring Project and Mass Water Watch Partnership.

Advanced Fundraiser, Muscular Dystrophy Association

Pro Bono Consulting services for the Millers River Watershed Council.

PROFESSIONAL CREDENTIALS:

Professional Wastewater Treatment Plant Operator, Grade 7C. # 3476

EPA certified Stormwater Inspector # 11797

LIST OF RECENT RESTORATION/REPLICATION PROJECTS

- Blackstone – 0 Milk Street, replication construction supervision and monitoring. Project commenced in 2023 and monitoring is still ongoing.
- Lancaster- Hawthorne Road- provided planning and supervision of a wetland restoration of 28,000 square feet of alteration pursuant to a Superseding Order of Conditions. A certificate of Compliance for the restoration was issued in the fall of 2023.
- Littleton- Scott Road 2018-2021- provided narrative planning and restoration of 2,000 square feet of bordering wetland and flood plain, pursuant to and Order of Conditions issued in response to an enforcement order. Certificate of Compliance issued in Spring of 2023.
- Plainville- Fales Road - currently providing planning services in response to a Conservation Commission Enforcement Order for filling of 20,082 square feet of wetland and 15,000 square feet of buffer zone.
- Grafton – Adams Road- provided construction Supervision and monitoring for a wetland replication still ongoing- commenced in 2023 pursuant to an Order of Conditions for a roadway crossing to accommodate construction of a subdivision. The fill is 2,365 square feet of bordering vegetated wetland and replication is 4,732 square feet.

RELATED SERVICE

- Haverhill – provided assessment of invasives pursuant to an Order of Conditions for a solar project. Services include invasive removal and maintenance contingency planning. This involves invasive overgrowth in the wetland resource area balancing invasive removal in a manner to allow enhancement to the wetland resource without altering it.



MEMORANDUM

DATE: March 21, 2024

TO: Harvard Transfer Station Committee

FROM: Harvard Conservation Commission

RE: Request for Comments

As a location along Bower's Brook, the Transfer Station is always on the minds of the Conservation Commission (ConCom). In 2012 an agreement between the then Department of Public Works Director, Ricard Nota, and the ConCom included measures to assist in keeping trash and debris out of the wetland resource area. Unfortunately, those measures have not been maintained and trash and debris can be seen within the wetland resource areas. It is apparent to the ConCom that resolving these issues are not the charge of the Transfer Station Committee, but understanding the need to protect the wetlands are important when making recommendations on the future of the Transfer Station. Although not a charge of the ConCom, the management of invasive plants should be taken into consideration as well as the site contains a number of invasives that have the potential to threaten the health and habitat of Bower's Brook. And finally, with work started to assess the old land fill, the ConCom would recommend the Transfer Station Committee participate or contribute to the clean-up planning process. Thank you for the opportunity to provide comments on this matter.

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
MARCH 7, 2024**

Chair Eve Wittenberg called the meeting to order at 7:01pm, 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, Joanne Ward, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates, Inc.), Alice von Loesecke, Jaye Waldron, Lance Rasnake, Brendon Kelly (Clinchfield), Brian Marchetti (McCarthy Engineering Inc), and Paul Cavicchio

Continuation of a Notice of Intent Hearing – Shakers’ Quarry Property Owner’s Association, Inc., Stonecutters Path and Quarry Lane, DEP#177-742, Harvard#0124-01. Opened at 7:06pm.

Request for Determination of Applicability Hearing – Alice von Loesecke, 84 Warren Ave, Harvard#0124-05. Opened at 7:07pm.

Continuation of a Notice of Intent Hearing – Paul Cavicchio, 39 Turner Lane, DEP#177-741, Harvard#0124-02.
Opened at 7:26pm.

Continuation of a Notice of Intent Hearing – CSX Transportation, Inc, CSXT Railway Right-of-Way at Route 2, Harvard#0124-03. Opened 8:01pm.

Request for Determination of Applicability Hearing - Janet Waldron, 76 Warren Avenue, Harvard#0224-01. Opened at 8:14pm.

Continuation of a Notice of Intent Hearing – Shakers’ Quarry Property Owner’s Association, Inc., Stonecutters Path and Quarry Lane, DEP#177-742, Harvard#0124-01. Opened at 8:29pm.

Discuss Annual Reappointments to the Conservation Commission

Two positions are up for reappointment: Joanne Ward (Permanent member) and John Lee (Associate Member). Applications are due to Town Hall by March 15th. The Town has asked for the Commission to provide input on all applicants. Volunteer applications are due by May 1st. All applications will be discussed at the meeting on May 2, 2024.

Request to Extend an Order of Conditions – Harvard Department of Public Works (DPW), DEP#177-662

The DPW has an open standing Order of Conditions for the maintenance they perform in Town. The current order expires in April and would like to extend for another 3 years.

Don Ritchie made a motion to Extend an Order of Conditions for Harvard Department of Public Works, DEP#177-662. 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; Mark Shaw, aye; and Jessie Panek, aye.

Request for a Certificate of Compliance – 38 Lovers Lane, Harvard DEP#17-727

Don Ritchie made a motion to issue the Certificate of Compliance for 38 Lovers Lane, Harvard DEP#177-727. Mark Shaw 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.

MAC Annual Environmental Conference Round-up

Postponed to next meeting

Act on Nashua Rivers Wild & Scenic Stewardship Council Community Grant Program 2024 Application – Harvard Invasive Plant Project (HIPP)

Don Ritchie made a motion to approve the Nashua Rivers Wild & Scenic Stewardship Council Community Grant Program 2024 Application-Harvard Invasive Plant Project (HIPP). 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; Mark Shaw, aye; and Jessie Panek, aye.

Update on Warrant Article for Wetland Protection Bylaw Fees

The Warrant Article will not be on Spring Town Meeting. Further discussion postponed to next meeting

Update on Action Items from the Strategic Planning Session

Postponed to next meeting

Update on Enforcement Order – 351 Ayer Rd

Liz Allard spoke with Matt Marro, who will be filing the Notice of Intent by 3/21/24 for the first meeting in April.

Status Report Pine Hill Village, DEP#177-586

Liz Allard did a site visit earlier today and everything seems to be working as planned.

Status Report 90 Warren Avenue, DEP#177-719, Harvard#1122-02

Work is still being done on the interior, so no outside work is happening at this time.

Updates from Representatives & Liaison

Deer Management Subcommittee (DMS) – Jesse Panek and Don Ritchie have completed the mission statement and have circulated it for approval. Ms. Panek also mentioned a letter was received from the Department of Environmental Police thanking them for assistance in catching illegal hunters. Mission statement and annual report will be discussed at next meeting.

Community Preservation Committee (CPC) – John Lee stated CPC is awaiting Town Meeting approval.

Land Stewardship Subcommittee (LSS) – no update from Jim Burns as he was unable to attend the meeting tonight.

Open Space Committee (OSC) – Liz Allard stated OSC is working on the Municipal Vulnerable Preparedness grant for the purchase of the conservation restriction on Carlson Orchards on Littleton County Road. The Open Space & Recreation Plan should be done by the next meeting. OSC is working with the Select Board to get the Conservation Agent reinstated as a non-voting member, which the Select Board changed in error.

Harvard Climate Initiative Committee (HCIC) – The HCIC has extra money from their Municipal Vulnerable Preparedness grant to draft a Tree Clearing Bylaw which will be proposed at Fall Town Meeting. Liz Allard and Eve Wittenberg. Along with Ellen Leicher, chair of the HCIC, are working together with a consultant to draft the bylaw. The warrant article will be submitted by the Planning Board.

Updates from the Conservation Agent

- Recording Secretary
Celia Jornet has been contracted to transcribe the Commission's minutes starting with the meeting this evening. Ms. Jornet has also agreed to complete previous meetings' minutes. The Conservation Agent

is working with Ms. Jornet to provide her the necessary information to complete any outstanding minutes.

- **Transfer Station Committee Request for Comments**

The Conservation Agent is requesting members of the Commission provide her any comments that pertain to the protection and health of the wetland that surrounds the transfer station to her no later than March 19th for inclusion in a comment letter that will be reviewed by the Commission at the March 21,2024 meeting.

- **Merrimack Restoration Partnership Meeting**

Postponed to next meeting

- **MCA Land Protection Workshop**

Postponed to next meeting

- **Walk-in Office Hours**

In an effort to improve time-management, the Conservation Agent has established walk-in hours and by appointment hour as a part of normal business hours as follows:

Office hours:

Monday – Thursday 8:00am – 4:30pm;

Walk-in hours:

Monday 2:30pm – 4:30pm

Tuesday 9:00am – 11:00am

Thursday 8:00am – 12:00pm;

All other times by appointment only.

- **203 Ayer Road Pre-Construction Meeting**

The Conservation Agent and Don Ritchie, along with representatives from L.D. Russo and GPR, Inc., attended the pre-construction meeting at 203 Ayer Road this past Tuesday. A high-level over view of the site work was discussed, including access routes within the site for the movement of the soils from the isolate wetland to the replication area. The Stormwater Pollution Protection Plan was provided by GPR, Inc. for the record. Special Conditions were reviewed along with the regulations associated with the wetland replication. The need to approve the qualified wetland scientist to oversee the replication, along with engaging a site monitor will be discussed at the March 21st meeting of the Commission.

Approve Minutes

There were no minutes to approve.

Approve Invoice

Joanne Ward made a motion to approve the invoice from Alpha Graphics in the amount of \$875.00 for Wetland signs. 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.

Adjournment

Don Ritchie made a motion to adjourn the meeting at 9:24pm. Jessie Panek seconded the motion. By a show of hands, the vote was unanimously in favor of the motion.

Respectfully submitted,

Celia Jornet,
Recording Secretary

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated March 7, 2024
- Proposed Addition 39 Turner Lane Harvard, MA Notice of Intent Plan, Job 316.02, prepared by McCarthy Engineering, Inc., 2/23/2024
- Tree Work, 76 Warren Ave., Harvard, MA Sketch Plan showing trees to be removed, undated

DRAFT

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Shakers' Quarry Property Owner's Association, Inc.,
Stonecutters Path and Quarry Lane, DEP#177-742, Harvard#0124-01
March 8, 2024**

The public hearing was opened at 7:06pm 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 Dan Wolfe (Ross Associates, Inc.)

This hearing was continued from February 15, 2024 on a Notice of Intent filed on behalf of Shakers' Quarry Property Owner's Association, Inc., for the grinding and removal of existing asphalt, repairs to gravel base, and resurfacing the roadways, and the replacement of an 18" culvert and reforming portions of the existing open channel drainage system within the 100' wetland buffer zone on Stonecutters Path and Quarry Lane, Harvard.

Don Ritchie made a motion to continue the meeting to 8:10pm this evening. 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; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Request for Determination of Applicability
Hearing Meeting Minutes
Alice von Loesecke, 84 Warren Avenue, Harvard#0124-05,
March 7, 2024**

The public hearing was opened at 7:07pm 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 Alice von Loesecke

This hearing is for a Request for Determination of Applicability for emergency electrical and gas line replacement within 200' of Bare Hill Pond at 86 Warren Avenue, Harvard.

A site visit was completed to see what the project entailed and determine any remediation that would be required by the Commission. Alice von Loesecke stated she did not know that the Commission needed to be notified before they relocated the generator, which was too close to the home and was emitting carbon monoxide fumes into the home. Also, a new electrical line was run to the boat house.

It was determined that erosion control mitigation would need to be put in place, and there would need to be something done to reestablish vegetation growth in the area. An erosion control barrier would need to be installed until grass stabilizes the area to prevent soil from running off into the pond. The hearing was opened to the Commission for questions and comments. Mark Shaw stated woodchips/bark would encourage new growth and keep rainwater from moving dirt downhill into the pond. Jessie Panek stated a thin layer of mulch over compost is better than compost alone, in response to a question from Ms. von Loesecke as to whether she could use compost instead of mulch.

Don Ritchie made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the following conditions: straw wattles are to be installed in front of the boat house within 10-days and are to be inspected by the conservation agent; these wattles are to remain in place until all disturbed areas are stable; a thin layer of compost and woodchips or mulch shall be used around existing vegetation in areas of exposed soil; and other disturbed areas are to be hydro-seeded. 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; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Celia Jornet,
Recording Secretary

Harvard Conservation Commission

Continuation of a Notice of Intent Hearing Meeting Minutes
Paul Cavicchio, 39 Turner Lane, Harvard#0124-02
March 7, 2024

The public hearing was opened at 7:26pm 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), Brian Marchetti (McCarthy Engineering Inc.), Paul Cavicchio and Dan Wolfe (Ross Associates)

This hearing was continued from February 15, 2024 for a Notice of Intent filed on behalf of Paul Cavicchio for the addition of a mudroom, shower, and deck within the 200' wetland buffer zone of Bare Hill Pond, at 39 Turner Lane. Harvard.

Brian Marchetti, of McCarthy Engineering, presented the revised plan to the Commission. The deck was removed from the plan; a drip edge was added to the roof to collect rainwater; a drywell was proposed to collect rainwater; restore crushed stone walkway to front porch; seeding other areas.

The hearing was opened to comments and questions from the Commission. Jessie Panek agreed with the changes. Eve Wittenberg asked Mr. Marchetti if there were any other options he could present with regards to the mudroom. Mr. Marchetti stated the entire project is within the 75' no build zone. The only other option would be to totally gut the current structure and redo the layout. The purpose of the mudroom is to facilitate entry to the house, instead of stepping right into the kitchen. Mr. Marchetti stated there will be no further disturbance to the area as the addition is where the cesspool had been located. Mr. Marchetti offered to move the proposed mini dry well outside the 50' no disturbance buffer zone. Dan Wolfe, of Ross Associates, stated he completed the site plan for the tight tank with the Board of Health and has been inside the house, which is very small; the extra space from the mudroom addition is invaluable to the property. Liz Allard requested the Harvard siltation barrier be added to the plan, along with an additional "All disturbed areas shall be loamed & seeded" add to the disturbed areas on the north side of the house. Ms. Wittenberg requested the mini dry well be located outside the 50' no disturb zone.

Don Ritchie made a motion to waiver Chapter 147-12 of the Code of the Harvard, which requires a 75' setback from the wetland resource area for a structure. Joanne Ward 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.

Don Ritchie made a motion to close the hearing and issue an Order of Conditions with standard special conditions and the additional condition of installing the stairs into the mudroom on the south side of the house should the setback allow. 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; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Celia Jornet,
Recording Secretary

Harvard Conservation Commission

**Continuation of a Notice of Intent Hearing Meeting Minutes
CSX Transportation, Inc., CSXT Railway Right-of-Way at Route 2,
Harvard#0124-03
March 7, 2024**

The public hearing was opened at 8:01pm 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 Brendon Kelly (Clinchfield)

This hearing was continued from February 15, 2024 for a Notice of Intent filed on behalf of CSX Transportation, Inc., for improvements to the existing bridge clearance within the 100' wetland buffer zone along the CSXT Railway Right-of-Way at Route 2, Harvard.

Eve Wittenberg stated no DEP number has been issued yet, so the hearing cannot be closed. Therefore, the only issue to be addressed is the Harvard imposed fee.

Brendon Kelly, of Clinchfield, stated CSX believes they are not beholden to local laws and are asking the Commission to either waive or reduce the Harvard imposed fee. (The state fee of \$1,450, of which \$737.50 goes to Harvard, has already been paid by CSX). The Harvard fee currently stands at \$6,000 and CSX would like it reduced to \$1,000 if it cannot be waived. The discussion was opened to comments and questions from the Commission. Mark Shaw stated he felt the \$6,000 fee was not reasonable since there will be less of an impact to the wetlands. Liz Allard explained the Notice of Intent application fee is \$1,500, with the buffer disturbance fee of \$4,760.

Eve Wittenberg proposed to the Commission the following options: waive fee, \$1,000, \$2,500 or \$6,000. Don Ritchie said to split the difference, and asked Ms. Allard if they paid the \$1,500 application fee yet. Ms. Allard stated she asked CSXT to hold off until the Commission discussed the fee. Mr. Ritchie then proposed \$1,500 application fee and \$500 buffer disturbance fee.

Don Ritchie made a motion to cap the Harvard Wetland Protection Bylaw fee at \$2000.00. 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; Mark Shaw, aye; and Jessie Panek, aye.

Still with no Department of Environmental Protection File Number, Joanne Ward made a motion to continue the hearing to March 21, 2024 at 7:02pm. 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; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Janet Waldron, 76 Warren Avenue
Harvard#0224-01
March 7, 2024**

The public hearing was opened at 8:14pm 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, Joanne Ward, Mark Shaw, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent) and Jaye Waldron

This hearing is for a Request for Determination of Applicability for the removal of ten trees causing a threat to human health and property safety within the 200' wetland buffer zone to 76 Warren Avenue, Harvard.

A site walk was completed and Jaye Waldron shared a plan showing the location of the ten (10) trees in question. The hearing was opened to the Commission for questions and comments. Don Ritchie asked if the three (3) trees that were snapped off were going to be left undisturbed and Ms. Waldron said yes. Mark Shaw asked that during the removal of the ten (10) trees that any younger growth not be disturbed. Eve Wittenberg asked if Ms. Waldron was going to leave the stumps. Liz Allard stated that the stumps can be no less than grade level. Ms. Waldron said she was going to leave the stumps.

Jessie Panek made a motion to waive the 50' no disturb of natural vegetation. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Don Ritchie made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the Condition of notifying the Conservation Agent when the activity is conducted. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Celia Jornet,
Recording Secretary

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes**

**Shakers' Quarry Property Owner's Association, Inc.,
Stonecutters Path and Quarry Lane, DEP#177-742, Harvard#0124-01
March 8, 2024**

The public hearing was opened at 8:29pm 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 Dan Wolfe (Ross Associates, Inc.)

This hearing was continued from earlier this evening (see 7:06pm hearing above) on a Notice of Intent filed on behalf of Shakers' Quarry Property Owner's Association, Inc., for the grinding and removal of existing asphalt, repairs to gravel base, and resurfacing the roadways, and the replacement of an 18" culvert and reforming portions of the existing open channel drainage system within the 100' wetland buffer zone on Stonecutters Path and Quarry Lane, Harvard.

Dan Wolfe, of Ross Associates, representing the homeowner's association (HOA), received a late email from July Schmidt, with the Department of Environmental Protection (DEP), with comments:

- Additional filing fee of \$500 since the project doesn't fit in a specific category, which they are okay with
- If the replacement culvert conveys to a stream, the applicant needs to convey that stream crossing standards are met. The culvert conveys to a stormwater runoff, not a stream.
- Stormwater management checklist needs to be completed
- Erosion controls at the culvert. This was a drafting error which Mr. Wolfe will correct.

Eve Wittenberg stated the only issue for the Commission to discuss is the Stormwater Management checklist. Mr. Wolfe stated the DEP is requesting too much for a small, one day project. And he feels the project is exempt as it is a utility, to which the DEP disagreed. Liz Allard suggested the Commission continue the hearing one more time so she can reach out to her peers with more knowledge on Stormwater Management to hopefully alleviate the DEP from filing an appeal of the Commission's decision.

Jessie Panek made a motion to continue the hearing to March 21, 2024 at 7:45pm. 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; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Celia Jornet,
Recording Secretary