

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY APRIL 4, 2024 @7:00PM**

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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

TOHpro1 is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Apr 4, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84051145226?pwd=blhSYnorZXRDTXBydDA5MHVvdTRDZz09>

Meeting ID: 840 5114 5226

Passcode: 372370

One tap mobile

+16469313860,,84051145226# US

+19294362866,,84051145226# US (New York)

Dial by your location

• +1 646 931 3860 US

• +1 929 436 2866 US (New York)

• +1 301 715 8592 US (Washington DC)

• +1 305 224 1968 US

Meeting ID: 840 5114 5226

Find your local number: <https://us02web.zoom.us/u/kmh93t1z2>

**Public Hearings:**

- 7:02pm **Continuation of a Notice of Intent Hearing – CSX Transportation, Inc., CSXT Railway Right-of-Way at Route 2, DEP#177-743, Harvard#0124-03**, for improvements to the existing bridge clearance within the 100' wetland buffer zone
- 7:05pm **Notice of Intent Hearing – Gerald & Carole Gaw – 4 Wilroy Avenue, Harvard#0324-03**, the demolition and reconstruction of a single-family home and attached garage within 200' of Bare Hill Pond – ***Waiver Requested***
- 7:20pm **Notice of Intent Hearing –John Cushing & Kristyna Reisberg, 10 Houghton Lane, Harvard#0324-04**, for the construction of a pervious paver walkway and patio within the 100' wetland buffer zone – ***Waiver Requested***
- 7:40pm **Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee – Bare Hill Pond, 31 Pond Road, Harvard#0324-05**, for diver assist suction hose removal of invasive fanwort and milfoil within the swim area, boat launch and moorings areas within a wetland resource area – ***Waiver Requested***
- 8:00pm **Notice of Intent Hearing –Yellow Boots Property Trust, 351 Ayer Road, Harvard#0324-06**, for the replacement of a septic line, and 3,500 square feet of restoration in the form of a rain garden within the 100' wetland buffer zone after enforcement - ***Waiver Requested***
- 8:20pm **Notice of Intent Hearing – Anne DeBoalt, 79 Shaker Road, Harvard#0324-07**, for the replacement of a septic system within the 100' wetland buffer zone and the 200' riverfront area
- 8:40pm **Notice of Intent Hearing – Joseph Portuando, 19 Warren Avenue, Harvard#0324-08**, for the cleanup and restoration of previous tree clearing, repair of existing pool/patio area, construction of a new patio, farmers porch and side egress stairs, along with overall drainage improvements zone within the 100' wetland buffer zone – ***Waiver Requested***
- 9:00pm **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***

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.

**New Business:**

1. Discuss the Proposal for the Abbott Land
2. Request for Certificates of Compliance:
  - 92 South Shaker Road, DEP#177-700
  - 175 Littleton County Road, DEP#<sup>s</sup> 177-694, 712, 724

**Old Business:**

1. 203 Ayer Road, DEP#177-707 & 711
  - Act on Approval of Qualified Wetland Scientist
  - Act on Proposal for Site Monitor
  - Act on Revised Invasive Plan

**Standard Business:**

1. Updates from Representatives & Liaison
2. Approve Minutes
3. Approve Invoices – Oxbow Associates, Inc. \$2450.00
  - Powell Land \$800
  - Stone Land \$500
  - Maxane/Williams Lands \$350
  - Barton Land \$800

**NEXT MEETING: APRIL 18, 2024**

# TOWN OF HARVARD

## LAND STEWARDSHIP SUBCOMMITTEE

A Subcommittee of the Harvard Conservation Commission



**To:** Conservation Commission

**From:** Wendy Sisson, Land Stewardship Subcommittee

**Date:** March 29, 2024

**Re:** Abbot Orchard

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About a month ago we learned that Carlson Orchards will no longer be using the ten-acre orchard on Bolton Road, known as the Abbot Orchard. I have been working since then to arrive at a plan to manage the situation and with the support of the rest of LSS have a proposal for your consideration.

First, a little background. The orchard was purchased by Frank and Mary Abbot in 1920 and given to the town by their sister Agnes in 1975. From that time, it has been licensed by the Conservation Commission to Carlson Orchards. The trees were replanted and there are about 375 today, mostly Macintosh with some Cortland. The harvest has averaged 2500 bushels over the past five years and exceeded 3000 bushels in 2023 when rainy conditions produced heavy fruit. Given the saturated market, these apples were sold wholesale for cider and the proceeds did not cover the expenses of production.

Bruce Carlson, who has been taking care of this orchard for all these years reports that the wholesale market for apples in New England has cratered with low returns while costs have risen. He regrets that Carlsons has had to cut back operations and must "walk away" from this orchard. Unfortunately, the timing of this news is problematic for another orchardist to take over. Pruning is done in winter and it is time now to start spraying. All of the town's orchardists have been asked if they would take on the orchard and all have declined, with one exception. Nathan Aldrich, and his wife Sage, who purchased the Callahan property across the street for the purpose of farming its orchard, would like to take on the Abbot orchard, but cannot commit for this season. They do not have a crew on hand to manage an expanded operation and the timing, as mentioned, is too precipitous. This presents the challenge of managing the orchard for this season without causing harm to it – or to the orchard across the street, Owl Rock Farm.

After exploring options and discussions with the Carlsons, Nathan Aldrich has developed a proposal (attached) that has the support and recommendation of LSS. The request is to allocate \$4000 from the Conservation Fund to manage the orchard this year to leave it in condition to license next year to Owl Rock Farm. Nathan would be paid for materials and labor only, using his equipment and expertise to keep the orchard mowed and sprayed to control the most destructive pests and to suppress the formation of fruit. One would think that a crop of apples would be an asset, but in fact it presents a problem.

Carlson's will not harvest the crop given the cost -- just of harvesting -- and the prices they get for apples. Last year it took 181 hours for experienced crew members to strip the orchard of 3,000+ bushels of apples. We explored if this could be accomplished by volunteers and a pick-your-own effort. The problem is that the trees are large, thick with water sprouts, not sized or pruned for the pick-your-own model and that 3,000 bushels is a lot of apples to pick and to refrigerate and distribute quantities to be donated. Macs are especially perishable apples. In

addition, all the local orchards are in the pick-your-own business and this would represent unwelcome competition. (The Community Harvest Project has its hands full with its harvest on Prospect Hill.) The trouble with leaving trees with fruit is that the biomass of rotting fruit is unhealthy for the whole orchard ecosystem.

Given that an unkept orchard is a liability for neighboring orchards and for the Town, another alternative is to remove the trees. This would be expensive, estimated at about \$25,000 (Processing such that apple firewood could be sold would cost more.) Soils of old orchards are contaminated with lead arsenate which would be a factor in future use of the land.

But even if these were not obstacles, the value of keeping this orchard as a productive orchard is significant. Apple orchards are central to Harvard's identity. As Frank Abbot noted, "According to a 1940 census of apple trees throughout the state, Harvard still leads the state in the number of bearing trees." He posited that the number of trees in Harvard would be declining in coming decades as specialization (fewer varieties) and new methods like spraying increased the yield per tree. Now, decades later, the whole business has changed with major production shifting to the Pacific Northwest. But there is an opportunity to keep up the apple-growing heritage here if we can bridge this transition year to put this orchard in the hands of a grower with a new model. Nathan, on his abutting Owl Rock Farm, an orchard with the same stock and history as this one, is cutting back old Macintosh and grafting them with different varieties. He is not selling to the wholesale market, but to individuals, breweries, markets and schools. He uses newer, less harsh pesticides and protocols to treat his trees and has the health of his two young children living on site to consider, as well as the environment.

There have been two owner/caretakers of this orchard in the last 104 years – Frank and Mary Abbot and the Town of Harvard as farmed by Carlson's. With Frank's records and Mary's journals, we have a uniquely well-documented orchard in our hands and the last one remaining from the Abbot's "Bare Hill Farms." It is a conduit to the town's history, a special cultural asset, and worth the effort to try to keep it going and growing a diversity of apples into the future.

Owl Rock Farm

Mar 25, 2024, 3:17 PM (1  
day ago)

to me

Hi Wendy,

Here is my proposal for management of the Abbott orchard in 2024. This is truly bare-bones, focused on overall orchard health (both on-site and across the street). My intent here is to prevent the orchard from falling into ruin or harboring pests/disease such that a new lessee, hopefully myself, can undertake the necessary planning and take on the lease beginning in 2025. This management plan entails three phases which I will detail below: Pest/disease management, stripping the trees of fruit crop, and mowing.

### Pest and Disease Management

The orchard must receive some amount of spraying for the most major insect and disease pests in 2024 to ensure that the trees are not completely overwhelmed, and to avoid damage to neighboring orchards. This is a very scaled-back spray plan to focus only on the most destructive pests, and only early in the season: apple scab, Botryospheria rots, codling moth, and plum curculio. I propose using the least expensive products in my toolshed, which I would provide at cost without any markup. I am compensating my own labor only for actual time spent in and around the tractor, no additional costs for planning, equipment maintenance or wear & tear.

2 sprays pre-bloom: \$312 total materials  
1 spray post-bloom: \$270 materials  
12 hours labor (4 hours per spray) at \$60/hr: \$720 labor  
TOTAL \$1302 for pest management

### Stripping the Trees of Fruit

This orchard has recently produced a few thousands of bushels of fruit per year. But with no parties interested in purchasing or harvesting this 2024 crop, the fruit becomes a massive liability. Orchard health suffers if the entire crop rots on the ground, making life much harder for a new lessee in 2025. And to generate a crop of apples of high enough quality for commercial use - or even to donate - would require additional spraying for pests throughout the summer, at additional cost. I propose we spray crop thinners strategically to strip the trees of apples entirely this year. This is by far the cheapest way to maintain orchard health in a year of absolute minimum intervention. Again, all products are offered at cost.

1 thinning spray during bloom: \$99 materials  
1 thinning spray after remaining fruit set: \$99 materials  
14 hours labor (7 hours per spray) at \$60/hr: \$840  
TOTAL \$1038 for crop stripping

### Mowing

I propose mowing the orchard 4 times in 2024 to maintain public access and reduce habitat for orchard pests, namely trunk boring insects and meadow voles. Three mowings during the active summer growth season, and one end-of-season mow. Grass will grow tall between these mowings but I'm aiming to keep costs as low as possible. As above, this proposal only covers my actual labor in mowing the site. I am not asking for any additional compensation for equipment maintenance or wear & tear.

6 hours per mow at \$60/hr: \$360 labor per mow  
4 mowings total  
TOTAL \$1440 for mowing

Grand Total for Orchard Upkeep in 2024: \$3,780

I understand your concerns about spending money on a property that would produce no crop income in 2024. I hope it's clear that I am offering these services at cost, without profit for myself, because the continued health of the Abbott orchard benefits me as an abutting orchard and as the hopeful lessee beginning 2025. I care about the agricultural history of this town and would like to offer my assistance in maintaining the Abbott's legacy. I consider my contribution here to be an investment in the continued viability of the Abbott orchard, and the beginning of efforts to reunite these separate parcels of Frank and Mary's original orchard.

Thank you  
Nathan Aldrich

# **DAVID E. ROSS ASSOCIATES, INC.**

*Civil Engineers, Land Surveyors, Environmental Consultants*

March 20, 2024

Town of Harvard  
Conservation Commission  
c/o Liz Allard  
13 Ayer Road  
Harvard, MA 01451

By Email: [lallard@harvard-ma.gov](mailto:lallard@harvard-ma.gov)

RE: Request for Certificate of Compliance  
92 South Shaker Road, Harvard MA  
DEP File # 177-0700  
D.E.R.A. Project No. 33265

Dear Commission Members:

On behalf of our client, Thayer Family Farm, we are submitting a Request for Certificate of Compliance and As-Built Plan for the above-referenced project. The project work necessary to mitigate concerns identified in an Enforcement Order issued by the Harvard Conservation Commission on January 27, 2021. The work involved the modification and relocation of three existing fenced areas used to enclose agricultural crops. The fenced area, furthest east of the existing house, consisted of chain-link fencing that partially located within a Conservation Restriction area and the Bordering Vegetated Wetland (between wetland flags A-13 and A-14). The chain-link fencing was removed and replaced with a wire fence attached to cedar posts. The fence location was modified to remove the portion of fencing that was previously within the Conservation Restriction area and Bordering Vegetated Wetland. There were four eleven-foot-wide gates that were added to provide access into the enclosure.

Secondly, there were two existing fence enclosures in the upper field adjacent to the house. The area closest to Shaker Road was constructed of wire fencing and the area further south was fencing covered with black fabric. Both the wire fencing and the wood fencing were replaced with chain-link fencing that combined the two previous areas. Furthermore, a portion of wood fencing closest to wetland flags B-7 to B-11 was relocated to provide a greater separation between the wetland and the fenced in agricultural area. A 1-foot-high earthen berm was installed along the inside portion of the relocated fence.

Mitigation plantings consisting of native blueberry and/or raspberry shrubs were required down-gradient of the fenced in the area between wetland flags B-7 and B-11. During the site inspection it was noted that some shrubs were identified, however much of the area was heavily browsed by deer making it difficult to confirm the number of successful plantings.

In accordance with Special Conditions page (8d.) of the order of Conditions, our office has prepared a certified as-built plan depicting the work performed in relation to the approved site plan referenced

in the Order of Conditions. This plan demonstrates general compliance with the proposed site improvements identified on the approved plan. A Wetland Specialist from our office conducted a site visit to verify that sufficient vegetation has been established to stabilize the site. The erosion and sediment controls have been removed from the site.

Enclosed please find: (1) Request for Certificate of Compliance DEP Form 8A; (2) a copy of page 1 of the DEP WPA Form 5; (3) a copy of the As-Built Plan, # L-14306 (last Revised 3/20/2024); (4) Site Photographs.

Sincerely,

By: DAVID E. ROSS ASSOCIATES, INC.



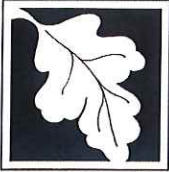
Brandon J. Ducharme  
Wetland Specialist

**DAVID E. ROSS ASSOCIATES, INC.**

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**6 Lancaster County Road P.O. Box 795 Harvard, Massachusetts 01451  
978-772-6232 FAX 978-772-6258 [davideross.com](http://davideross.com)**





**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Project Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Thayer Family Farm

Name

92 South Shaker Road

Mailing Address

Harvard

City/Town

MA

State

01450

Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Thayer Family Farm

Applicant

4/7/2021

Dated

177-0700

DEP File Number

3. The project site is located at:

92 South Shaker Road

Street Address

9

Assessors Map/Plat Number

Harvard

City/Town

29

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

Worcester

County

65058

Book

334

Page

Certificate (if registered land)

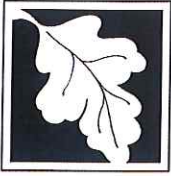
5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



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

Provided by MassDEP:  
 MassDEP File #:177-0700  
 eDEP Transaction #:1270853  
 City/Town:HARVARD

**A. General Information**

1. Conservation Commission HARVARD  
 2. Issuance a.  OOC b.  Amended OOC  
 3. Applicant Details  
 a. First Name b. Last Name  
 c. Organization THAYER FAMILY FARM  
 d. Mailing Address 92 SOUTH SHAKER ROAD  
 e. City/Town HARVARD f. State MA g. Zip Code 01451  
 4. Property Owner  
 a. First Name ALICE b. Last Name THAYER, TTE  
 c. Organization  
 d. Mailing Address 92 SOUTH SHAKER ROAD  
 e. City/Town HARVARD f. State MA g. Zip Code 01451  
 5. Project Location  
 a. Street Address 92 SOUTH SHAKER ROAD  
 b. City/Town HARVARD c. Zip Code 01451  
 d. Assessors MAP 9 e. Parcel/Lot# PARCEL 29  
 Map/Plat#  
 f. Latitude 42.52860N g. Longitude 71.56070W  
 6. Property recorded at the Registry of Deed for:  
 a. County WORCESTER b. Certificate c. Book 55174 d. Page 325  
 7. Dates  
 a. Date NOI Filed : 3/26/2021 b. Date Public Hearing Closed: 4/1/2021 c. Date Of Issuance: 4/7/2021  
 8. Final Approved Plans and Other Documents  
 a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:  
 SITE PLAN ALICE  
 THAYER FAMILY  
 TRUST 92 SO.  
 SHAKER ROAD DAVID E. ROSS DANIEL B. WOLFE 04/01/2021 1" = 20'  
 HARVARD, MA ASSOCIATES, INC.  
 JOB NO.: 33265,  
 PLAN NO.: L-  
 14306

**B. Findings**

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



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 9 – Enforcement Order**

N/A

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
Code of the Town of Harvard, Chapter 119 Wetland Protection Bylaw

**A. Violation Information**

This Enforcement Order is issued by:

Town of Harvard  
Conservation Commission (Issuing Authority)

January 27, 2021  
Date

To:

Alice Thayer  
Name of Violator

92 South Shaker Road  
Address

1. Location of Violation:

Alice Thayer  
Property Owner (if different)

92 South Shaker Road  
Street Address

Harvard  
City/Town

Map 9  
Assessors Map/Plat Number

01451  
Zip Code

Parcel 29  
Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

The installation of fence and other general activity associated with the cultivation of crops that may not be exempt as an agricultural use under the Wetlands Protection Act

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

# DAVID E. ROSS ASSOCIATES, INC.

*Civil Engineers, Land Surveyors, Environmental Consultants*

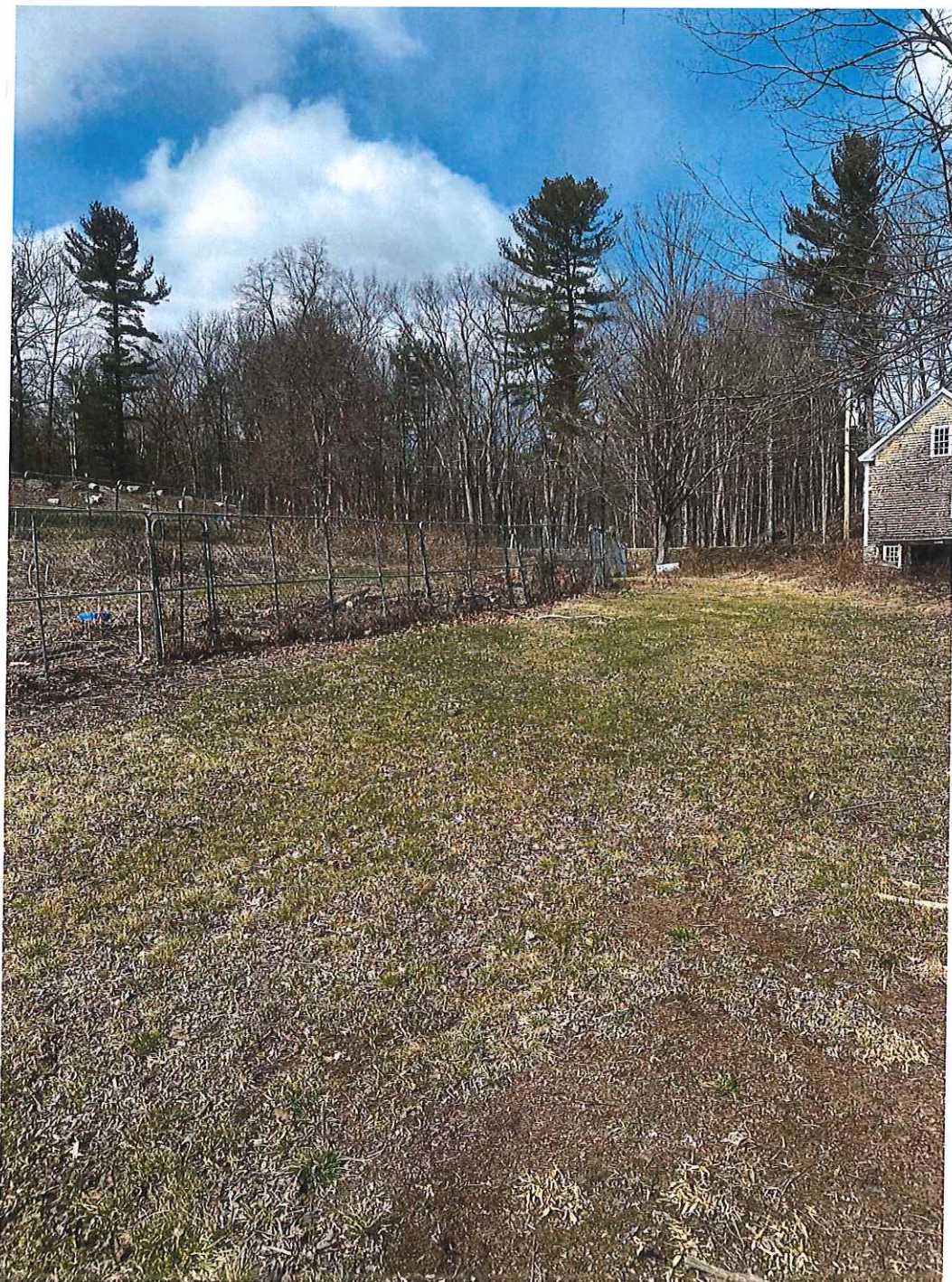
**Site Photographs for Certificate of Compliance: DEP File# 177-0700**

92 South Shaker Road, Harvard

Thayer Family Farm



*(Wire Fence along wetland side – Looking North towards South Shaker Road)*



*(Fencing on West Side – Looking Northwest toward South Shaker Road)*

**DAVID E. ROSS ASSOCIATES, INC.**

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**6 Lancaster County Road P.O. Box 795 Harvard, Massachusetts 01451  
978-772-6232 FAX 978-772-6258 [davidross.com](http://davidross.com)**



*(combined fence area on west side of wetland – Looking Northeast)*

**DAVID E. ROSS ASSOCIATES, INC.**

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978-772-6232 FAX 978-772-6258 [davidross.com](http://davidross.com)**



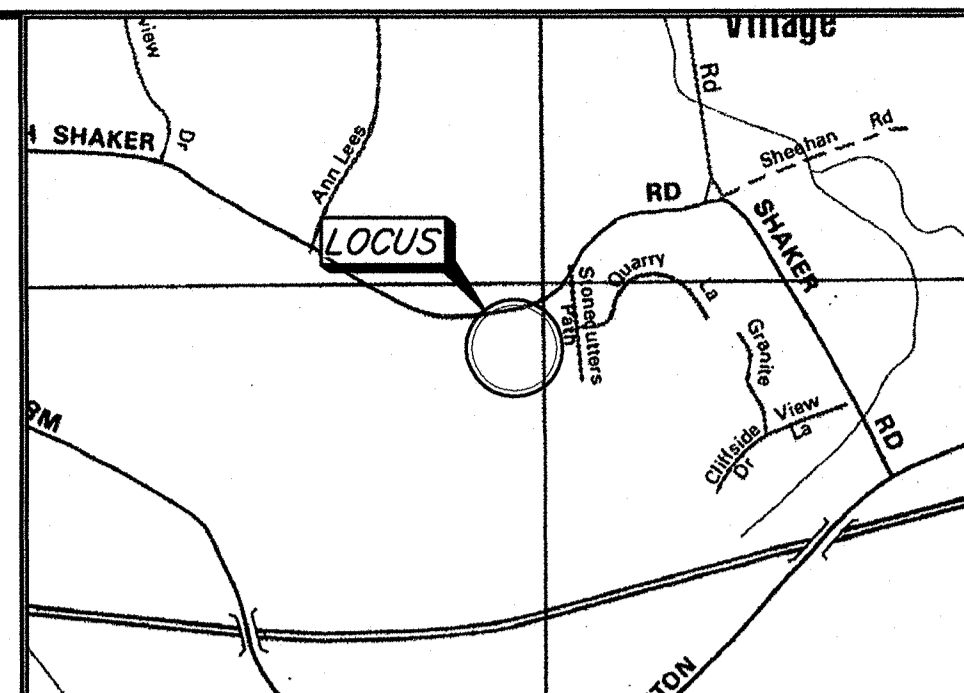
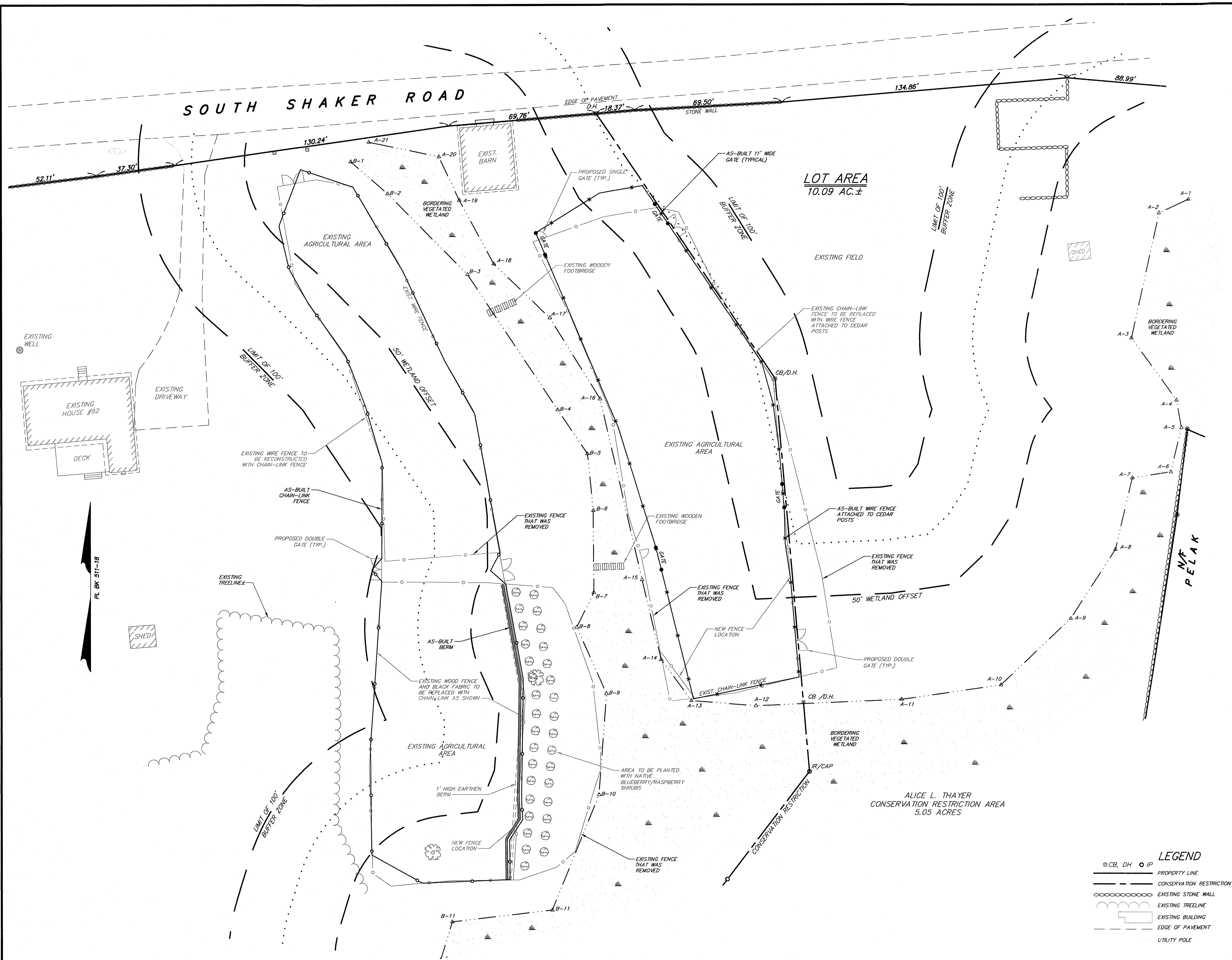
*(Area of Wood Fencing Removed – Looking East towards wetland)*

**DAVID E. ROSS ASSOCIATES, INC.**

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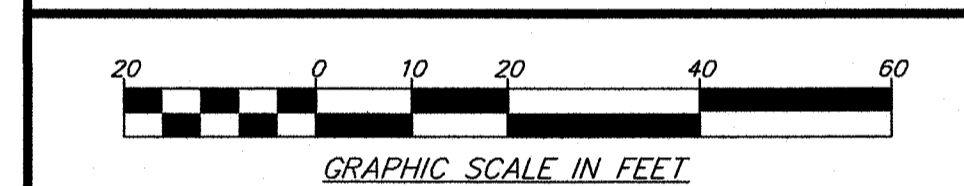
**6 Lancaster County Road P.O. Box 795 Harvard, Massachusetts 01451  
978-772-6232 FAX 978-772-6258 [davideross.com](http://davideross.com)**





LOCUS MAP  
NOT TO SCALE

NOTES  
THE EXISTING CONDITIONS AND TOPOGRAPHIC SURVEY WAS COMPLETED BY DAVID E. ROSS IN DECEMBER OF 2020.  
THE WETLAND RESOURCE AREA DELINEATION WAS PERFORMED BY DAVID E. ROSS IN DECEMBER OF 2020.



SURV:	MSB/DJL	CALC.:	JPG	DRAFT:	BJD
NR:	648-325	DEED:	55174/325	CHECK:	DBW

REVISIONS

4/1/2021:	REVISED PER CON. COM. REVIEW
3/20/2024:	ADD AS-BUILT INFORMATION

Daniel B. Wolfe  
Professional Engineer  
No. 36523  
3-20-24

SHEET TITLE:  
**SITE PLAN**

DESIGNED FOR:  
**ALICE THAYER FAMILY TRUST**

ADDRESS:  
**92 SO. SHAKER ROAD  
HARVARD, MA**

LOT NO.:	ASSESSOR MAP:	ASSESSOR PARCEL:
1	9	29

**DAVID E. ROSS ASSOCIATES, INC.**  
CIVIL ENGINEERS - LAND SURVEYORS  
ENVIRONMENTAL CONSULTANTS

6 Lancaster County Road  
P.O. Box 795  
Harvard, MA 01451-0795

978-772-8232  
FAX 978-772-8258  
www.davidross.com

SCALE: 1"=20'  
DATE: MARCH, 2021  
REF.: L-11248A  
PLAN NO.: L-14306  
JOB NO.: 33265  
SHEET NO.: 1 of 1

**LEGEND**

—	PROPERTY LINE
—	CONSERVATION RESTRICTION
—	EXISTING STONE WALL
—	EXISTING TREELINE
—	EXISTING BUILDING
—	EDGE OF PAVEMENT
—	UTILITY POLE



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
& Harvard Wetland Protection Bylaw

**A. Project Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Luciano Manganella  
Name  
135 Commonwealth Ave, Unit 8  
Mailing Address  
Boston MA 02116  
City/Town State Zip Code  
(617) 538 - 0816  
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Luciano Manganella  
Applicant  
11/30/2020 177-0694  
Dated DEP File Number

3. The project site is located at:

175 Littleton County Road Harvard  
Street Address City/Town  
14 44.4  
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

-  
Property Owner (if different)  
Worcester - South 64053 244  
County Book Page  
-  
Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.  
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

Construction of dwelling, driveway, septic system, stream crossing, and infiltration basin/ stone armoring/stormwater measures.

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
& Harvard Wetland Protection Bylaw

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

---

**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).



Engineering Solutions  
for Land & Structures

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


**Subject: Request for Certificate of Compliance  
DEP File Number 177-0694  
175 Littleton County Road, Harvard, MA**

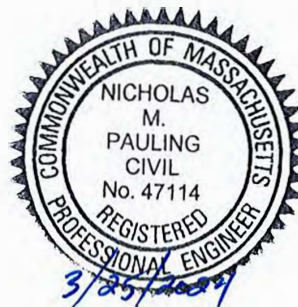
- References:
1. Plan entitled "Construction Record Drawing, 175 Littleton County Road, Harvard, MA." prepared for Luciano Manganella by Goldsmith, Prest, & Ringwall, Inc. Dated January, 2024.
  2. "WPA Form 5 - Order of Conditions - 175 Littleton County Road, Harvard, MA" As issued by the Town of Harvard Conservation Commission to Luciano Manganella. Dated 11/30/2020. MassDEP File #177-0694. As recorded at the Southern Worcester Registry of Deeds. Book 64053. Page 244.

I hereby certify that, based on the visual observations and plan information noted above, to the best of my knowledge and belief, the dwelling, driveway, utilities, stream crossing and stormwater measures have been constructed [See Site Photos] on the subject property in substantial conformance with the Order of Conditions issued by the Town of Harvard Conservation Commission and the non-biodegradable components of the erosion control barrier have been removed. The following are deviations from the "Approved plans under the original Order of Conditions [Reference No. 2]:

1. The barn and associated septic system/well/driveway have not been constructed.

Goldsmith, Prest & Ringwall, Inc.

  
Nicholas M. Pauling, P.E.  
License No. 47114



Attachments – Site Photos

Copy: 181080  
Client

**Goldsmith, Prest & Ringwall, Inc.**



**Site Photo**



[Site Photo 1 – Facing southwest toward dwelling/garage from driveway]



[Site Photo 2 – Facing south toward dwelling from driveway]



[Site Photo 3 – Facing northeast toward driveway from northerly face of dwelling]



[Site Photo 4 – Facing southwest toward driveway/dwelling from driveway turnaround]



[Site Photo 5 – Facing south at infiltration basin (foreground), stream crossing (background)]



[Site Photo 6 – Facing south at stream crossing from northerly end of driveway crossing]





[Site Photo 7 – Facing south at stream crossing from northerly end of driveway crossing]



[Site Photo 8 – Stream crossing facing west from easterly side of stream]



[Site Photo 9 – Facing south at stream crossing from northerly end of driveway crossing]



[Site Photo 10 – Stream crossing facing southwest from northerly side of crossing]



[Site Photo 11 – facing southwest at wetland replication area from northerly side of crossing]



[Site Photo 12 – Facing southwest at wetland area from northerly side of crossing]

WETLANDS PROTECTION BYLAW RULES

147 Attachment 6

Town of Harvard  
Form F

Wetland Filing Fees Calculation Worksheet for Work in Resource Areas

	Fee	Total
<b>Notice of Intent Fees</b>		
1) <i>Single-family</i>		
Septic repair or upgrade (enter fee and skip to Total Fee)	\$200	_____
New construction or alteration involving 500 square feet or less of total construction	\$300	_____
New construction or alteration involving 501 square feet to 1,499 square feet of total construction	\$600	_____
New construction or alteration involving 1,500 square feet or more of total construction	\$900	_____
2) <i>Subdivision/mini-subdivision</i>		
Roads and utilities only	\$1,500	_____
Multifamily/condominium structures construction	\$1,500	_____
3) <i>Commercial or industrial projects</i>	\$1,500	_____
<b>Additional charges under a Notice of Intent for disturbance within the buffer zone</b>		
1) Disturbance within the buffer zone	_____ square feet	x 0.25 = _____
2) Confirmation delineated wetland line	_____ linear feet	x 0.50 = _____
3) Alteration or replication of wetlands	_____ square feet	x 1 = _____
<b>Total Filing Fee</b>		_____
<b>Fee doubled if Notice of Intent is filed after work began or an Enforcement Order was issued</b>		_____
<b>Other fees</b>		
Request for an amendment to an Order of Conditions	\$200	_____
Request for an extension to an Order of Conditions	\$125	_____
Request for a reissued Certificate of Compliance	\$100	_____
Request for an Emergency Certificate of Compliance	\$200	_____
Request for an Emergency Certification Form	\$200	_____
Request for Certificate of Compliance with Expired OOC or Partial Certificate of Compliance	\$125	\$125.00
Request for Determination of Applicability (RDA)	\$100	_____
Abbreviated Notice of Resource Area Delineation (ANRAD) (Minimum \$100, Maximum \$1,500)	_____ linear feet	x \$1.50 = _____

HARVARD CODE

**Fee**                      **Total**

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

\$125.00

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**Total Fee Payable to the Town of Harvard**



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
& Harvard Wetland Protection Bylaw

**A. Project Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Luciano Manganella  
Name  
171 Littleton County Road  
Mailing Address  
Harvard MA 01451  
City/Town State Zip Code  
(617) 538 - 0816  
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Luciano Manganella  
Applicant  
7/13/2022 177-0712  
Dated DEP File Number

3. The project site is located at:

171 & 175 Littleton County Road Harvard  
Street Address City/Town  
14 44.4 & 44.5  
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

-  
Property Owner (if different)  
Worcester - South 68007 165  
County Book Page  
-  
Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.  
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
& Harvard Wetland Protection Bylaw

---

**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

---

**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).



Engineering Solutions  
for Land & Structures

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

**Subject: Request for Certificate of Compliance  
DEP File Number 177-0712 & Harvard File Number 0820-04  
171 & 175 Littleton County Road, Harvard, MA**

- References:
1. Plan entitled "Construction Record Drawing, 171 & 175 Littleton County Road, Harvard, MA." prepared for Luciano Manganella by Goldsmith, Prest, & Ringwall, Inc. Dated January, 2024.
  2. "WPA Form 9 – Enforcement Order – 175 Littleton County Road, Harvard, MA" As issued by the Town of Harvard Conservation Commission to Luciano Manganella. Dated 5/17/2022. MassDEP File #177-0694, Harvard File Number 0820-04.
  3. "WPA Form 5 - Order of Conditions – 171 / 175 Littleton County Road, Harvard, MA" As issued by the Town of Harvard Conservation Commission to Luciano Manganella. Dated 7/13/2022. MassDEP File #177-0712. As recorded at the Southern Worcester Registry of Deeds. Book 68007. Page 165.

I hereby certify that, based on the visual observations and plan information noted above, to the best of my knowledge and belief, the reconstruction of the gravel crossing, replacement of a stormwater culvert and installation of utilities and turtle fencing have been completed on the subject property in substantial conformance with the Order of Conditions issued by the Town of Harvard Conservation Commission.

Goldsmith, Prest & Ringwall, Inc.

Nicholas M. Pauling, P.E.  
License No. 47114



Attachments – Site Photos

Copy: 181080  
Client

**Goldsmith, Prest & Ringwall, Inc.**





**Site Photo**



[Site Photo 1 – Facing east at driveway from emergency turnaround]



[Site Photo 2 – Facing north at reconstructed gravel crossing from emergency turnaround]



[Site Photo 3 – Facing north at 18” culvert outlet from reconstructed gravel crossing]



[Site Photo 4 – Facing north at 18” culvert inlet from reconstructed gravel crossing]



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
& Harvard Wetland Protection Bylaw

**A. Project Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Luciano Manganella  
Name  
175 Littleton County Road  
Mailing Address  
Harvard MA 01451  
City/Town State Zip Code  
(617) 538 - 0816  
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Luciano Manganella  
Applicant  
5/26/2023 177-0724  
Dated DEP File Number

3. The project site is located at:

175 Littleton County Road Harvard  
Street Address City/Town  
14 44.4  
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

-  
Property Owner (if different)  
Worcester - South 69261 276  
County Book Page  
-  
Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.  
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
& Harvard Wetland Protection Bylaw

---

**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

---

**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

Engineering Solutions  
for Land & Structures

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

**Subject: Request for Certificate of Compliance  
DEP File Number 177-0724 & Harvard File Number 0522-04  
175 Littleton County Road, Harvard, MA**

- References:
1. Plan entitled "Construction Record Drawing, 175 Littleton County Road, Harvard, MA." prepared for Luciano Manganella by Goldsmith, Prest, & Ringwall, Inc. Dated January, 2024.
  2. "WPA Form 5 - Order of Conditions – 175 Littleton County Road, Harvard, MA" As issued by the Town of Harvard Conservation Commission to Luciano Manganella. Dated 5/26/2023. MassDEP File #177-0724. As recorded at the Southern Worcester Registry of Deeds. Book 69261. Page 276.
  3. "Wetland Protection Bylaw – Form 7 – Amended Enforcement Order – 175 Littleton County Road, Harvard, MA" As issued by the Town of Harvard Conservation Commission to Luciano Manganella. Dated 4/13/2023. Harvard File Number 0522-04.

I hereby certify that, based on the visual observations and plan information noted above, to the best of my knowledge and belief, the stone walls have been relocated on the subject property in substantial conformance with the Order of Conditions issued by the Town of Harvard Conservation Commission and the non-biodegradable components of the erosion control have been removed

Goldsmith, Prest & Ringwall, Inc.



Nicholas M. Pauling, P.E.  
License No. 47114



Attachments – Site Photos

Copy: 181080  
Client

**Goldsmith, Prest & Ringwall, Inc.**



**Site Photos**



[Site Photo 1 – Stonewalls prior to relocation. See elec. meter for point of reference]



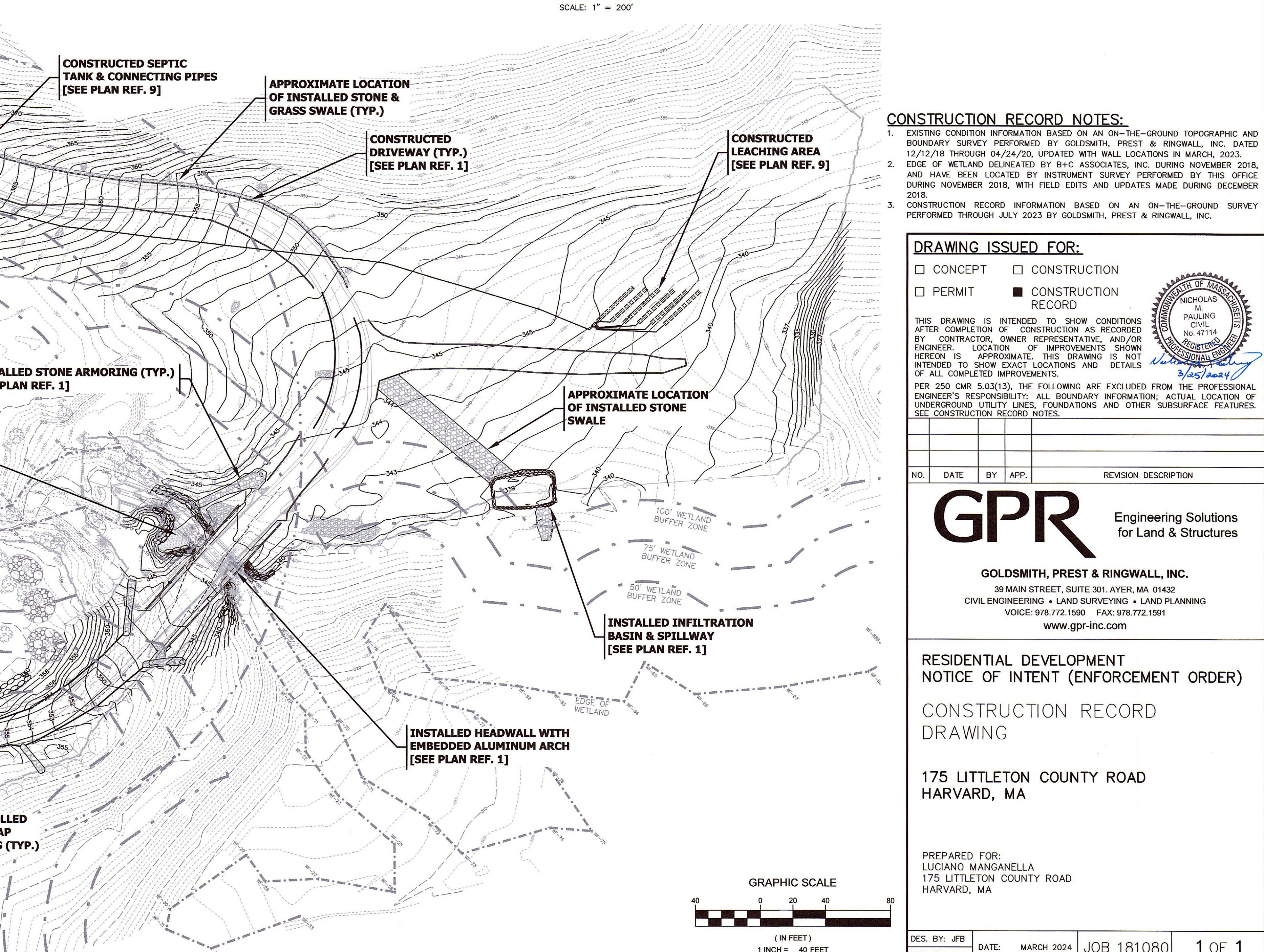
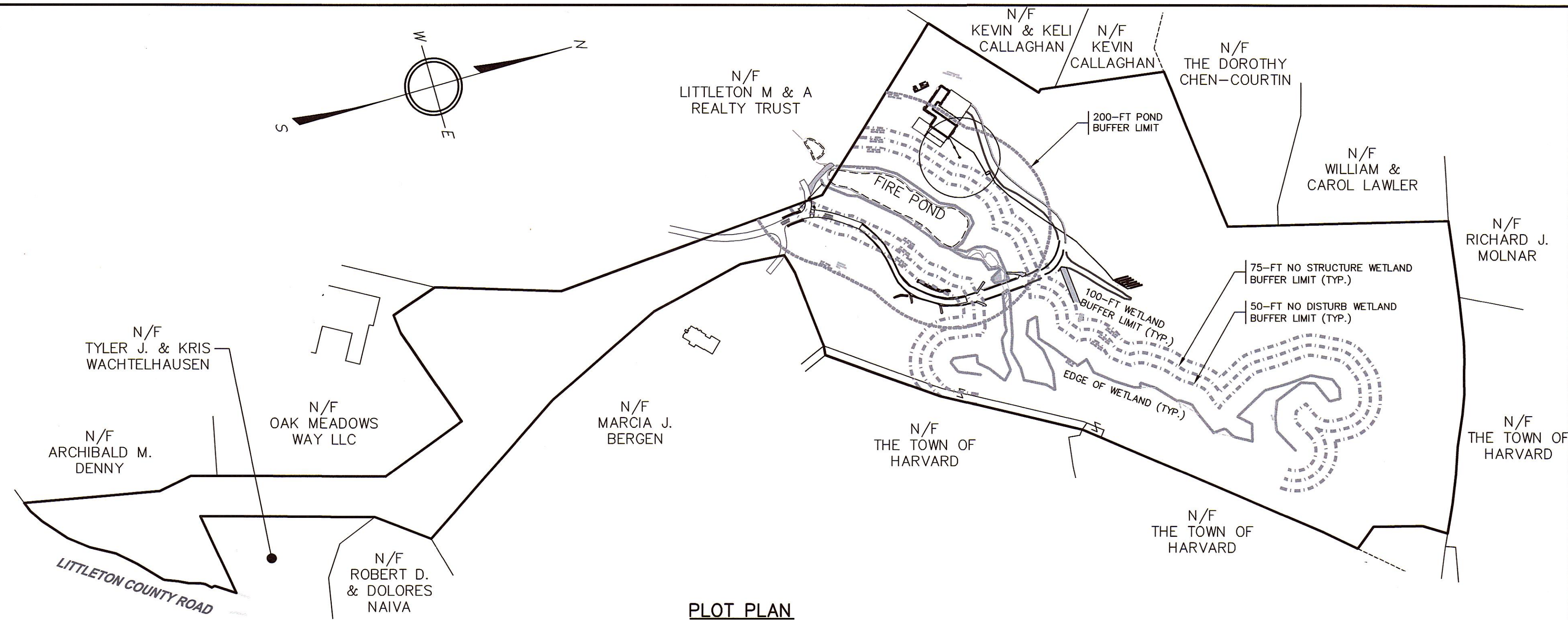
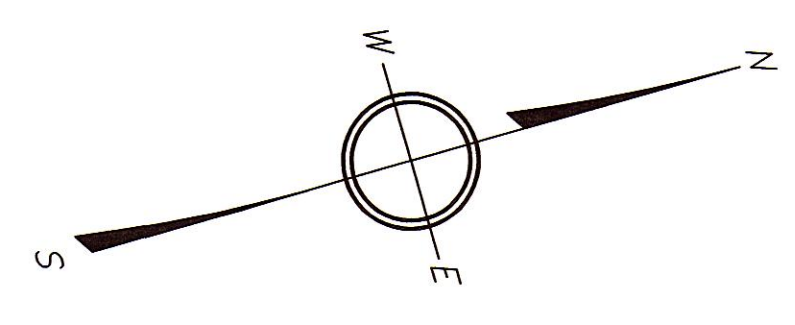
[Site Photo 2 – Stonewalls post relocation. See elec. meter for point of reference]



LEGEND	
EXISTING	PROPOSED
---100.0	ELEVATION CONTOUR
---	SPOT GRADE
---	PROPERTY LINE
---	WETLAND DELINEATION
---	WETLAND BUFFER ZONE
---	SHORELINE
---	100-YEAR FLOODPLAIN LIMIT
---	TREE LINE / EDGE OF VEGETATION
---	EDGE OF PAVEMENT
---	CAPE COD BERM CURBING
---	GRANITE CURBING
---	GRAVEL/DIRT ROAD
---	STOCKADE FENCE
---	STONE WALL
---	WATER MAIN
---	WATER SERVICE
---	FIRE SERVICE
---	WATER VALVE
---	FIRE HYDRANT
---	FORCE MAIN
---	GRAVITY SEWER LINE
---	SEWER MANHOLE
---	GAS LINE
---	GAS SERVICE
---	GAS VALVE
---	BURIED POWER LINE
---	OVERHEAD POWER LINE
---	UTILITY POLE
---	GUY WIRE
---	ELECTRIC BOX
---	STORM DRAIN
---	UNDERDRAIN
---	ROOF DRAIN
---	FOUNDATION DRAIN
---	CATCH BASIN
---	DRAIN MANHOLE
---	SILT FENCE BARRIER
---	STRAW WATTLES
---	DEEP SOIL OBSERVATION HOLE
---	SIGN
---	SURFACE RUNOFF DIRECTION

ABBREVIATIONS	
EL	ELEVATION
INV	INVERT
SF	SQUARE FEET
AC	ACRES
FT	FEET
R	RADIUS
DIA	DIAMETER
BIT	BITUMINOUS
CONC	CONCRETE
LEN	LENGTH
S	SLOPE
HDPE	HIGH DENSITY POLYETHYLENE
PVC	POLYVINYL CHLORIDE
RCP	REINFORCED CONCRETE PIPE
N/F	NOW OR FORMERLY
VP	VERNAL POOL
WF	WETLAND FLAG
TW	TOP OF WALL
BW	BOTTOM OF WALL
FG	FINISH GRADE
BSMT	BASEMENT
FF	FINISH FLOOR

- PLAN REFERENCES**
- "RESIDENTIAL DEVELOPMENT - 175 LITTLETON COUNTY ROAD, HARVARD, MA" PREPARED FOR LUCIANO MANGANELLA BY GOLDSMITH, PREST AND RINGWALL, INC. DATED AUGUST 2020, REVISED THROUGH 11/13/20.
  - "WPA FORM 5 - ORDER OF CONDITIONS - MASSDEP FILE #177-0694" ISSUED TO LUCIANO MANGANELLA BY THE HARVARD CONSERVATION COMMISSION ON 11/30/2020, RECORDED AT WORCESTER REGISTRY OF DEEDS, BOOK 64053 PAGE 244.
  - "WPA FORM 9 - ENFORCEMENT ORDER - MASSDEP FILE #177-0694, HARVARD FILE NUMBER 0820-04" ISSUED TO LUCIANO MANGANELLA BY TOWN OF HARVARD, DATED MAY 17, 2022.
  - "RESIDENTIAL DEVELOPMENT - NOTICE OF INTENT - UTILITY PLAN - 175 LITTLETON COUNTY ROAD, HARVARD, MA" PREPARED FOR LUCIANO MANGANELLA BY GOLDSMITH, PREST AND RINGWALL, INC. DATED MAY 2022, REVISED THROUGH 6/20/22.
  - "WPA FORM 5 - ORDER OF CONDITIONS - MASSDEP FILE #177-0712" ISSUED TO LUCIANO MANGANELLA BY THE HARVARD CONSERVATION COMMISSION ON 7/13/2022, RECORDED AT WORCESTER REGISTRY OF DEEDS, BOOK 68007 PAGE 165.
  - "WETLAND PROTECTION BY-LAW - FORM 7 - AMENDED ENFORCEMENT ORDER, HARVARD FILE NUMBER 0522-04" ISSUED TO LUCIANO MANGANELLA BY TOWN OF HARVARD, DATED APRIL 13, 2023.
  - "RESIDENTIAL DEVELOPMENT - NOTICE OF INTENT (ENFORCEMENT ORDER) - SITE PLAN - 175 LITTLETON COUNTY ROAD, HARVARD, MA" PREPARED FOR LUCIANO MANGANELLA BY GOLDSMITH, PREST AND RINGWALL, INC. DATED APRIL 2023, REVISED THROUGH 5/16/23.
  - "WPA FORM 5 - ORDER OF CONDITIONS - MASSDEP FILE #177-0724" ISSUED TO LUCIANO MANGANELLA BY THE HARVARD CONSERVATION COMMISSION ON 5/26/2023, RECORDED AT WORCESTER REGISTRY OF DEEDS, BOOK 69261 PAGE 276.
  - "SUBSURFACE SEWAGE DISPOSAL SYSTEM - NEW CONSTRUCTION - CONSTRUCTION RECORD DRAWING - 175 LITTLETON COUNTY ROAD, HARVARD, MA" PREPARED FOR LUCIANO MANGANELLA BY GOLDSMITH, PREST AND RINGWALL, INC. DATED NOVEMBER 2022.



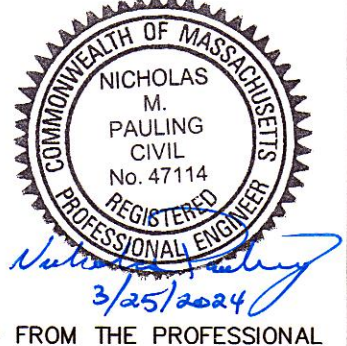
- CONSTRUCTION RECORD NOTES:**
- EXISTING CONDITION INFORMATION BASED ON AN ON-THE-GROUND TOPOGRAPHIC AND BOUNDARY SURVEY PERFORMED BY GOLDSMITH, PREST & RINGWALL, INC. DATED 12/12/18 THROUGH 04/24/20, UPDATED WITH WALL LOCATIONS IN MARCH 2023.
  - EDGE OF WETLAND DELINEATED BY B+C ASSOCIATES, INC. DURING NOVEMBER 2018, AND HAVE BEEN LOCATED BY INSTRUMENT SURVEY PERFORMED BY THIS OFFICE DURING NOVEMBER 2018, WITH FIELD EDITS AND UPDATES MADE DURING DECEMBER 2018.
  - CONSTRUCTION RECORD INFORMATION BASED ON AN ON-THE-GROUND SURVEY PERFORMED THROUGH JULY 2023 BY GOLDSMITH, PREST & RINGWALL, INC.

**DRAWING ISSUED FOR:**

CONCEPT  CONSTRUCTION  
 PERMIT  CONSTRUCTION RECORD

THIS DRAWING IS INTENDED TO SHOW CONDITIONS AFTER COMPLETION OF CONSTRUCTION AS RECORDED BY CONTRACTOR, OWNER REPRESENTATIVE, AND/OR ENGINEER. LOCATION OF IMPROVEMENTS SHOWN HEREON IS APPROXIMATE. THIS DRAWING IS NOT INTENDED TO SHOW EXACT LOCATIONS AND DETAILS OF ALL COMPLETED IMPROVEMENTS.

PER 250 CMR 5.03(15), THE FOLLOWING ARE EXCLUDED FROM THE PROFESSIONAL ENGINEER'S RESPONSIBILITY: ALL BOUNDARY INFORMATION; ACTUAL LOCATION OF UNDERGROUND UTILITY LINES, FOUNDATIONS AND OTHER SUBSURFACE FEATURES. SEE CONSTRUCTION RECORD NOTES.



NO.	DATE	BY	APP.	REVISION DESCRIPTION

**GPR** Engineering Solutions for Land & Structures

**GOLDSMITH, PREST & RINGWALL, INC.**  
 38 MAIN STREET, SUITE 301, AYER, MA 01432  
 CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING  
 VOICE: 978.772.1590 FAX: 978.772.1591  
 www.gpr-inc.com

RESIDENTIAL DEVELOPMENT  
 NOTICE OF INTENT (ENFORCEMENT ORDER)

CONSTRUCTION RECORD  
 DRAWING

175 LITTLETON COUNTY ROAD  
 HARVARD, MA

PREPARED FOR:  
 LUCIANO MANGANELLA  
 175 LITTLETON COUNTY ROAD  
 HARVARD, MA

DES. BY: JFB	DATE: MARCH 2024	JOB 181080	1 OF 1
CHK. BY: NMP			

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2024 © COPYRIGHT GOLDSMITH, PREST & RINGWALL, INC.



March 26, 2024

Liz Allard, Land Use Administrator/Conservation Agent  
Town of Harvard  
15 Elm Street  
Harvard, Massachusetts 01451

Via: E-mail to [lallard@harvard-ma.gov](mailto:lallard@harvard-ma.gov)

Reference: Proposal for Construction Administration Services  
203 Ayer Road  
Harvard, Massachusetts  
B+T Project No. M8955.03

Dear Ms. Allard:

As requested, Beals and Thomas, Inc. (B+T) respectfully submits this proposal for professional services to assist the Town of Harvard Planning Board (the Board) and Conservation Commission (the Commission) with the construction phase review services for the permitted commercial development at 203 Ayer Road, Harvard, Massachusetts (the Site). We understand that Wheeler Realty Trust (the Applicant) has been approved to develop three (3) commercial buildings and associated site improvements (the Project). The Project also proposes associated landscaping, access roadway, parking, and utility installations including a stormwater management system.

Specifically, we propose to provide the following services:

1.0 SCOPE OF SERVICES

1.1 Pre-Construction Meeting

We will prepare for and attend a pre-construction meeting with the Applicant, Site Contractor, Town Staff and Department representatives to confirm the schedule, identify the site work to be documented and confirm the reporting protocol.

1.2 Review of Pre-Construction Documents

We will review the Applicant's "Final Site Plans" and required pre-construction submissions.

**Corporate Office**

144 Turnpike Road  
Southborough, MA 01772

[bealsandthomas.com](http://bealsandthomas.com) T 508.366.0560 F 508.366.4391

**Regional Office**

32 Court Street  
Plymouth, MA 02360

1.3 Construction Observations

We have not yet received the schedule of work prepared by the Site Contractor and have estimated the level of effort required to complete our services based on past experience for services provided on similar projects.

We assume that the installation of any water or municipal utilities will be observed by the Harvard Department of Public Works and other proposed utilities will be observed by the respective utility companies. We anticipate that we will conduct site visits and prepare reports to observe the following:

Description	B+T Site Visits
(2) Subsurface infiltration systems and (2) surface stormwater basin installations (2 visits each)	8
Review of drainage infrastructure	3
Review of paving subbase	1
Review of binder course paving	1
Review of top course paving	1
Punchlist site work and cleanup	1

While on-site, we will review the integrity of the sedimentation and erosion controls.

We will prepare a Construction Observation Report for each site visit.

1.4 Wetland Replication Observations.

We will review the Applicant's bond estimate calculation for the wetland replication installation costs based on the approved plans.

We will review the installation of the wetland replication area. We have included an allowance for three (3) site visits to monitor this task.

1.5 As-Built Plan Review

We will review the overall As-built Plan provided by the Applicant and perform a final site visit upon substantial completion of construction. We will issue a letter to present the findings of our As-built Plan review.

2.0 EXCLUDED SERVICES

The following are some of the services that are not included in this proposal, in addition to those that may be indicated elsewhere herein. We would be pleased to provide these and other additional services that may become necessary as the Project proceeds.

- Additional construction support services and site visits in excess of the allowances noted herein.
- Additional site meetings.

3.0 SCHEDULE OF SERVICES

3.1 We anticipate that the services outlined in Section 1.0 will be completed on mutually agreed upon schedule as dictated by the Site Contractor schedule.

3.2 We request 48-hours notice for the scheduling of site observations.

3.3 This proposal is valid for 30 days from issuance.

4.0 FEES FOR SERVICES

4.1 All fees will be billed on a time and materials basis in accordance with the attached fee schedule.

4.2 The following is the estimated budget for the services outlined in Section 1.0, Scope of Services.

Section 1.1	Pre-Construction Meeting	\$1,000
Section 1.2	Review of Pre-Construction Documents	\$1,000
Section 1.3	Construction Observations	\$15,000
Section 1.4	Wetland Replication Observations	\$4,000
Section 1.5	As-Built Plan Review	\$2,000
	Estimated Internal Reimbursable Expenses	\$1,500
<b>Total Estimated Budget</b>		<b>\$24,500</b>

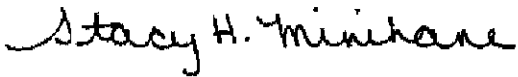
4.3 Excluded Services can be provided for additional mutually satisfactory compensation under separate authorization.

Liz Allard, Land Use Administrator/Conservation Agent  
Town of Harvard  
March 26, 2024  
Page 4

As authorization to proceed and as approval of the estimated budget, please execute and return one copy of this proposal for our records. We thank you for the opportunity to submit this proposal and look forward to providing services to Town of Harvard for this Project.

Sincerely,

BEALS AND THOMAS, INC.



Stacy H. Minihane, PWS  
Principal



Matthew Cote, PE, SITES AP, ENV SP  
Senior Civil Engineer

Enclosure: Fee Schedule

AGREED AND ACCEPTED FOR  
TOWN OF HARVARD \_\_\_\_\_

SIGNATURE \_\_\_\_\_

NAME/TITLE \_\_\_\_\_  
(print)

DATE \_\_\_\_\_

MC/shm/ggp/cmvm/mac/M895503PR001





## FEE SCHEDULE

Effective January 1, 2024

Fees for Beals and Thomas, Inc. are based on the following time charges plus expense schedule. Invoices are due upon receipt. Beals and Thomas, Inc. retains all right, title and ownership interest in any and all plans, maps, charts, diagrams, models, specifications, studies, consultations, technical drawings, electronic files, and any other work products prepared on behalf of its clients ("Instruments of Service"). Beals and Thomas, Inc. grants to its clients a nontransferable and non-exclusive royalty-free license to use the Instruments of Service provided that payment for services rendered and expenses incurred is received in a timely manner. For all accounts remaining unpaid by the first of the month following the invoice date, Beals and Thomas, Inc. reserves the right to add a late charge of 1.50 percent per month or 18 percent per annum to each overdue invoice. This fee schedule may be revised periodically.

### Time Charges

<u>Rate Category</u>	<u>Hourly Rate</u>
Senior Professional Staff I	\$265.00
Senior Professional Staff II	\$245.00
Senior Professional Staff III	\$215.00
Senior Professional Staff IV	\$200.00
Senior Professional Staff V	\$180.00
Senior Professional Staff VI	\$165.00
Professional Staff I	\$155.00
Professional Staff II	\$140.00
Professional Staff III	\$125.00
Administrative Staff I	\$85.00
Administrative Staff II	\$50.00

Expert testimony in support of litigation and court appearances will be billed at a rate of \$275.00 per hour.

Projects requiring OSHA trained personnel will be billed with a supplemental rate of \$25.00 per hour in addition to the standard rate category.

Reimbursable expenses include transportation, delivery, printing costs, presentation materials, computer and field equipment, permit application fees, soil and water testing, police detail, special consultants, or subcontractors and similar costs directly applicable to the individual project. Reimbursable expenses shall be billed at the cost plus an accounting service fee of 10 percent, unless arranged otherwise. Permit application fees that are paid in advance by Beals and Thomas, Inc. will be billed at cost plus an accounting fee of 20%.

FeeSched-January 2024

#### Corporate Office

144 Turnpike Road  
Southborough, MA 01772

bealsandthomas.com T 508.366.0560 F 508.366.4391

#### Regional Office

32 Court Street  
Plymouth, MA 02360



Civil Engineering • Land Planning • Land Surveying

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Engineering Solutions  
for Land & Structures

April 2, 2024

via email

Harvard Conservation Commission  
13 Ayer Road  
Harvard, MA 01451

Re: Order DEP #177-711 & Harvard #0322-01  
Response to Beals + Thomas proposal for  
Construction Administration Services  
For 203 Ayer Road, Harvard

Dear Liz Allard and Conservation Commission Members:

On behalf of Wheeler Realty LLC, we feel the scope is larger than necessary. This letter is intended to be an outline of modifications to the scope of review by Beals + Thomas (B +T). While we agree the Harvard Conservation Commission (HCC) has the right to hire a consultant we believe the scope goes beyond that necessary per the Order of Conditions.

Specifically, the initial pre-construction meeting has been held and the applicant is working with the Commission and their agent, Liz Allard (Liz), to address any concerns or requested modifications. The HCC has indicated the need to have the drainage components reviewed. The applicant proposes to coordinate with both Liz and B +T to have multiple drainage structures ready to review during the same observation trip with the goal of reducing trips and associated fees.

The review of paving subbase, binder course, top course, site work and cleanup are outside of the buffer zones and jurisdiction unless erosion and sedimentation flows occur into the HCC jurisdiction. Wetland Replication observations are being observed and controlled by a Wetland Specialist as required by the Order. The HCC is set to approve the consultant. The applicant has agreed to provide a bond and this work is intended to be conducted at the beginning of the site development. The bond is there to insure the plants and wetland survive as designed.

The review of the Construction Record Plan should be limited to items and work within the HCC jurisdiction. Specifically, the drainage infrastructure and associated features.

**Goldsmith, Prest & Ringwall, Inc.**

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39 Main Street, Suite 301, Ayer, MA 01432 • (978) 772-1590 • Fax (978) 772-1591  
info@gpr-inc.com • www.gpr-inc.com

It is our hope we can have a discussion of the scope and the suggested modifications during the meeting of April 4, 2024. Please contact our office if you have any questions or need further documentation prior to the meeting.

Sincerely,  
Goldsmith, Prest & Ringwall, Inc.



Bruce Ringwall, Pres.

Copy: Yvonne Chern, via email  
Wheeler Realty LLC, via email  
GPR File 211009B



203 Ayer Road, Harvard MA

Japanese Knotweed removal procedures:

1. Cut and gather all stems/stocks by hand, rake surface, and load into roll off dumpster via a combination of carrying by bucket, wheel barrels, and/or mechanical buckets (loaded outside of removal area).
2. Hand remove plants with stems/stocks and use shovels to loosen soils around the plant roots / rhizomes. Load plant roots and rhizomes into dumpster.
3. Carefully rake soils with the teeth of an excavator bucket reaching from perimeter initially before continuing into cleared areas. Hand sift through loosened soil to remove any plants, stems/stocks, and remaining roots and rhizomes. Use buckets and wheel barrels to gather plant materials for loading dumpster.
4. Repeat item 3 into deeper soil layers as needed until hardpan / non-organic soils are reached. Continue to load all plant material into storage container or dumpster.
5. Remaining soil within the removal area will be used as base layers within the project site. Material will be covered with black nonwoven geotextile fabric prior to additional clean fill being placed on top to establish grades shown on civil plans. Said areas will be depicted on the Site Construction Record Plan for future monitoring.
6. Dumpsters will be covered with tarps and allowed to “cook” on-site for a period of 90 days until material can be delivered to a suitable composting site or other proper disposal facility or bury onsite with five feet minimum cover. If material will be shipped to an incinerator or other proper disposal facility that will accept the material immediately then the “cook” period will not apply. The contractor will notify the Commission of the location and type of any offsite disposal facility prior to shipping if an offsite option is selected.
7. Dumpsters for invasive plants will be located within the shaded staging area noted on the SWPPP or just south of the Knotweed area.
8. Equipment used in this process will be pressure washed with water only within the removal area before moving to other areas on site or off site.

## REPLICATIONS COMPLETED

### 1. Leominster, MA Day St :

Residential home originally filed for 190 square feet expanded to 412 sq ft.

Replication planting completed in 2018:

Current Picture: March 29, 2024



2. Camp Winnikeag, Ashburnham, MA

Replication of 1395 sq ft to compensate for Bridge crossing modification.

Planted in June of 2014

Current Photo: March 29, 2024



3. Hill Road Residential Home Planted in June of 2015

Replication for compensation of Stream Crossing Initially approved for 461 sq feet total rea replicated was 500. This also included monitoring for the re-establishment of the stream having the natural bottom restored.

Current photos March 28, 2024:







4. Winchendon Solar Lincoln Avenue

Planted in April of 2019

5,500 square feet of Replication for access road crossing for Solar Field

Current Photos March 29, 2014









5. Winchendon- West Street Solar Field  
850 square feet of replication Planted June 2018  
Pictures March 28, 2024







6. Lisa Drive Leominster, MA

2500 sq feet of wetland restoration- 150 linear feet of stream bank reclamation and 500 square feet of Wetland replication. This was on a resident who committed violations on the property and was subject to a DEP ACOP enforcement action with fines and remedial work required.

All initial work completed July 2011.

Photos taken March 29, 2024













## **Updates from Representatives & Liaison**

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### **Harvard Climate Initiative Committee (HCIC) (Wittenberg)**

- Continuing to work with HCIC and consultant on drafting bylaw—collecting input from key stakeholders to develop language.

### **Deer Management Subcommittee (Panek)**

- Nothing new to report

### **Land Stewardship Subcommittee (Burns)**

- The spring walk at the Herman Orchard is scheduled for this Sunday at 1:30pm. Flyer can be viewed [here](#).
- Trail work includes Norway maple at Clapp, and trail maintenance and signage upkeep are always on the agenda

### **Open Space Committee (Allard)**

- The DRAFT 2024 Open Space & Recreation Plan has gone out for comment, with a virtual public presentation scheduled for April 10<sup>th</sup> at 7pm
- The Conservation Restriction for the Littleton County Road Project has nearly completed its review by the State. Once complete, the consultants begin the baseline report process.

## **Update on Action Items from the Strategic Planning Session**

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**Monitoring Conservation Restrictions** – Database of current Conservation Restrictions has been created and shared with Don Ritchie, Jim Burns and John Lee

**Conservation Restrictions (CR's) & Baseline Reports** – Liz Allard & Wendy Sisson met in January to determine the lands purchased with Community Preservation Act funds that still need CR's. There appear to be five parcels: Willard, Stone, Locke, Hoskins Point and Barrett. A previously drafted CR for Willard was shared with Ms. Sisson along with information on working with the Department of Conservation Services to get these CR's completed.

**Amendments to Chapter 119 and 147** – These amendments include those related to climate change, invasive plants, admirative appeals and fees. Work has begun on overhauling the existing formatting of Chapter 119, with outreach on climate and administrative appeals related revisions completed. Town Counsel will be assisting with amendments to 119-4G pertaining to the use of the fees collected.



# CONSERVATION COMMISSION CONSERVATION AGENT REPORT

APRIL 4, 2024

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- **Update on Warrant Article for Wetland Protection Bylaw Fees**

As voted at the XX meeting a warrant article was submitted to the Town Administrator to define the uses of the Wetland Protection Bylaw fee as research determined this was never established. Due to an oversight of the requested warrant article, it was not included in the original draft warrant reviewed by Town Counsel. By the time Town Counsel had an opportunity to review and comment it was too late for the Commission to react to those comments.

Town Counsel concluded that the Wetland Protection Bylaw Chapter 119-4G does not meet the requirements that authorizes revolving funds under M.G.L. c. 44, Sec. 53E1/2. In addition, Town Counsel stated in Chapter 21 of the Town Code, has established several revolving funds by Bylaws, which comply with M.G.L. c. 44, Sec. 53E1/2 and have been approved by the Attorney General. The town votes each year at the Spring Town Meeting to set the spending limits as required by the law. Town Counsel will assist in preparing a proposed bylaw in proper legal form and substance for the Fall Town Meeting.

- **Merrimack Restoration Partnership Meeting**

The purpose of the Department of Ecological Restoration (DER) Partnership Program is to help build capacity to lead and support restoration and climate resiliency throughout the Commonwealth of Massachusetts. There are three Partnership Programs under DER, one in Southwest Mass, Western Mass, and the Merrimack Restoration Partnership. There are seven organizations under the Merrimack Restoration Partnership, including Groundwork Lawrence, Spicket and Shawsheen Rivers, OARS (Organization for the Sudbury, Assabet and Concord Rivers), and the Nashua River Watershed Association (NRWA)

Eligible restoration activities should assist the recovery of a natural system, activities should seek to identify and remove, or meaningfully reduce, anthropogenic stressors using a scientifically-sound, process-based approach. By repairing natural processes, activities increase ecological function and allow natural systems to adjust over time, thus enhancing ecosystem resilience. DER seeks to fund an integrated approach to restoration based on an understanding of the aquatic ecosystem stressors present in each Partnership Region. Eligible restoration activities include dam removal, culvert replacement, water quality restoration, floodplain restoration, just to name a few.

The Conservation Agent met with representatives from OARS and NRWA to discuss Harvard's priorities that may fall under these eligible activities. The Agent indicated a number of culverts have been identified in Harvard in need of being brought up to stream crossing standards, including Shaker Road and at the corner of Stow and Codman Hill Roads. Having such activities identified by the Watershed organizations assist DER in prioritizing funding for grants,

- **MetroWest Conservation Alliance (MCA) Land Protection Workshop**

Sudbury Valley Trustees has worked with the MCA to develop a tool that identifies those lands that are the most essential to conserve in the region around the Sudbury, Assabet, and Concord Rivers (SuAsCo). Because the tool can identify priority areas at the boundaries of towns, it should also facilitate collaboration and conservation partnerships. Their new ARCGIS Story Map displays the results of our work while also describing the need for establishing land protection priorities. The Story Map describes four maps, each of which focuses on a separate conservation theme: Natural Services, Habitat Biodiversity, Community Conservation and Farmland.

*Take away:* this tool in our land protection toolbox helps identify lands that are good for protection on a regional scale. Click [here](#) to view these story maps.

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## ORDER OF CONDITIONS STATUS REPORTS

### **Pine Hill Village, DEP#177-586**

Despite the heavy rain events as of late the site is stable condition; however, it has caused the installation of the septic systems has stalled. Repairs to the siltation barrier as previously requested have been made.

### **90 Warren Ave, DEP#177-719, Harvard#1122-02**

The site is in stable condition, with activity focused on the interior of the dwelling. A minor repair to the siltation barrier has been noted with Envision Homes.

### **7 Peninsula Road, DEP#177-720**

Work is progressing with dwelling exterior complete. An onsite meeting was held last week with the contractor and property owner to discuss location of underground electrical lines. An adjustment made with the siltation barrier to allow for parking has been corrected, although the fence itself was not installed correctly, but will be addressed.

### **203 Ayer Road, DEP#'s 177-707 & 711**

Initial inspection of the siltation barrier showed it to be in compliance with the approved plan with the exception of wetland flag B4, which was on the upland side of the barrier. The barrier has been shifted to include wetland flag B4. Vegetation cut to install barrier contained wetland flags B2, 5, 8 & 9. These flags have been reinstalled, with the exception of B2. Cut vegetation within outflow of the existing flared end section north of wetland flag B-12 was removed to not impede the flow of water.

### **133 Clinton Shore Drive, DEP#177-722**

Ongoing work around the house to install footing drains and the proposed drywell on the northeast side of the house; however, the entire site has no shortage of ledge, either directly exposed or slightly below grade. The contractors are doing the best they can with these conditions and so far, all of the excavation work in the vicinity of the house has been done by hand. There have been recent probes and attempts to dig for the proposed drywell, but the crew has been met with more ledge. It had been determined during the permitting process that the contractors would do their best to install at this location. The contractor suggested that instead of installing the drywell (in ledge), he could add an additional infiltration trench on the northeast side of the house and tie this into the infiltration trench already installed on the deck side of the house. He also thought he could explore the possibility of putting a small drywell on the southwest side of the house, but soil conditions and space are also limited here. After discussing further with Dan Wolfe, of Ross Associates, we concluded any additional trenches around the house would certainly be better than nothing at all. As a field change this will be detailed on the final as-built plans.

**131 Bolton Road, DEP#177-714**

All of the hardscaping has been installed, with work on the landscaping to begin shortly, starting with the installation and inspection of the necessary erosion control barrier. The number and location of protected wetland markers have been determined.

1  
2  
3 **HARVARD CONSERVATION COMMISSION**  
4 **MINUTES OF MEETING**  
5 **OCTOBER 19, 2023**

6 Chair Eve Wittenberg called the meeting to order at 7:05pm, virtually, pursuant to Chapter 2 of the Acts  
7 of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency,  
8 and signed into law on March 29, 2023, under MGL Chapter 131 §40 Wetland Protection Act and Code of  
9 the Town of Harvard Chapter 119 Wetland Protection Bylaw

10  
11 **Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw,  
12 Jessie Panek and John Lee (Associate Member)

13  
14 **Others Present:** Liz Allard (Conservation Agent), Chuck Caron (Caron Environmental Consulting, LLC),  
15 Mark O'Hagan (Craftsman Village), Wendy Sisson (Land Stewardship Subcommittee), Daniel Mesnick,  
16 Bruce Leicher (Bare Hill Pond Watershed Management Committee), Peter Dorward, Diandrea Bilodeau,  
17 Scott Smyers (Oxbow Associates), Frank O'Connor (Town Planner), Sotir Papalilo (Craftsman Village), Matt  
18 Marro, Miles Connors (Parterre Ecological Services), Peter Foley (Harvard Conservation Trust), and Naomi  
19 Valentine (SWCA Environmental Consultants)

20  
21 **Land Stewardship Subcommittee (LSS) Updates with Wendy Sisson**

22 Wendy ~~Sission~~Sisson stated Fall is a busy time of year with lots of people on the lands, and invasive work  
23 and mowing takes place. Encroachments onto conservation lands have been resolved or are being  
24 resolved. LSS is collaborating with Harvard Conservation Trust on chainsaw work using the Trail Status  
25 application. With the hunting season underway, LSS has helped to install proper signage at the trail heads.  
26 A full list of the activity around invasive plant management can be viewed [here](#).

27  
28 The Fall walk, scheduled for November 4<sup>th</sup>, will be in honor of Jim Adelson, a long-term member of the  
29 LSS, who recently passed away.

30  
31 Ms. ~~Sission~~Sisson reviewed the LSS recommendations for the requested snowmobile ~~track~~trail on the  
32 Rodriguez land, which can be viewed [here](#).

33  
34 **Department of Environmental Protection Appeal of Bare Hill Pond Watershed Management Committee**  
35 **(BHPWMC) Order of Conditions, DEP#177-726**

36 Eve Wittenberg gave an overview of the appeal by the Department of Environmental Protection (DEP),  
37 which came down to whether the Division of Fish & Wildlife (DFW) needed to be consulted and advice  
38 received from them before the Commission issued the Order of Conditions (OOC). DEP may issue a  
39 superseding OOC or withdraw the appeal. At this point, BHPWMC and the Commission are waiting to hear  
40 back from DEP.

41  
42 A gravity drawdown is currently taking place as there are mechanical issues with the pump that are  
43 being addressed. Bruce Leicher stated Judith Schmitz felt comfortable with everything Harvard is doing as  
44 part of the drawdown process after her review of the pond by boat last week. A comprehensive response  
45 explaining the ~~incredible~~ work put into this effort over the years was submitted by Wendy Gendron, of  
46 Aquatic Restoration Consulting, Inc., to the DFW; however, there has been no response from DFW as of  
47 today. Mr. Leicher will continue to keep the Commission informed of any updates on this matter.

48  
49  
50 **Request for Certificate of Compliance – 15 Under Pin Hill Road, DEP#177-536**

51 Jessie Panek made a motion to issue a Certificate of Compliance and not require the fee for a Certificate  
52 of Compliance on an expired Order of Conditions, as the work approved under this Order was never  
53 conducted. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll

54 call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, Aye; Mark Shaw, aye; and Jessie  
55 Panek, aye.

56

57 **Continuation of a Notice of Intent Hearing - Rachel Broadhurst, 41 Pinnacle Road, DEP#177-728,**

58 **Harvard#0823-03.** Opened at 7:32pm

59

60 **Abbreviated Notices of Intent Hearing – Harvard Conservation Trust, Muller Land, Littleton County Road**

61 **(Map 18 Parcel 42).** Opened at 8:00pm

62

63 **Abbreviated Notices of Intent Hearing – Harvard Conservation Trust, Coke-Newsham Land, Whitney &**

64 **Littleton Roads (Map 17B Parcels 31, 32 & 38).** Opened at 8:22pm

65

66 **Wetland Violation – 94 Ayer Road**

67 Liz Allard provided an overview: a perimeter drain was installed around the house within 100' of the  
68 ~~BVWBVW~~ (Bordering Vegetative Wetland) and 200' of Bowers Brook and a permit is required from the  
69 Conservation Commission. All the work is done and the disturbed areas are still not stable at this time and  
70 there is currently no erosion control on that side of the house. Don Ritchie asked the owner why he  
71 thought he could conduct this activity without an application with the Commission. Daniel Mesnick,  
72 homeowner, explained the French drain failed as it was not pitched properly and over 7" of rainwater  
73 flooded his property. Mr. Mesnick thought he was just doing repairs and wasn't disturbing the area. He  
74 didn't know that he could have received an emergency certification to get the work done; he did not  
75 understand that he needed a permit for this activity and now understands the need for one. Jessie Panek  
76 asked if all the work is done. Mr. Mesnick stated all of the digging work is complete but the updated  
77 gutter system is not in yet. The gutters were already connected to the perimeter drain. Ms. Panek asked  
78 about the issue regarding the stabilization of the area and erosion control. Mr. Mesnick stated he will  
79 install a silt fence and plant grass in the spring in the disturbed area. Ms. Panek suggested a cover on the  
80 disturbed areas, either hay or mesh.

81

82 Ms. Panek made a motion requiring the property owner file a Request for Determination of Applicability.  
83 Jaye Waldron seconded the motion. Friendly amendment made by Jaye Waldron to install silt fence as  
84 soon as possible, with inspection by the Conservation Agent. The motion was seconded by Jessie Panek.  
85 The vote was unanimously in favor of the motion by roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne  
86 Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

87

88 **Review Land Survey Proposal for the Littleton Country Road Project for the Conservation Restriction**

89 Don Ritchie on made a motion to accept the Proposal for Professional Services on the Carlson Property  
90 Littleton County Road, Harvard, Ma Project No.: 34425 prepared by Ross Associates, Inc. October 11,  
91 2023. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call:  
92 Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek,  
93 aye.

94

95 **Discuss Request to Release the Last Unit at Craftsman Village Harvard Upon ZBA Request**

96 Mark O'Hagan explained that sign-offs for units go to all the Boards who have ongoing work there. Mr.  
97 O'Hagan further stated the goal is to is to have all the outstanding activities under the Commission  
98 addressed prior to the ZBA signing the as-built plan. Mr. O'Hagan knew the invasive management plant  
99 control plans was one of the items to be completed. A request for a Certificate of Compliance will be  
100 made in the spring to allow a season for everything to grow. Liz Allard stated there are Stormwaterstorm  
101 water issues as well and she will get report to them as soon as possible.

102

103 **Review Craftsman Village Harvard Plan to Manage Invasive Plants**

104 Scott Smyers, of Oxbow Associates, stated he has reviewed the site and is recommending a plan that will  
105 focus on the invasive species in the northeast portion of the site, within the detention basin and rain  
106 garden. The area in the northeast corner will be selectively treated with a glyphosate-based herbicide

107 using a combination of backpacker sprayer and stem-applicator for Japanese knotweed and a triclopyr-  
108 based herbicide for broadleaf vines and shrubs. Annual reports will be provided to the Commission and  
109 this activity will take place for three seasons starting in 2024. The Commission requested a map of the  
110 areas to be treated be provided for their review prior to final approval of the Invasive Plant Control Plan  
111 prepared by Oxbow Associates, Inc.  
112

113 **Update on Wetland Violation at 19 Warren Avenue**

114 Liz Allard stated David Ross Associates, Inc has been contracted to develop the necessary application to  
115 remediate the violation and other proposed activities on the site.  
116

117 **Update on Enforcement Order – 320 Ayer Road**

118 Liz Allard stated an application was submitted today, with the public hearing scheduled for November 2,  
119 2023.  
120

121 **Assign Timeframes to assigned tasks from Strategic Planning Session**

- 122 • Eve Wittenberg and Joanne Ward are working to reinstate Natural Heritage Endangered Species  
123 Program habitat. They will put their plan together by December and present to the Commission  
124 in January and then start documenting all species in Harvard in Spring 2024.
- 125 • Conservation Restrictions and Baseline reports was assigned to Joanne Ward, Wendy Sisson and  
126 Liz Allard. Ms. Allard stated Ms. Sisson has been out of town, so there is no completion date for  
127 phase 1 as yet.
- 128 • Amendments to Chapters 119 and 147-Liz Allard will have draft by January 2024 on Climate and  
129 Ms. Allard and Jessie Panek will have Invasives draft by January 2024.
- 130 • Monitor Conservation Restrictions- Don Ritchie and Jim Burns- will meet up to discuss
- 131 • Deer Management Goals – Don Ritchie and Jessie Panek will get together early 2024 to discuss.
- 132 • Wetland Protection Bylaw Fees - John Lee went through all Town Reports back to 1987 and  
133 found no mention. Liz Allard suggested to get the Bylaw Fees on the warrant for the spring Town  
134 Meeting.
- 135 • Website News & Announcements – Eve Wittenberg and Liz Allard will continue to work on
- 136 • Involving Interns - will be discussed at next meeting  
137

138 **Update on Proposed Park at Beaver Brook, Boxborough**

139 Joanne Ward stated she has not had any updates on this development; she will reach out to her contacts  
140 in Boxborough.  
141

142 **Pine Hill Village Status Update, DEP#177-586**

143 Liz Allard said a review of the site indicated some of the catch basins are clogged and need cleaning. The  
144 on-site contractor was informed of this need.  
145

146 **Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02**

147 There was no update this evening  
148

149 **Update from Representatives/Liaisons**

150 *Deer Management Subcommittee* – Jessie Panek gave the update: Two deer have been harvested from  
151 the Damon/Stephenson land. A deer stand and trail camera were found by the hunter on the land; the  
152 Environmental Police and the Harvard Police Department were notified.  
153

154 *Open Space Committee (OSC)* – Liz Allard gave the update. The OSC is up and running again. They are now  
155 working on completing the Open Space plan and are working on the Littleton County Road Project.  
156

157 *Community Preservation Committee* – John Lee gave the update. Two applications from the Conservation  
158 Commission, five from the Parks & Recreation Commission, and one each from the Historic Commission



159 and Municipal Affordable Housing Trust have been received. One of the Park & Recreation applications  
160 may be withdrawn as it does not meet the necessary criteria for funding. At this point there is sufficient  
161 funding for all the requested received. The Committee will start reviewing applications with the  
162 applicants next week.

163  
164 **Adjournment**

165 Jaye Waldron made a motion to adjourn the meeting at 9:59pm. Jim Burns seconded the motion. The  
166 vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron, aye; Joanne  
167 Ward, aye; Jim Burns, Aye; Mark Shaw, aye; and Jessie Panek, aye.

168  
169 Respectfully submitted,

170  
171  
172 Celia Jornet,  
173 Recording Secretary

174  
175  
176 **EXHIBITS & OTHER DOCUMENTS**

- 177 • Conservation Commission Agenda, dated October 19, 2023
- 178 • Proposal for Professional Services Carlson Property Littleton County Road, Harvard, Ma Project  
179 No.: 34425 prepared by Ross Associates, Inc. October 11, 2023
- 180 • Invasive Plant Control Plan Craftsman Village Harvard LLC Harvard, MA [DEP File 3177-0678],  
181 prepared by Oxbow Associates, Inc., October 13, 2023

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**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Rachel Broadhurst, 41 Pinnacle Road, Harvard#0823-03**  
**October 19, 2023**

The public hearing was opened at 7:32pm 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, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

**Others Present:** Liz Allard (Conservation Agent) and Matt Marro

This hearing was continued from October 5, 2023 for a Notice of Intent filed on behalf of Rachel Broadhurst for the construction of a paddock within 100' of a wetland resource area and the restoration of the resource area after enforcement at 41 Pinnacle Road, Harvard.

Matt Marro provided an update including the fact that the fence installed within the wetland resource area had not yet been removed. Mr. Marro stated the horses are out for an hour each day and that manure is picked up every day or every other day. Mr. Marro explained there has been a misunderstanding with the property owner, Rachel Broadhurst, and what she thought could be done on the property as pertains to historical and agricultural uses. Mr. Marro will be consulting with the Department of Environmental Protection on the aspect of breeding horses as an agricultural use within wetland buffer zones and the allowed exemptions. Eve Wittenberg stated this property is under an Enforcement Order that does not allow for the horses to be within 100' of the wetland resource area; however, the Conservation Agent has observed evidence contrary to that. Mr. Marro was not disputing that activity that is occurring is in violation of the enforcement order and/or additional violations have occurred.

Joanne Ward stated her knowledge on the breeding of horses. The barn and property would not be big enough to maintain such an endeavor. Jaye Waldron stated the aspect of breeding horses should have been brought up at the beginning of this application process. Jim Burns feels the Commission is being taken for a ride on all of this as the applicant tries to find a way to maintain her current activity. Jessie Panek is annoyed that the manure is not being picked up immediately, along with allowing horses to roam into the wetland. Ms. Panek agrees the Commission is just getting the run around.

Ms. Ward agreed that the applicant needs to be present at the next meeting or submit a written response to the Commission should personal matters prevent her from attending. Ms. Panek suggested issuing an enforcement order requiring a restraint to keep the horses out of the 100' wetland buffer zone. Don Ritchie stated if she has the ability to erect a fence around the perimeter of her property, she should be able to erect one at the 100' buffer zone and that Ms. Broadhurst cease all activity until she gets the fence erected. Liz Allard clarified that the waiver in question was for plantings within 50' buffer. Ms. Allard also stated that Ms. Broadhurst has a permit with the Board of Health for a stable and private barn but Ms. Allard put a hold on it until the current issue is resolved. Ms. Wittenberg stated the Commission has been distracted by the horse breed issue, but the two issues at hand are the fence within the wetland and the horse pasturing within the 100' buffer zone.

Ms. Wittenberg asked Mr. Marro if he would like to continue the hearing so that his client can be here to respond to questions raised during tonight's hearing and he stated he would like to ask for a continuance. Jim Burns made a motion to continue the hearing at the next meeting on November 2<sup>nd</sup> at 8:15pm.

263 Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call: Don  
264 Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

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266 Respectfully submitted,

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269 Celia Jornet,  
270 Recording Secretary

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**Harvard Conservation Trust**  
**Abbreviated Notice of Intent Hearing Meeting Minutes**  
**Harvard Conservation Trust, Muller Land,**  
**Littleton County Road (Map 18 Parcel 42), Harvard#1023-02**  
**October 19, 2023**

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The public hearing was opened at 8:00pm 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.

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**Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

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**Others Present:** Liz Allard (Conservation Agent), Peter Foley (Harvard Conservation Trust) and Miles Connors (Parterre Ecological Services)

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This hearing is for an Abbreviated Notice of Intent filed on behalf of Harvard Conservation Trust, for invasive plant removal, native plant re-introduction and wildlife habitat restoration within the 100' wetland buffer zone and 200' riverfront area on the Muller Land, Littleton County Road (Map 18 Parcel 42), Harvard.

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Peter Foley, representing Harvard Conservation Trust (HCT), provided an overview of the Muller property, including the vital connection it makes to other adjacent areas of open space. HCT has been working to improve and ~~reclaimtake back~~ this property from invasives. After working on it for the last three years on their own, they have come to realize the need for professional assistance to complete this. ~~Due to the location and density of the issue, this property will need professional help.~~ HCT has hired Parterre Ecological Services to assist them and HCT will assist Parterre where able. Miles Connors, director of Parterre Ecological, stated the focus is on removing the invasive barberry along the stream and doing ecological restorations. Jessie Panek asked Mr. Foley to explain the area of focus. He explained they are focusing on the area along the stream corridor approximately 25' on either side. Mark Shaw asked if there was any fog type spraying or just cut and dab, as some areas are very thick and high up and will be hard to access. Mr. Connors explained since it is late in the season the cut and dab method is the most effective. There may be some resprouts from root stock or seed bank, but the goal is to take away the invasive layer. Mr. Foley said it is a long-term project, with a projected complete date of three years. Mr. Connors explained that in future years, they would use a low volume foliar spray during the warm and dry time of year, usually July into early August. Jim Burns asked about the vines in the trees and expanded on Mr. Shaw's question about dense areas close to the water. Mr. Connors said this time of year due to lack of foliage, they would cut and dab the vine stumps and cut out as much as possible, and in time the vines in the trees would dry out and eventually shake themselves out of the trees. Ms. Panek commented that bittersweet is less destructive, it's better to leave it and let it disintegrate as Mr. Connors is proposing.

As there has been no Department of Environmental Protection file number issued, Don Ritchie made a motion to continue the hearing to November 2, 2023 at 7:25pm. 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; Jim Burns, Aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Celia Jornet,  
Recording Secretary

366 **Harvard Conservation Trust**  
367 **Abbreviated Notice of Intent Hearing Meeting Minutes**  
368 **Newsham Land, Whitney & Littleton Roads (Map 17B Parcels 31, 32 & 38),**  
369 **Harvard#1023-02**  
370 **October 19, 2023**  
371

372 The public hearing was opened at 8:22pm by Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland  
373 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
374 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures  
375 Adopted during the State of Emergency, and signed into law on March 29, 2023.  
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377 **Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw,  
378 Jessie Panek and John Lee (Associate Member)  
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380 **Others Present:** Liz Allard (Conservation Agent), Peter Foley (Harvard Conservation Trust), and Naomi  
381 Valentine (SWCA Environmental Consultants)  
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383 This hearing is for an Abbreviated Notice of Intent filed on behalf of Harvard Conservation Trust, for  
384 invasive plant removal, native plant re-introduction and wildlife habitat restoration within the 100'  
385 wetland buffer zone on the Newsham Land, Whitney & Littleton Roads (Map 17B Parcels 31, 32 & 38),  
386 Harvard  
387

388 Peter Foley, representing Harvard Conservation Trust (HCT), explained this area is of great interest to the  
389 HCT as it is close to and accessible from Town Center. It can also provide educational opportunities to  
390 students and others to show we can rehabilitate and revegetate with native species. Similar to Muller  
391 project, the job was too big complete on their own and would need professional help to complete. HCT  
392 was awarded a grant in the amount of \$20,000 for this project from Nashua River Watershed Association  
393 (NWRANRWA). The focus would be on invasives removal along the stream area. Long-term plan is to  
394 relocate portions of the existing trail off private property and out of wetland areas. Naomi Valentine, with  
395 SWCA Environmental Consultants explained this time of year they would use the cut stem and dab  
396 application. In future years, they would use the least impactful method due to the amount of wetland  
397 areas on the property and applications will be done as if the entire property is wetlands.  
398

399 Jessie Panek asked for clarification on the red and pink lines on the map that was provided. Ms. Valentine  
400 explained the red line is a rough estimate of where the future trail would be; the blue line was taken from  
401 MASS GIS showing the stream; and the pink line is a rough estimate of where the scope of work would be.  
402 Ms. Panek also questioned the green and yellow areas on the first map and Ms. Valentine explained the  
403 green area is Phase 1 of the project and yellow is Phase 2.  
404

405 As there is no Department of Environmental Protection file number, the hearing will need to be  
406 continued. Don Ritchie made a motion to continue the hearing to November 2, 2023 at 7:27pm. Jaye  
407 Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don  
408 Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, Aye; Mark Shaw, aye; and Jessie Panek, aye.  
409

410 Respectfully submitted,  
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412 Celia Jornet,  
413 Recording Secretary

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**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MARCH 21, 2024**

Chair Eve Wittenberg called the meeting to order at 7:02pm, 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 (departed meeting at 10:05pm), Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates, Inc.), Fred Alach, Bob O’Shea (Harbor Master), Matt Marro, Anne McWaters (Recreation Director), Lou Russo, Nick Pauling (GPR, Inc.), and Scott Smyers (Oxbow Associates)

**Continuation of a Notice of Intent Hearing – CSX Transportation, Inc, CSXT Railway Right-of-Way at Route 2, Harvard#0124-03.** Opened 7:02pm.

**Request for Determination of Applicability Hearing – Fred Alach, 26 Bolton Road, Harvard#0324-01.** Opened at 7:05pm.

**Notice of Intent Hearing – Harvard Parks & Recreation – 31 Pond Road, Harvard#0324-02.** Opened at 7:41pm.

**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 8:14pm.

**Deer Management Subcommittee (DMS) Annual Report**

The executive summary was read into the record and can be viewed [here](#). Joanne Ward requested the executive summary be amended to read “.....deer harvested on private, Federal, state and local land in Harvard.”

Don Ritchie made a motion to accept the Deer Management Subcommittee Annual Report with the associated executive summary as read by Jessie Panek. 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; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

**Review Update of Deer Management Mission**

The mission statement was read by Jessie Panek and revisions were made. Liz Allard stated that in addition to the mission statement, the Deer Management Subcommittee Charter will also need to be updated. Ms. Allard stated she will work on the Membership and Terms section. Ms. Panek and Don Ritchie will work on the Background section.

Don Ritchie made a motion to approve the Deer Management Mission Statement (DMS) as revised this evening. 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; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Eve Wittenberg thanked Ms. Panek for her work on the Annual Report and Executive Summary, as well as her work, along with Mr. Ritchie on the Mission Statement. She also asked them to convey her thanks to the DMS for their work in putting together the Annual Report.

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**Wetland Enforcement Restoration Plan – 8 Willow Road**

Scott Smyers, with Oxbow Associates, presented a proposed restoration plan for the property. The plan details the infractions within the 50’ Wetland buffer zone, that had resulted in Liz Allard issuing a Wetland Enforcement Order. Planting beds and leaf mulch in the wetland area will need to be removed by hand to bring the property into compliance, as well as seeding in the disturbed areas will need to be done. Jessie Panek expressed interest in visiting the property before further discussion. The Commission scheduled a visit to the property with Mr. Smyers on April 25<sup>th</sup> at 8:30am. Mr. Smyers will notify the homeowners. The restoration plan will be discussed in detail at the May 2<sup>nd</sup> meeting.

**203 Ayer Road**

- **Discuss Engaging Site Monitor**

Nick Pauling, from GPR, Inc. questioned the need for a Site Monitor when he was hired by Lou Russo, the property owner, to be the engineer of record. Liz Allard explained that in the Order of Conditions, it was stated that a Site Monitor would be engaged at the expense of the applicant and it’s up to the Commission whether or not they want to hire the consultant. Eve Wittenberg further explained the Site Monitor would be a “clerk of the works”, giving third party oversight on the project, and will report directly to the Commission.

Don Ritchie made a motion to engage Beals + Thomas for site monitoring of the wetland replication drainage components and any other area within the Commission’s jurisdiction. 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; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

- **Act on Approval of Bond Amount for Wetland Replication.**

Eve Wittenberg explained that Wetland Replication and plantings are normally covered by a bond should the applicant fail to meet the conditions of the Order. Lou Russo, the property owner, has offered a \$20,000 bond.

Don Ritchie made a motion to request a bond estimate from Beals + Thomas should the applicant fail to complete the wetland replication. 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. (Note: Jim Burns has stepped away during this vote)

- **Act on Approval of Qualified Wetland Scientist**

Matt Marro gave a concise snapshot of his qualifications that would qualify him to be hired as the Wetland Scientist to oversee the wetland replication.

Jessie Panek made a motion to delay the approval of Matt Marro as the Qualified Wetland Scientist until the Commission receives additional information on Mr. Marro’s qualifications. 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; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

- **Japanese Knotweed Removal**

Lou Russo presented an alternate removal method for the invasive species. Mr. Russo -stated it would be cut and gathered at the stems; plants would be hand removed; soil would be raked; and plants would be placed in a storage container covered by a black tarp for 90 days to dry out. Then they would be taken to a composting disposal site. Eve Wittenberg stated the normal

106 disposal is to bury the dried out invasive at least 5 feet underground. Ms. Wittenberg advised Mr.  
107 Russo to revise the plan and address 3 issues: where on the property the storage containers will  
108 be located; washing of vehicles to avoid cross contamination; and where the composting site is  
109 located. Ms. Wittenberg stated Mr. Russo can be on the agenda for the April 4<sup>th</sup> meeting  
110 provided they submit all documentation by noon on the Tuesday before the meeting.  
111

112 **Transfer Station Committee Request for Comments.**

113 | Jaye Waldron made a motion to approve the [Transfer Station Comment Letter](#). Don Ritchie seconded the  
114 motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron,  
115 aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.  
116

117 **Allocation of Additional Funds for Prospect Hill Conservation Area Boardwalk Installation by Eagle Scout**  
118 **Jack Stahl (\$44.43).**

119 Don Ritchie made a motion to approve additional funds in the amount of \$44.43. Jessie Panek seconded  
120 the motion. By a show of hands, the vote was unanimously in favor of the motion.  
121

122 **Approve Minutes**

123 Jim Burns made a motion to approve the minutes of March 7, 2024 as amended. Jessie Panek seconded  
124 the motion. The vote was unanimously in favor of the motion by roll call: Jaye Waldron, aye; Jim Burns,  
125 aye; Mark Shaw, aye; and Jessie Panek, aye.  
126

127 **Due to the lateness of the meeting the following items were passed over:**

- 128 • Update on Warrant Article for Wetland Protection Bylaw Fees
  - 129 • Update on Action items from the Strategic Planning Session
  - 130 • Status Report Pine Hill Village, DEP#177-586
  - 131 • Status Report 90 Warren Avenue, DEP#177-719, Harvard#1122-02
  - 132 • Updates from Representatives & Liaison
  - 133 • Updates from the Conservation Agent
- 134

135 **Adjournment**

136 Jim Burns made a motion to adjourn the meeting at 10:30pm. Jaye Waldron seconded the motion. By a  
137 show of hands, the vote was unanimously in favor of the motion.  
138

139 Respectfully submitted,  
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142 Celia Jornet,  
143 Recording Secretary  
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147 **EXHIBITS & OTHER DOCUMENTS**

- 149 • Conservation Commission Agenda, dated March 21, 2024
  - 150 • Garden Plan and Photos for 26 Bolton Road
  - 151 • Deer Management Subcommittee Mission Statement
  - 152 • Harvard Town Beach Improvements, March 6, 2024
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**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 21, 2024**

The public hearing was opened at 7:02pm 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, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

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

This hearing was continued from March 7, 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.

With no Department of Environmental Protection file number as of yet, Joanne Ward made a motion to continue the hearing to April 4, 2024 at 7:02pm. 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; Jim Burns, aye; Mark Shaw, aye; and Jessie [PankePanek](#), aye.

Respectfully submitted,

Celia Jornet,  
Recording Secretary

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**Harvard Conservation Commission**  
**Request for Determination of Applicability**  
**Hearing Meeting Minutes**  
**Fred Alach, 26 Bolton Road, Harvard#0324-01,**  
**March 21, 2024**

The public hearing was opened at 7:05pm 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, Jim Burns, Mark Shaw, Jessie Panek and John Lee (Associate Member)

**Others Present:** Liz Allard (Conservation Agent) and Fred Alach

This hearing is for a Request for Determination of Applicability for the addition of fill to create a flower and vegetable garden within the 100' wetland buffer zone at 26 Bolton Road, Harvard.

A site visit was completed by the Commission. Fred Alach, the homeowner, gave an overview of the project. His intention is to plant a vegetable and flower garden by adding fill to an area in the backyard, bringing it level with the septic mound. Mr. Alach has installed a silt fence and has been relocating fill as it migrates close to the fence near the stream. After speaking with Liz Allard, he added additional silt fencing and wattle. The top soil is currently under a tarp until the spring, when he will lay it down and plant the garden.

The hearing was opened to questions and comments from the Commission. Don Ritchie questioned how much fill has migrated to the silt fence. Mr. Alach stated he has moved 90% of the fill back away from the fence. Jessie Panek and John Lee both asked Mr. Alach what his intentions were to contain the area to prevent a continuous washout. Mr. Alach stated his plan was to put 6-8 inches of top soil on top of the sand. Ms. Allard stated there is no further immediate remediation needed other than what he has already done to capture the eroding silt as Mr. Alach has gone above and beyond what she asked. Jaye Waldron suggested plantings to stabilize the slope. Ms. Panek suggested a cover or fabric layer to protect soil from washing. Mr. Alach stated he is okay with placing fabric over the fill and then top soil on top of fabric until growth happens. Ms. Panek also suggested a taller planting closer to the stream rather than mowing grass short.

Jessie Panek made a motion to close the hearing and issue a Negative #3 Determination of Applicability with the following findings to allow for the planting of the garden: in order to control erosion, the mound of sand to be used as the base of the garden is to be covered with a burlap or other bio-degradable material; the stock pile of top soil shall be placed on top of the material that is used to cover the sand to prevent further mitigate erosion; and in the area closest to the stream, a taller meadow type planting will be used on the slope as a buffer to prevent runoff into the stream. 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; Jim Burns, abstained; Mark Shaw, aye; and Jessie [PankePanek](#), aye.

Respectfully submitted,

Celia Jornet,

262 Recording Secretary

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264 **Harvard Conservation Commission**  
265 **Notice of Intent Hearing Meeting Minutes**  
266 **Harvard Parks & Recreation, 31 Pond Road, Harvard#0324-02**  
267 **March 21, 2024**  
268

269 The public hearing was opened at 7:41pm by Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland  
270 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
271 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 measures  
272 adopted during the State of Emergency, and signed into law on March 29, 2023.

273  
274 **Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw,  
275 Jessie Panek and John Lee (Associate Member)

276  
277 **Others Present:** Liz Allard (Conservation Agent) , Anne McWaters (Recreation Director), Bob O'Shea  
278 (Harbor Master) and Nick Pauling (GPR, Inc.)

279  
280 This hearing is for public safety improvements, stormwater management and [handicappedmobility](#) access  
281 within the [200'wetland200' wetland](#) buffer zone to Bare Hill Pond.

282  
283 Anne McWaters, Recreation Director, gave an overview of the project: reduce unmanaged sand, storm  
284 water issues by bathhouse, new vegetation where old was removed, ADA access, updated info on new  
285 ADA parking spots and ADA beach mats, picnic tables and swing. Don Ritchie questioned the  
286 [handicappedaccessible](#) parking spot on the plan and Ms. McWaters explained there are two separate  
287 parking spots, one by the dock and one by the play area.

288  
289 Bob O'Shea, Harbor Master, advised the Commission that he has hired GPR, Inc. to develop survey  
290 drawings for all the proposed work and since the area was just surveyed today, he would like to continue  
291 the hearing until the April 4<sup>th</sup> meeting.

292  
293 Mr. O'Shea discussed storm water management around the beach house. The plan is to install gutters on  
294 the beach house and move rainwater to the swale. With regards to the parking spot by the kayak racks,  
295 Liz Allard asked about the size of the new impervious surface created by the parking spot. Mr. O'Shea said  
296 in Option A, the area is already on impervious ground. If the spot is constructed where the kayak rack is,  
297 the area would be 18'x16'. All runoff would be into the existing swale.

298  
299 With regards to the new plantings in the drawing provided to Mr. O'Shea by Jessie Panek, he received a  
300 quote of ~~f~~-\$10,000 for 60 [hypericumvaried](#) plants. He instead proposes 6 hypericum plants and non-  
301 spreading low growth plants between the 6 bushes. Ms. Panek asked what the purpose of the plantings  
302 was and Mr. O'Shea explained they are strictly for cosmetic purposes. There is a cape cod berm on  
303 driveway side of planting that prevents draining into the area. Ms. Panek requested he use native  
304 ~~new~~New England plants.

305  
306 Don Ritchie made a motion to continue the hearing to April 4, 2024 at 9:00pm. Jim Burns seconded the  
307 motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye Waldron,  
308 aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie [PankePanek](#), aye.

309  
310 Respectfully submitted,

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313 Celia Jornet,  
314 Recording Secretary

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318 **Harvard Conservation Commission**  
319 **Continuation of a Notice of Intent Hearing Meeting Minutes**  
320 **Shakers' Quarry Property Owner's Association, Inc.,**  
321 **Stonecutters Path and Quarry Lane, DEP#177-742, Harvard#0124-01**  
322 **March 21, 2024**  
323

324 The public hearing was opened at 8:14pm by Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland  
325 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
326 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 measures  
327 adopted during the State of Emergency, and signed into law on March 29, 2023.  
328

329 **Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw,  
330 Jessie Panek and John Lee (Associate Member)  
331

332  
333 **Others Present:** Liz Allard (Conservation Agent) and Dan Wolfe (Ross Associates, Inc.)  
334

335 This hearing was continued from March 7, 2024 on a Notice of Intent filed on behalf of Shakers' Quarry  
336 Property Owner's Association, Inc., for the grinding and removal of existing asphalt, repairs to gravel base,  
337 and resurfacing the roadways, and the replacement of an 18" culvert and reforming portions of the  
338 existing open channel drainage system within the 100' wetland buffer zone on Stonecutters Path and  
339 Quarry Lane, Harvard.  
340

341 Dan Wolfe went over his responses to the four comments from Department of Environmental Protection  
342 (DEP):

- 343
- 344 • [Refiled under the correct category and submitted the additional filing fee of \\$500.](#)
  - 345 • Explained the culvert conveys to storm water runoff as part of the subdivision drainage and is not  
346 a stream.
  - 347 • [Completed Storm Water check list and submitted a storm water management plan.](#)
  - 348 • [Corrected the drafting error regarding erosion controls at the culvert.](#)

349 Don Ritchie questioned the need for a storm water management plan. Mr. Wolfe stated even though they  
350 are just replacing a culvert, the DEP still required one. ~~Liz Allard had checked with her peers and they  
351 stated a storm water management plan should not have been required.~~ Mr. Wolfe felt it was in his best  
352 interest to do one to [get the project moving with the DEP expedite the project.](#) The Property Owners  
353 Association will do inspections of the pipe to make sure it is functioning and submit a report periodically  
354 to the ~~DEP~~ [Conservation Commission](#).

355 Don Ritchie made a motion to close the hearing and issue an Order of Conditions with the added special  
356 condition of inspection of the pipe per the storm management plan in perpetuity. Jessie Panek seconded  
357 the motion. The vote was unanimously in favor of the motion by a roll call: Don Ritchie, aye; Jaye  
358 Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie [PankePanek](#), aye.  
359

360 Respectfully submitted,  
361

362  
363 Celia Jornet,  
364 Recording Secretary  
365  
366

DRAFT



Oxbow Associates, Inc.  
PO Box 971  
Acton, MA 01720

Invoice 21010

**BILL TO**  
Conservation Commission  
Town Hall  
13 Ayer Road  
Harvard, MA 01451

**DATE**  
03/15/2024

**PLEASE PAY**  
**\$880.00**

**DUE DATE**  
03/30/2024

**JOB #**  
2908

**JOB LOCATION**  
Powell Land

DATE	SERVICE	DESCRIPTION	HRS	RATE	AMOUNT
09/01/2023	Senior Scientist	Field Work: Invasive Plant Control or Biological services	1:00	175.00	175.00
11/01/2023	Senior Scientist	Invasive Plant Control	3:15	175.00	568.75
12/11/2023	Env. Scientist I	Report draft	0:30	100.00	50.00
02/13/2024	Senior Scientist	Documentation Prep	0:30	175.00	87.50
Subtotal:					881.25
	<b>Adjustment</b>		1	-1.25	-1.25

We appreciate your business. Thank you for your prompt payment.

**TOTAL DUE**

**\$880.00**

THANK YOU.



Oxbow Associates, Inc.  
PO Box 971  
Acton, MA 01720

## Invoice 21036

**BILL TO**  
Harvard Conservation  
Commission  
13 Ayer Road  
Harvard, MA 01451

<b>DATE</b> 10/16/2023	<b>PLEASE PAY</b> <b>\$500.00</b>	<b>DUE DATE</b> 10/31/2023
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**JOB #**  
3079

**JOB LOCATION**  
Stone Land

DATE	SERVICE	DESCRIPTION	HRS	RATE	AMOUNT
09/01/2023	Senior Scientist	Field Work: Invasive Plant Control or Biological services	1:00	175.00	175.00
10/11/2023	Senior Scientist	Invasive Plant Control no fee	2:00	175.00	350.00
	Mileage	Mileage	10	0.655	6.55
					Subtotal: 531.55
	Adjustment		1	-31.55	-31.55

We appreciate your business. Thank you for your prompt payment.

**TOTAL DUE** **\$500.00**

THANK YOU.



Oxbow Associates, Inc.  
 PO Box 971  
 Acton, MA 01720

# Invoice 21037

**BILL TO**  
 Town of Harvard Cons Comm  
 13 Ayer Road  
 Harvard, MA 01451

<b>DATE</b> 10/16/2023	<b>PLEASE PAY</b> <b>\$350.00</b>	<b>DUE DATE</b> 10/31/2023
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**JOB #**  
3080

**JOB LOCATION**  
Maxant Land & Williams Land

DATE	SERVICE	DESCRIPTION	HRS	RATE	AMOUNT
09/01/2023	Senior Scientist	Field Work: Invasive Plant Control or Biological services	0:45	175.00	131.25
09/01/2023	Senior Scientist	Field Work: Invasive Plant Control or Biological services	0:45	175.00	131.25
11/22/2023	Env. Scientist I	Documentation Prep	0:30	100.00	50.00
11/22/2023	Env. Scientist I	report writing	0:15	100.00	25.00
02/13/2024	Senior Scientist	Documentation Prep	0:15	175.00	43.75
Subtotal:					381.25
	Adjustment		1	-31.25	-31.25

We appreciate your business. Thank you for your prompt payment.

<b>TOTAL DUE</b>	<b>\$350.00</b>
THANK YOU.	



**Oxbow Associates, Inc.**

PO Box 971  
Acton, MA 01720  
accounting@oxbowassociates.com  
www.oxbowassociates.com

**INVOICE**

BILL TO  
Harvard Conservation Commission  
Town Hall  
13 Ayer Road  
Harvard, MA 01451

INVOICE 21279  
DATE 03/19/2024  
TERMS Net 15  
DUE DATE 04/03/2024

JOB # 2986                                      JOB LOCATION Bare Hill Pond Marsh

DATE	ACTIVITY	DESCRIPTION	QTY	RATE	AMOUNT
09/07/2023	Senior Scientist	Field Prep	0:30	175.00	87.50
09/08/2023	Senior Scientist	Field: Invasive Plant Control	1:30	175.00	262.50
09/11/2023	Senior Scientist	Field: Invasive Control	3:00	175.00	525.00
11/29/2023	Env. Scientist I	Invasive plant report	1:00	100.00	100.00
	Mileage	Mileage	14	0.655	9.17
	Herbicide Mixing/Dispose Basic	\$50 Fee Waived	1	0.00	0.00
					Subtotal: 984.17
	Adjustment		1	-184.17	-184.17

We appreciate your business. Thank you for your prompt payment.

**BALANCE DUE**

**\$800.00**