

Posted May 18, 2021-1:00PM-MK

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY MAY 20, 2021 @7:00PM**

The Conservation Commission meeting is being held virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L.c.30A, S.20. Interested individuals can listen in and participate by phone and/or online by following the link and phone # below:

Topic: UpperTH ProWebinar's Conservation Commission Zoom Meeting  
Time: May 20, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://us02web.zoom.us/j/84844802405?pwd=VUhrWUM2TVIMTFFKYXNMQktlY3RCdz09>

**Meeting ID: 848 4480 2405**

**Passcode: 756998**

One tap mobile

+13126266799,,84844802405# US (Chicago)

+19294362866,,84844802405# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 929 436 2866 US (New York)

Meeting ID: 848 4480 2405

Find your local number: <https://us02web.zoom.us/u/kbl11Fc0F6>

**New Business:**

1. Executive Session, if necessary, with Nashua-Squannacook-Nissitissit Wild & Scenic Rivers Stewardship Council, pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position only to return to the open session of the public meeting (7:00pm)
2. Pump Bike Track Proposal – Pond Road
3. Approve Minutes

**Public Hearings:**

- 7:25pm **Continuation of a Notice of Intent Hearing – Harvard Department of Public Works, Harvard#0321-04**, the bridge crossing of Bower's Brook between 6 and 22 Old Mill Road for the replacement of traffic safety features and minor patching along the substructure within the resource area and its 100' riverfront area at the bridge crossing of Bower's Brook between 6 and 22 Old Mill Road, Harvard.
- 7:30pm **Continuation of a Request for Determination of Applicability Hearing – B&C Associates, Inc., 169 Littleton County Road, Harvard#0121-03**, for the removal and management of invasive plant species within the 100' buffer zone of a wetland resource area – *Requested Waiver*
- 8:00pm **Continuation of the Revisions to Code of Harvard Chapter 147 Harvard Wetland Bylaw Regulations**
- 8:10pm **Continuation of a Notice of Intent Hearing - of Alma Gregory & Kristiina Sorensen, 23 Peninsula Road, Harvard#0421-03**, for the replacement of existing steps and railings with new stairs and deck platform, the addition of boulder steps, stone pavers, landscape walls, new landscaping throughout, extension of an existing shed, removal of nine trees and replacing the existing dock with a bigger prefab pier structure

**Old Business:**

1. Recommendations to the Select Board re: interested volunteers

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.



Message

Wed, May 12, 2021 12:24 PM

From: Tim Bragan  
To: Liz Allard Tim Kilhart Marie Sobalvarro Linda Dwight  
Cc: Bob O'Shea  
Subject: Mountain Bike Bump Track

[https://harvardcabletv.com/watch/government/?vimeography\\_gallery=4&vimeography\\_video=542266528](https://harvardcabletv.com/watch/government/?vimeography_gallery=4&vimeography_video=542266528)

This link is to a proposed non-motorized mountain bike/dirt bike track on Park and Recreation Land down off of Pond Road. This actually looks cool and I want to deal with any issues now so that this does not get started and then end up hitting insurmountable roadblocks.

Here are the initial issues I see:

- Are there any Conservation Issues and if so how can we address them ahead of time?
- Is Whitman Road a private way and if so do we (Park and Recreation, Town, Citizens) have a legal right of access to it?
- Has anyone talked to the people on Whitman Road to get their feedback as they will be the most impacted by noise, possible bikes on the road...etc?
- Can we check out the insurance issue sooner rather than later?
- What is the proximity to potential new well site and would this be an issue.
- Parking during school hours would have to be down at the Pond as the School assigns spaces to seniors and juniors(?) during the weeks school is in session.

This is an exciting possibility and hopefully we can all figure out a way to make this happen.

Tim

Timothy P. Bragan  
Harvard Town Administrator  
13 Ayer Road  
Harvard, MA 01451  
978-456-4100 ext. 313 (Office)  
978-456-4107 (Fax)  
[tbragan@harvard.ma.us](mailto:tbragan@harvard.ma.us) (email)

AS OF MARCH 22, 2021 TOWN HALL WILL BE OPEN TO THE PUBLIC WITH A LIMITED CAPACITY. WE STILL ENCOURAGE PEOPLE TO CONTINUE TO DO TRANSACTIONS ON-LINE, VIA PHONE, OR THROUGH THE TOWN HALL DROP BOX. WE LOOK FORWARD TO SEEING YOU.

**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**JANUARY 7, 2021**

Chair Don Ritchie called the meeting to order at 7:08pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

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

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), David Pinard, Dan Tracey, Dan Wolfe (Ross Associates), Peter Cricones (Pine Hill Village), Paul Maki, Vicky LoChiatto, Bob Kody (Envision Homes), Susan Palmateer and Ryan Smith

**Interview candidates for Deer Management Subcommittee – David Pinard and Daniel Tracey**

David Pinard stated he has lived in Harvard for the past ten years and believes everyone has a right to enjoy public lands. Dan Tracey stated he was a long-term resident of Harvard with an alternative view on the allowance of hunting on conservation land. Mr. Pinard's involvement to date with the subcommittee was at town meeting in 2018 and has attended some of the public meetings. Mr. Tracey stated he has been involved in the process since the beginning. Mr. Pinard skills include ten years in hunting education that could bring a sensible approach to the logistics of hunting and interacting with the public. Mr. Tracey skills include 30 years of research, which would assist in educating the public and plan for future activities.

The Commission thanked both Mr. Pinard and Mr. Tracey for their interest and time this evening. Recommendations from the Subcommittee will be sought before the Commission makes a final decision (see Deer Management Subcommittee Update below).

**Pine Hill Village Report on Phase 1 of Construction**

The Commission reviewed the Phase 1 construct sequence for Pine Hill Village with the developer Peter Cricones. Disturbed areas within the Pine Bank neighborhood were not stabilized prior to the onset of colder weather. Mr. Cricones stated at this point everything is frozen and therefore it is unnecessary to take any additional measure to stabilize these areas. Mr. Cricones is seeking permission from the Commission to stump and grub the Tucks Way neighborhood so he can begin installing foundations. Before allowing additional activity on the site the Commission agreed to consult with and visit the site with Nitsch Engineering.

**Land Stewardship Subcommittee Update and Allocation of Funds**

Wendy Sisson explained with the Haskell Land is no longer being used for the cultivation of pumpkins Rob Duzan will be growing hay for the cows on the property. As an educational project Ms. Sisson is recommending the Commission pay for the testing of the soil. In addition, clove seed will be spread to improve the pasture. Ms. Sisson additionally recommends the Commission pay for this expense to improve the land as well. Jim Burns made a motion to allocate \$136.00 for seed and \$20.00 for nails. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye.

After discussing an additional allocation for boardwalks for ???, Jim Burns made a motion to allocate up to \$300.00. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye

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**Approve Invoice & Reimbursement:**

- **Voss Sign** – Jaye Waldron made a motion to approve the invoice from Voss sign in the amount of \$76.95. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye.
- **Rob Traver, Haskell Land** – Information necessary to approve this reimbursement has not yet been received

**Input for 2020 Annual Report**

Members of the Commission were reminded to provide any additional input they may want within the annual report. A final draft will be available for approval at the next meeting.

**Approve Minutes**

Jim Burns made a motion to approve the minutes of August 20 and September 3, 2020 as amended. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye

**Notice of Intent Hearing, Paul Maki, 113 Poor Farm Road, DEP#177-696, Harvard#1220-02.**  
Opened at 7:33pm

**Continuation of a Request for a Determination of Applicability Hearing, Harvard#1120-01, Victoria LoChiatto, 42 Old Mill Road.** Opened at 7:54pm.

**Continuation of a Notice of Intent Hearing – Dan Mesnick, 94 Ayer Road, DEP#177-695, Harvard#1020-0.** Opened at 8:12pm

**Deer Management Subcommittee (DMS) Update – Addition of Conservation Areas for 2021 Bow Hunting Season**

Input on the volunteers interviewed this evening and on December 17<sup>th</sup> was provided by the chair of the DMS, Bob Douglas. Mr. Douglas stated Don Osmer felt insulted during his interview. Wendy Sisson stated the Commission was caught of guard by the fact Mr. Osmer is not a resident of Harvard and could he serve on the DMS. Wendy Sisson made a motion to send Mr. Osmer a letter expressing the Commissions apology for making him feel insulted. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye. Don Ritchie will draft the letter.

After briefly discussing other volunteers, Wendy Sisson made a motion to appoint Joe Pulido to the Deer Management Subcommittee to fill the remaining term of Jason Cole. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye

In other news, Mr. Douglas stated he is drafting a report on the 2020 hunt and should have it to the Commission by February. Don Ritchie stated the Commission will need to digest that report before discussing any potential to add additional lands to the program.

Wendy Sisson wanted to address the animosity between the Commission and DMS. Ms. Sisson expressed her concerns in which there was no response from Mr. Douglas. Further discussion this evening indicated an inability for members of the public to speak at DMS meetings when Mr. Douglas is chairing the meeting. Mr. Ritchie stated he will discuss this matter with Mr. Douglas. It seems the mission of the DMS may not be inline with that of the Commission.

112 **Review letter to Committee Preservation Committee re: Recommendation for Application**  
113 **Park & Recreation Recommendation Letter**

114 Wendy Sisson made a motion to approve the letter as revised. Jaye Waldron seconded the  
115 motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy  
116 Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don  
117 Ritchie, aye. Bare Hill Pond Watershed Management Committee should also receive a copy of  
118 this letter.  
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120 **Review letter to Select Board/Finance Committee re: Full-time Conservation Agent**  
121 Jim Burns made a motion to approve the letter as revised. Paul Willard seconded the motion.  
122 The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson,  
123 aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie,  
124 aye  
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126 **Adjournment**  
127 Mark Shaw made a motion to adjourn the meeting at 9:26pm. Paul Willard seconded the motion.  
128 The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson,  
129 aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie,  
130 aye.  
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132 Respectfully submitted,

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135 Liz Allard,  
136 Land Use Administrator/  
137 Conservation Agent  
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139 **EXHIBITS & OTHER DOCUMENTS**

- 140
- 141 • Conservation Commission Agenda, dated January 7, 2021
- 142 • Site Plan Paul A. Maki & Susan C. Palmateer 113 Poor Farm Road, Harvard, Ma, Job.
- 143 No.: 33269, Plan No.: L-14127, prepared by David E. Ross Associates, Inc., 1/7/2021
- 144 • LoChiatto Residence 42 Old Mill Road 11/11/20
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**Harvard Conservation Commission  
Notice of Intent Hearing Minutes  
Paul Maki, 113 Poor Farm Road,  
DEP#177-696, Harvard#1220-02  
January 7, 2020**

The public hearing was opened at 7:33pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Dan Wolfe (Ross Associates), Paul Maki, Bob Kody (Envision Homes) and Susan Palmateer

This hearing is for a Notice of Intent filed on behalf of Paul Maki for the construction of a detached garage with walkway and retaining wall within 100' of a wetland resource area at 113 Poor Farm Road, Harvard.

Dan Wolfe, of Ross Associates, along with Paul Maki and Susan Palmateer, the applicants and Bob Kody, the contractor, were all present. Mr. Wolfe detailed the project and the comments made during a site walk earlier today. A revised plan shows the garage shifted to be 46' from the wetland resource area. Jaye Waldon asked if the existing paved driveway would be extended to the new garage. Mr. Wolfe stated it would. Wendy Sisson asked if the proposed infiltration trench was on the original plan. Mr. Wolf stated it was. Ms. Sisson asked why the garage could not be located beyond the 50' wetland buffer zone. Mr. Wolfe stated as discussed on the site moving the proposed garage beyond the 50' wetland buffer zone would interfere with access to the existing garage under the house and existing walkway. Mr. Wolfe was under the impression that as long as he made an effort to move the garage as much as possible away from the wetland resource area the Commission would be amenable to the request to allow a structure within 75' of a wetland resource area. The shifting of the garage closer to the house was further discussed, resulting in no additional revision to the location of the garage. Mr. Wolfe agreed to extend the proposed infiltration trench located along south side of the garage along the edge of the new driveway to point where it connects to the existing driveway.

Mark Shaw made a motion to allow for a waiver of Chapter 147-17 Setbacks, specifically no disturb zone within 50' and no driveway, structures or roadways within 75' of a wetland resource area. The proposed detached garage will be located in an area of the site that is already disturbed, permanently maintained as lawn space, and provides proper alignment to the proposed garage from the existing driveway. Paul Willard seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye. Jaye Waldron abstained from voting.

Jim Burns made a motion to close the hearing and issue an Order of Conditions with the conditions the proposed infiltration trench located along south side of the garage shall be extended along the edge of the new driveway to point where it connects to the existing driveway and the two infiltration trenches shall be maintained and the owner shall provide annual reports to the Commission on their maintenance, condition and any improvements. This is a permanent condition. Mark Shaw Seconded the motion. The vote was unanimously in favor of the motion by

223 roll call, Paul Willard, aye, Wendy Sisson, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw,  
224 aye and Don Ritchie, aye. Jaye Waldron abstained from voting

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226 Respectfully submitted,

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229 Liz Allard  
230 Land Use Administrator/  
231 Conservation Agent

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**Harvard Conservation Commission**  
**Continuation of a Request for Determination of Applicability Hearing Minutes**  
**Victoria LoChiatto, 42 Old Mill Road, Harvard#1120-01**  
**January 7, 2020**

The public hearing was opened at 7:54pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Vicky LoChiatto and Ryan Smith

This hearing was continued from December 17, 2020 on a Request for Determination of Applicability filed by Victoria LoChiatto for the installation of a culvert and bridge within a wetland resource area at 42 Old Mill Road, Harvard.

Vicky LoChiatto had submitted a revised plan as requested by the Commission. Ryan Smith, the site contractor, was present and explained the details of the revised plan. Wendy Sisson felt this was too much fill in a wetland resource area. Jaye Waldron thought the design of the crossing was too wide. Paul Willard wanted additional detail. Don Ritchie wanted to the location of the existing stone wall add to the plan, along with the distance of the culvert from that stone wall. With an existing crossing already in place the Commission would like to see a plan that replaces that crossing without increasing any impacts to the wetland resource area.

Paul Willard made a motion to continue the hearing to January 21, 2021 at 8:15pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent



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**Harvard Conservation Commission  
Continuation on a Notice of Intent Hearing Minutes  
Dan Mesnick, 94 Ayer Road,  
DEP#177-695, Harvard#1020-01  
January 7, 2020**

341 The public hearing was opened at 8:12pm by Chair Don Ritchie under MGL Chapter 131 §40  
342 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection  
343 Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions  
344 of the Open Meeting Law, MGL Chapter 30A §20.

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

349 **Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)

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351 This hearing was continued from December 17, 2020 for a Notice of Intent filed on behalf of Dan  
352 Mesnick for the construction of a replacement septic system within 100' of a wetland resource  
353 area at 94 Ayer Road, Harvard.

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355 Jack Maloney, of Dillis & Roy, requested the hearing be continued. Jim Burns made a motion to  
356 continue the hearing to January 21, 2021 at 7:45pm. Mark Shaw seconded the motion. The vote  
357 was unanimously in favor of the motion by roll call, Paul Willard, aye, Wendy Sisson, aye; Jaye  
358 Waldron, aye; Joanne Ward; aye; Jim Burns; aye; Mark Shaw, aye and Don Ritchie, aye

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360 Respectfully submitted,

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363 Liz Allard  
364 Land Use Administrator/  
365 Conservation Agent  
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**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**APRIL 1, 2021**

Chair Don Ritchie called the meeting to order at 7:01pm, virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns (arrived at 7:30pm), Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Bob O'Shea (Parks & Recreation Commission), Alice Thayer, Brandon Ducharme (Ross Associates), Matt Perry (The Engineering Corp), Jody Trunfio (The Engineering Corp), John Lee (Harvard Conservation Trust), Lucas Thayer, Marc Sevigny, Karen Levitt, Steve Morris, Guy Oliver and Faith Cross

**Request for Certificates of Compliance – Department of Public Works, Pond Road, DEP#177-663 and Stow/Codman Hill Roads, DEP#177-664**

Jaye Waldron made a motion to issue the Certificates of Compliance to the Department of Public Works, DEP#177-663 and 664. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Approve MACC Invoices for Annual Conference**

Joanne Ward made a motion to approve the invoices from MACC in the amount of \$460.00 for attendance of members at the annual conference. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Land Stewardship Subcommittee Request to Allocate Funds for Trail Maintenance**

Joanne Ward made a motion to approve the allocation of funds not to exceed \$120.00 for boardwalks at the Williams Land and Herman Orchard. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Discuss Warilla Land as a potential area to be included in the Forest Legacy Program**

Don Ritchie explained Lucy Wallace, from the Wild & Scenic Land Committee for Nashua River Watershed Association, asked if the Commission would be interested in retaining management of the Warilla land along Stow Road in order for it to be included in the Forest Legacy Program currently under way by the Committee. Wendy Sisson stated the parcel would be a good addition to the program and made the motion to support Warilla becoming conservation land through the Forest Legacy Program. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Review 310 CMR 10.03(3) - Presumption Concerning 310 CMR 15.000: The State Environmental Code, Title 5**

Liz Allard has reached out to the Department of Environmental Protection for additional guidance on this provision of the Wetland Protection Regulations, but has not heard back as of yet.

**Update on Pine Hill Village Stow Road**

Liz Allard stated in her review of the site last week she observed the grading for the installation of rain gardens 3, 4 and 5, and the bio-retention cell within the cul-de-sac. Ms. Allard also observed

an increase in silt under the wetland crossing. Ms. Allard will reach out to the developer for his plan to create a better substrate under the crossing. With an increase in activity Ms. Allard has requested Nitsch Engineering resume monitoring the site on a regular basis.

**Continuation of a Notice of Intent Hearing – Parks & Recreation Commission, Harvard#0221-02.** Opened at 7:25pm

**Continuation of a Request for Determination of Applicability Hearing – Marc Sevigny, 74 Shaker Road, Harvard#0221-01.** Opened at 7:31pm

**Request for Determination of Applicability Hearing, Pan Am Railway, Harvard#0321-02.** Opened 7:49pm

**Notice of Intent Hearing – Thayer Family Farm, 92 South Shaker Road, Harvard#0321-03.** Opened at 7:56pm

**Notice of Intent Hearing – Harvard Department of Public Works, Harvard#0321-04.** Opened at 8:30pm

#### **Adjournment**

Mark Shaw made a motion to adjourn the meeting at 8:56pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

#### **EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated April 1, 2021
- Site Plan Alice Thayer Family Trust, 92 So. Shaker Road Harvard, MA, Job No.: 33265, Plan No.: L-14306, prepared by David E. Ross Associates, Inc., 4/1/2021
- NOI Resource Area Impact Plan, Old Mil Road Over Bowers Brook Bridge Rehabilitation, Project No. T1048, prepared for Harvard Public Works, prepared by The Engineering Corp., 3/12/2021

**Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing  
Parks & Recreation Commission, Harvard#0221-02  
April 1, 2021**

The public hearing was opened at 7:25pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Bob O'Shea (Parks & Recreation Commission)

This hearing was continued from March 15, 2021 for a Notice of Intent filed by Harvard Parks & Recreation Commission for the generalized operation and maintenance of parks and recreation fields and trails within 100' of a wetland resource area at the following locations: 19 & 34 Lancaster County Rd, 55 & 71 Depot Rd, Ann Lees Rd, 14 & 27 Mass Ave, and 4 & 15 Pond Rd, Harvard.

The Department of Environmental Protection has not yet issued the file number, allowing for the Commission to close the hearing. Wendy Sisson made a motion to continue the hearing to April 15, 2021 at 7:25pm. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission**  
**Continuation of a Request for Determination of Applicability**  
**Marc Sevigny, 74 Shaker Road, Harvard#0221-01**  
**April 1, 2021**

The public hearing was opened at 7:31pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Marc Sevigny

This hearing was continued from February 18, 2021 for a Request for Determination of Applicability filed by Marc Sevigny for the installation of a 96' boardwalk within a wetland resource area to access an upland area at 74 Shaker Road, Harvard.

Mark Shaw asked how Mr. Sevigny intends to level out the footings of the boardwalk. Mr. Sevigny stated the area is level enough there is really no need to level out the footings. Jaye Waldron does not think this is a good idea to start allowing individuals to cross wetlands to gain access to uplands unless it is for construction purposes, not to mention the potential of degrading of the material over times. Eve Whittenburg stated people may be doing it anyway and this may be a good example of how one could cross a wetland in a less impactful way. Joanne Ward agreed with Ms. Waldron to a certain point – is there a way to mitigate the crossing in a better way? Ms. Waldron believes it should not be an activity that is encouraged by the Commission. Ms. Whittenburg is advocating for it to be allowed, better to encourage this type of crossing. Ms. Ward asked why he was trying to gain access to the area. Mr. Sevigny stated for a peaceful place, and added the location of the boardwalk is in an area of least disturbance. Wendy Sisson stated most people are not even going to ask to conduct such an activity, therefore she would like to commend Mr. Sevigny for applying with the Commission. Ms. Sisson is also not in favor of allowing access for activity within an upland area. Ms. Sisson would not recommend this type of crossing; if this was conservation land she would not recommend this type of boardwalk, which will shade out the vegetation under neither it. Ms. Sisson requested Mr. Sevigny keep in mind when creating this boardwalk to reduce the shaded area. Mr. Sevigny explained that the boardwalk is able to be taken out when not in use and will only be out there when he is seeking access, which will be spring, summer and fall. Mr. Sevigny will take Ms. Sisson suggestion into account.

Wendy Sisson made a motion to close the hearing and issue a Negative #2 Determination of Applicability. Mark Shaw seconded the motion. The vote was in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, nay; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability  
Pan Am Railway, Harvard#0321-02  
April 1, 2021**

The public hearing was opened at 7:49pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)

This hearing is for a Request for Determination of Applicability filed by Pan Am Railway for verification of wetland boundaries in preparation of for rights-of-way management along the existing railroad track within Harvard.

Liz Allard explained the representative was unable to attend the meeting this evening. Ask to be informed of when the work shall be conducted for observation after for results. Jim Burns rides that stretch of the railway and can keep his eye out when work is complete.

Joanne Ward made a motion to close the hearing and issue a Positive#2a Determination with the condition that the Conservation Agent is notified when the spraying occurs. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission**  
**Notice of Intent Hearing**  
**Thayer Family Farm, 92 South Shaker Road, Harvard#0321-03**  
**April 1, 2021**

The public hearing was opened at 7:56pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Alice Thayer, Brandon Ducharme (Ross Associates), John Lee (Harvard Conservation Trust), Lucas Thayer, Karen Levitt, Steve Morris, Guy Oliver and Faith Cross

This hearing is for a Notice of Intent filed on behalf of Thayer Family Farm for the construction of fencing around an agricultural field within the 100' wetland buffer zone at 92 South Shaker Road, Harvard.

Brandon Ducharme, of Ross Associates, provided the Commission an overview of the site, which is an existing fruit farm, with a conservation restriction (CR) on a portion of the property. The Historical Commission has approved fencing within the historic district. The Harvard Conservation Trust, grantee of the CR, has requested the fencing be moved outside of the area protected by the CR. The existing bridges over the stream have been added to the plan as requested. To assist in reducing the nutrification happening within that stream a 1' high earthen dam will be created. The request to add blueberry and/or raspberry bushes along the 50' buffer zone has also been added to the plan. In regards to the waiver request for a structure within 75' of a wetland resource area, Mr. Ducharme explained as agricultural fields the fencing is necessary to keep animals out.

Jaye Waldron asked if this activity falls under the definition of agriculture within the Wetland Protection Act (WPA). Mr. Ducharme stated they chose to file the Notice of Intent with the Commission as opposed to trying to determine if the activity would in fact be exempt. Liz Allard explained exemptions to agriculture under the WPA are for existing areas already in production and not new areas. The main area in question here is a new area, whereas the field on the east side of the stream has been in existence for many years.

A discussion in regards to the location of the fence on the east side of the stream was had and resulted in the applicant agreeing to move the fence away from wetland flags A13-A15 as much as possible and regain that area by increasing the fencing to the north, but not any closer to wetland flag A18.

Steve Morris asked what would be grown within the fenced in area as he is concerned with large amount of water use and fertilizers. Lucas Thayer stated fruits and vegetables. Jim Burns asked Mr. Thayer if the farm was organic. Mr. Thayer stated it was and the area has good soils so there is no need for additional feed or fertilizers beyond that of manure and worm castings.

Comments received from Department of Environmental Protection were read into the record.



Jim Burns made a motion to close the hearing and issue an Order of Conditions with the condition that the fencing on the east side of the intermittent stream be moved away from the bordering vegetated wetland along the southwest corner, and allow for the increase of the fencing in a northwest direction toward South Shaker Road and the adjacent intermittent stream. Wendy Sisson seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

DRAFT

**Harvard Conservation Commission  
Notice of Intent Hearing  
Department of Public Works,  
Old Mill Road, Harvard#0321-04  
April 1, 2021**

The public hearing was opened at 7:25pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually in accordance with the Governor's Executive Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A §20.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Matt Perry (The Engineering Corp), Jody Trunfio (The Engineering Corp) and Guy Oliver

This hearing is for a Notice of Intent filed on behalf of Harvard's Department of Public Works to replace traffic safety features and minor patching along the substructure within the resource area and its 100' riverfront area at the bridge crossing of Bower's Brook between 6 and 22 Old Mill Road, Harvard.

Jody Trunfio, of The Engineering Corp (TEC), was present to represent the applicant. Mr. Trunfio explained the Town of Harvard received a grant to engineer and repair the bridge along Old Mill Road. Most of the proposed work is along the existing water line to Bower's Brook and includes the patching of the existing substructure. The existing guardrail will be upgraded as well. In order to allow for continued traffic flow the project will be done in phases, starting with the upstream side repairs. A sandbag coffer dam will be placed within the stream during the repairs to the concrete substructure, creating temporary impacts to land under water. The owners of the dam are willing to assist in reducing the water flow during construction.

Erosion was noted during the site walk on the slope on the upstream side of the roadway. Mr. Trunfio explained paving milling mulch will be placed under the new guardrail to reduce the potential for erosion and vegetation growth. After briefly discussing it was agreed a site walk with TEC, Tim Kilhart, Liz Allard and Don Ritchie shall take place to determine the best solution for the existing erosion and material under the guardrail.

Without comments and a file number from the Department of Environmental Protection, Jim Burns made a motion to continue the hearing to April 15, 2021 at 8:00pm. Jay Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent