

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY JULY 20, 2023 @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.

Hildreth Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81227618028?pwd=VTgwelRRT1NpK0pVWHk5VmU5VTNnUT09>

Meeting ID: 812 2761 8028

Passcode: 703641

One tap mobile

+13017158592,,81227618028# US (Washington DC)

+13052241968,,81227618028# US

Dial by your location

- +1 301 715 8592 US (Washington DC)
- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US

Meeting ID: 812 2761 8028

Find your local number: <https://us02web.zoom.us/j/kdo8B80FIY>

**New Business:**

1. Update on the Plant Removal at the Bare Hill Pond Beach
2. Discuss Potential Change in Associate Member from Paul Willard to John Lee
3. Overview of:
  - Massachusetts Division of Fisheries and Wildlife BioMap
  - Massachusetts Handbook for Delineation of Boarding Vegetated Wetlands Revisions
  - Massachusetts Inland Wetland Replication Guidelines Revisions
4. ZBA Request for Comments – Village at Robin Lane (corner of Ayer & Old Mill Road)
5. Approve Minutes
6. Approve Invoices

**Public Hearings:**

- 7:20pm **Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03**, for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake & Pond General Environmental Impact Report to control phosphorus and invasive plant species

**Old Business:**

1. Discuss Recent Mowing at Eastview Conservation Land on Ayer Road
2. Discuss Strategic Planning Session
3. Update on Enforcement Order – 320 Ayer Road
4. Update Pine Hill Village Status
5. Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02

**NEXT MEETING: AUGUST 3, 2023**

AS

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.

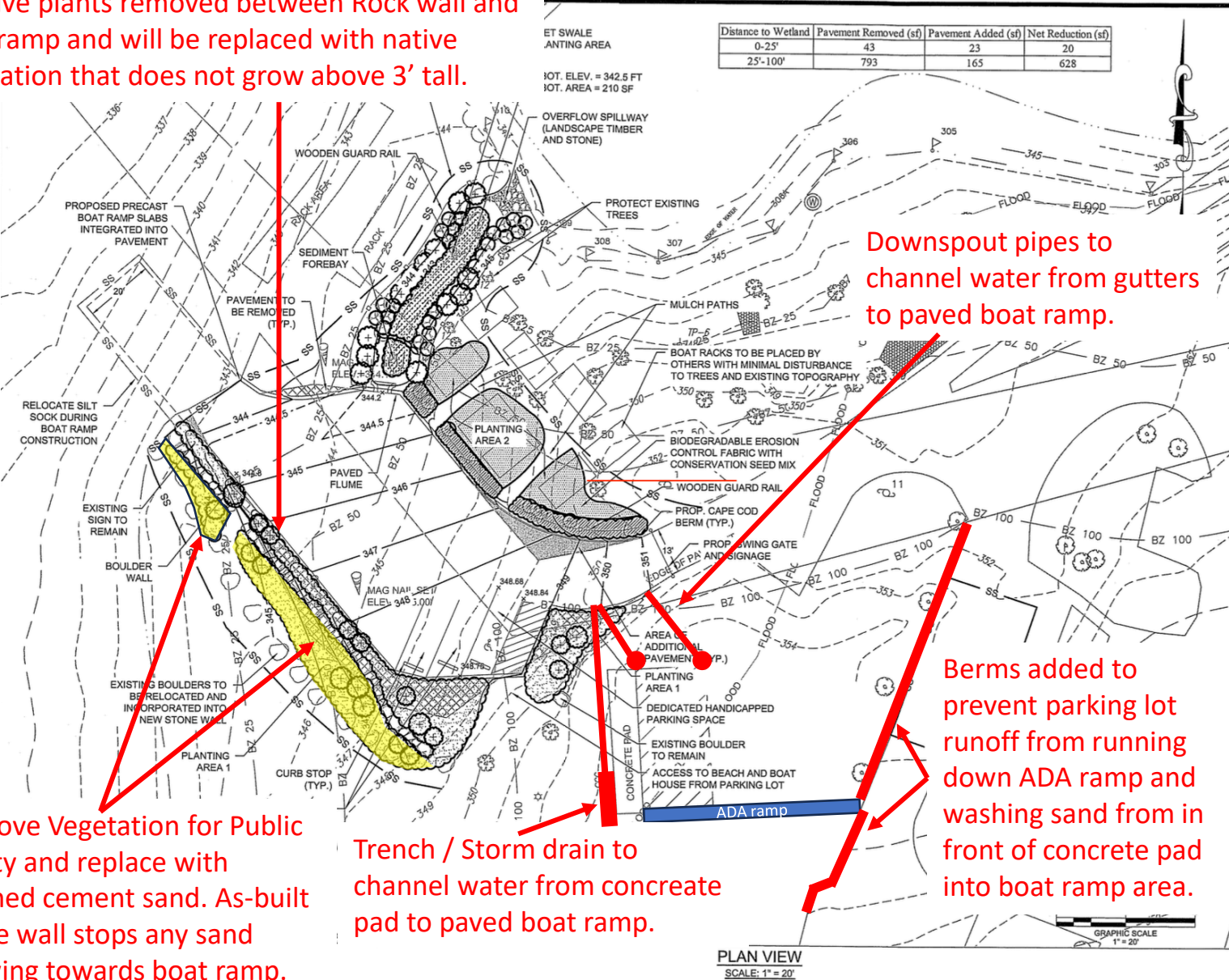
# Town Beach Maintenance Plan

Respectfully submitted by the Interim Recreation Director  
July 20<sup>th</sup>, 2023

- **Met with Cal Goldsmith**
  - His assessment was that everything was public safety or maintenance related and recommended we put a maintenance plan together and file a RDA with ConCom.
- **Met with Bruce Leicher and reviewed with Pond Committee**
  - General agreement to limit vegetation to the North side of as-built stone wall using native plants that do not grow higher than 3 feet. Also agreed to team up and address the real cause of sand on the boat ramp (runoff from & around boat house).
- **Request for a negative Determination of Applicability**
  - No naturally growing vegetation, wetlands or BMPs modified or impacted.
  - All work has been and will be related to maintenance as allowed by the WPA.
  - Vegetation on North side of as-built stone wall will be selected and submitted to the Pond Committee and Concom for approval.
- **Maintenance Responsibility**
  - P&R Beach operating budget (General Fund Beach Expenses) modified for FY24 to include hiring a landscape firm to maintain parking lot islands and the planting area between the boat ramp and stone wall. DPW still responsible to clean out BMPs.

# Town Beach Maintenance Plan

Invasive plants removed between Rock wall and boat ramp and will be replaced with native vegetation that does not grow above 3' tall.



| Distance to Wetland | Pavement Removed (sf) | Pavement Added (sf) | Net Reduction (sf) |
|---------------------|-----------------------|---------------------|--------------------|
| 0-25'               | 43                    | 23                  | 20                 |
| 25'-100'            | 793                   | 165                 | 628                |

ET SWALE  
ANTING AREA  
NOT. ELEV. = 342.5 FT  
TOT. AREA = 210 SF

OVERFLOW SPILLWAY  
(LANDSCAPE TIMBER  
AND STONE)

PROTECT EXISTING  
TREES

BOAT RACKS TO BE PLACED BY  
OTHERS WITH MINIMAL DISTURBANCE  
TO TREES AND EXISTING TOPOGRAPHY

PROP. CAPE COD  
BERM (TYP.)

CONCRETE PAD

ADA ramp

PLAN VIEW  
SCALE: 1" = 20'

Downspout pipes to channel water from gutters to paved boat ramp.

Remove Vegetation for Public Safety and replace with washed cement sand. As-built stone wall stops any sand blowing towards boat ramp.

Trench / Storm drain to channel water from concrete pad to paved boat ramp.

Berms added to prevent parking lot runoff from running down ADA ramp and washing sand from in front of concrete pad into boat ramp area.

Revisions



Horsley Witten Group, Inc.  
Sustainable Environmental Solutions  
www.horsleywitten.com  
80 Routes 6A  
Sandwich, MA 02563  
508-833-6600 voice

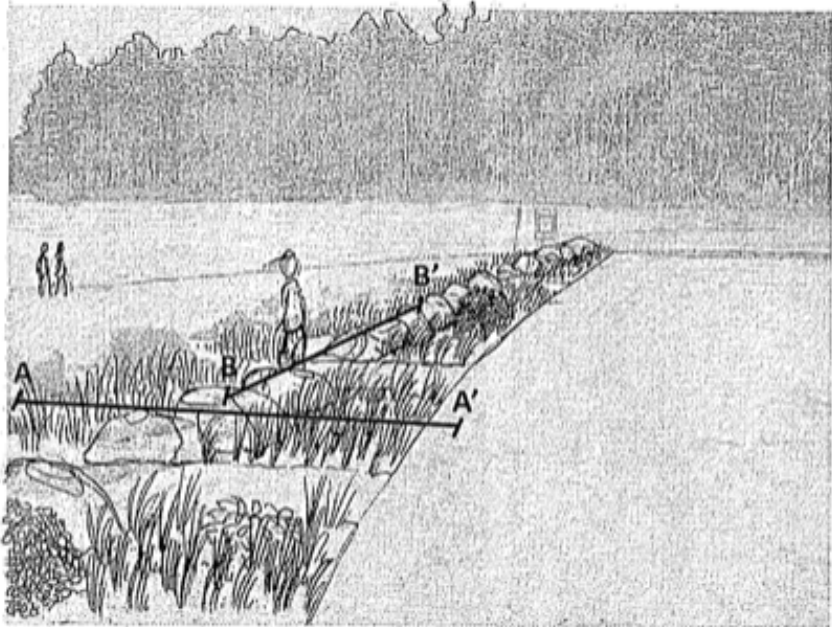
BARE HILL POND STORMWATER  
RETROFIT PROJECT  
HARVARD, MASSACHUSETTS

Plan Set

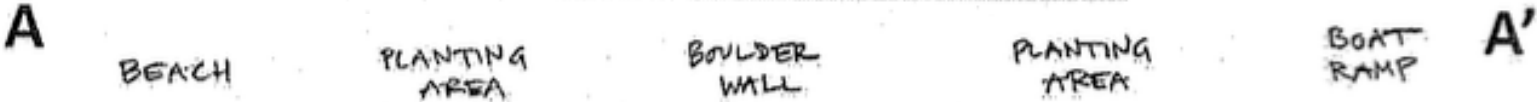
GRAPHIC SCALE  
1" = 20'

# Town Beach Maintenance Plan

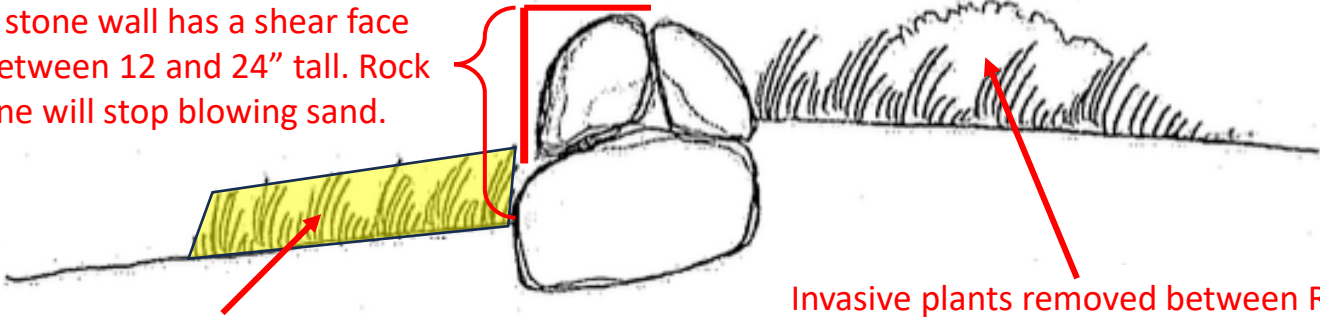
As-designed stone wall, beach and boat ramp all at same height.



As-built boat ramp elevation is much higher than the beach, so a substantial stone wall was built.



As-built stone wall has a shear face and is between 12 and 24" tall. Rock wall alone will stop blowing sand.

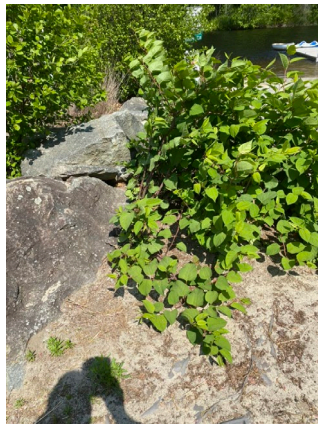


Vegetation removed for Public Safety and replaced with washed cement sand. 6/26/23

Invasive plants removed between Rock wall and boat ramp and will be replaced with native vegetation that does not grow above 3' tall.

Backup

# Town Beach Maintenance Plan



Vegetation between stone wall and boat ramp consisted on one flowering bush and invasives including Japanese knotweed and Barberry.

Flowering bush left and all invasives removed. Plan is to plant native plants that do not grow more than 3 feet tall. Double ground wood chips refreshed in parking lot islands and boat ramp planting areas.



# Town Beach Maintenance Plan

Video showing source of sand on pavement of boat ramp as runoff from and around beach house.



Maintenance required after each rainstorm to prevent twisted ankles.



Sandbags added to simulate berm. Positive effect.



Potential Eagle Scout project to add a trench / storm drain with pipe to paved boat ramp.



# TOWN OF HARVARD

## VOLUNTEER APPLICATION (12/02/2008)



Thank you for your interest in serving the town of Harvard. Please complete this application to be kept informed of volunteer opportunities and/or to apply for a specific position or fill a vacancy when one occurs. You may be also be contacted based on your stated areas of interest for other opportunities to volunteer. Your application will be kept on file for 3 years.

### Date of Application:

### Applicant Information:

Name: John Lee

Address: 27 Ayer Road

Home/Work Phone # [REDACTED] Mobile Phone# [REDACTED]

Email Address: [REDACTED]

Indicate below which Board(s) or Committee(s) are of interest to you:

Conservation Commission

Have you previously been a member of a Board, Committee or Commission (either in Harvard or elsewhere)? If so, please list the Board name and your approximate dates of service:

Park & Rec, School Building, Harvard Park Assoc, Community Preserv

Do you have any time restrictions?

 YES NO

Are you a registered voter?

 YES NO

Cemetery Comm.

Please list your present occupation and employer (you may also attach your résumé or CV)

Retired, former chemist

Do you, your spouse, or your employer have any current or potential business relationship with the Town of Harvard that could create a conflict of interest? (If YES, please describe the possible conflict) No

Please outline any education, special training or other areas of interest you have that may be relevant to the appointment sought.

long time member of HCT, Land Stewardship Comm.  
HCT Stewardship Chair, HCT Land Protection Chair

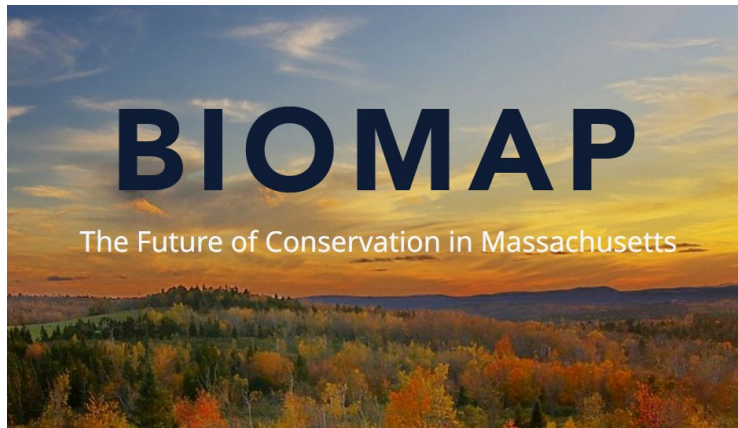
Received by Town of Harvard

10/11/2017

Processed by jd on

Return to: Town Of Harvard, 13 Ayer Road, Harvard MA 01451 or email jdoucet@harvard.ma.us





An updated version of [BioMap](#), an online tool that identifies critical lands and waterways throughout the Commonwealth in need of conservation, was released in November by MassWildlife and The Nature Conservancy (TNC) in Massachusetts. The web portal delivers the latest scientific data and resources to help state and local governments, land trusts, non-government organizations, and other conservation partners strategically plan projects to conserve wildlife and their habitats. The latest version of BioMap combines more than 40 years of rigorously documented rare species and natural community records from MassWildlife with cutting-edge climate resilience data from The Nature Conservancy and spatial data identifying intact fish and wildlife communities, habitats, and ecosystems that are the focus of the [Massachusetts State Wildlife Action Plan](#).

BioMap offers users a detailed view of habitats, species, and resilient landscapes, both locally and statewide. BioMap users can customize data and use the site's new online Habitat Restoration Resource Center to plan habitat management and land stewardship projects. Additionally, BioMap provides strategies to help communities prepare for, recover from, and adapt to climate change, while bolstering habitat resilience. Taken together, these efforts help to protect the state's extraordinary biodiversity now and into the future.

### **New BioMap features**

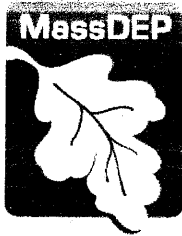
The current BioMap incorporates enhanced knowledge of biodiversity and habitats, improved information on the threats to biodiversity, and new understandings of how to ensure that natural systems are more resilient in the face of climate change. This BioMap release contains new features including:

- Local and regional scaling allowing users to get data at a municipal level or to identify regionally significant natural resources
- New climate resilience data including TNC's Resilience and Connected Network analysis and aquatic climate change refugia
- New rare species data
- Expanded aquatic data
- Habitat management and restoration planning tools
- Updated land use and land cover information

### **Learn more about BioMap**

Whether you've been using BioMap for years or just getting started, there are opportunities to start leveraging the data in the new release:

- Start exploring the BioMap now by visiting [mass.gov/BioMap](https://mass.gov/BioMap).



# Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Gary Moran  
Acting Commissioner

**3/7/23**

**To: All Circuit Riders, MassDEP Regions**  
**From: MassDEP Wetlands Program Boston**

**RE: *Massachusetts Handbook for Delineation of BVWs* Revision and Release**

New Handbook link located on the MassDEP Wetlands Information page:  
<https://www.mass.gov/doc/bvw-delineation-handbook-2022/download>

Fillable PDF and Instructions link located on the MassDEP Wetlands Permitting Forms page:  
<https://www.mass.gov/doc/bordering-vegetated-wetland-determination-form/download>

The purpose of the update is to incorporate the current state of the science and better align the Massachusetts method with the methodologies used by the US Army Corps of Engineers (USACE) in conducting wetlands delineations under the U.S. Clean Water Act. While Massachusetts retains its authority to conduct jurisdictional determinations in accordance with the Massachusetts Wetlands Protection Act, the scientific techniques presented in the USACE Regional Supplement (*Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region*, v2.0, 2012) have valid applicability to help understand and evaluate vegetated wetland characteristics. The updated MassDEP Manual is intended to better align the two methodologies. Specific changes include:

- Massachusetts 2 plus-parameter approach (in addition to requiring hydrophytic vegetation and hydric soil as an indicator of hydrology for all sites, Other Indicators of Hydrology are also required for some sites and recommended for all sites)
- Adopt federal classification of vegetative strata (i.e., the current Massachusetts methodology uses five strata, the new classification uses four strata by combining the sapling / shrub)
- De-emphasize small observational plots for vegetation sampling and recommend the use of variable-size plots (i.e., these relatively larger plots avoid having to make decisions about the appropriate number and placement of smaller plots but require the delineator to estimate percent cover over a larger area)
- Adopt federal hierarchy for vegetation analysis (Rapid, Dominance, Prevalence)
- Reference the 2020 National Wetland Plant List:  
[https://wetland-plants.sec.usace.army.mil/nwpl\\_static/data/DOC/lists\\_2020/National/National\\_2020v1.pdf](https://wetland-plants.sec.usace.army.mil/nwpl_static/data/DOC/lists_2020/National/National_2020v1.pdf) (i.e., the Wetlands Protection Act currently references the 1988 plant list. MassDEP is proposing a

regulation revision to adopt the 2020 plant list. The Handbook will align with the proposed regulation change when it is promulgated).

- Categorization of "Other Indicators of Hydrology" by reliability
- Separate soils from "Other Indicators of Hydrology" (i.e., soils provide the best evidence for the presence (or absence) of long-term wetland hydrology for the purposes of wetland boundary delineation. Furthermore, soils are separate in the federal method).
- Inclusion of both a simplified list and a detail list of hydric soil indicators
- New data form. (i.e., the new data form reflects the changes in the rest of the Handbook and aligns to the extent possible with the federal delineation data sheet).

While MassDEP recognizes that the Manual will be used by wetland science practitioners, the primary audience is the municipal Conservation Commissions. Therefore, it was determined that the Manual should present the information using understandable language that avoids technical jargon; yet still provide references to specific technical information required for other wetland science practitioners or interested Conservation Commissioners.

An initial draft of the manual was prepared and then reviewed by the MassDEP Wetlands Program Regional Office Section Chiefs and the Boston Office. Additional reviews were conducted by the Massachusetts Association of Conservation Commissions (MACC), Massachusetts Society of Municipal Conservation Professionals (MSMCP), and the Association of Massachusetts Wetland Scientists (AMWS). Following the rollout, MassDEP will partner with MACC to conduct up to four statewide full-day classroom/field workshops with a target audience of Conservation Commissions, other state agencies, consultants, and other applicants. The training events are currently being planned for late spring / early summer of 2023. An hour-long update summary will be provided during the MACC Annual Conference on March 9 at 4PM and later at a MACC Lunch and Learn Webinar (TBA). Both the *Massachusetts Handbook for Delineation of BVWs* and the *Massachusetts Inland Wetland Replacement Guidelines* will be covered in the update and trainings.



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**3/7/23**

**To: All Circuit Riders, MassDEP Regions**  
**From: MassDEP Wetlands Program Boston**

**RE: *Massachusetts Inland Wetland Replacement Guidelines Revision and Release***

New Guidelines link located on the MassDEP Wetlands Information page::  
<https://www.mass.gov/doc/wetland-replacement-guidelines-2022/download>

The purpose of the update is to incorporate much-needed improvement to the Guidelines following a recent study by UMass Amherst and MassDEP (Jackson et al., 2018). The study concluded that the primary reason for unsuccessful wetland replacement projects was failure to establish appropriate wetlands hydrology. The revised guidance identifies common issues that lead to shortfalls and elaborates on ways to better assess hydrology, define success standards, and design replacement wetlands prior to construction. Specific updates and revisions include:

- Section 2.2 – Replacement Site Selection / Feasibility Analysis. This section introduces the hydroperiod and hydrologic feasibility analysis to determine adequate site conditions. Pre-design site feasibility requirements correspond to the four types of wetlands in the Novitzski classification system. The feasibility study results will dictate what the design should include.
- Section 4.0 – Monitoring (added sections). This Chapter now includes sections specific to monitoring hydric soils and hydrologic site conditions. Ultimately, the post-construction site conditions should align with the feasibility assessment results and the design.
- Section 5.0 – Alternatives to Wetland Replacement. This chapter introduces alternatives to BVW replacement for variance and limited projects. When approved by the issuing authority, acceptable mitigation may include, but is not limited to: stream restoration, dam removal, and/or stream crossing replacement.
- Minor changes throughout.

An initial draft of the manual was prepared and then reviewed by the MassDEP Wetlands Program Regional Office Section Chiefs and the Boston Office. Additional reviews were conducted by the Massachusetts Association of Conservation Commissions (MACC), Massachusetts Society of Municipal Conservation Professionals (MSMCP), and the Association of Massachusetts Wetland Scientists (AMWS). Following the rollout, MassDEP will partner with MACC to conduct up to four statewide full-day classroom/field workshops with a target audience of Conservation Commissions, other state agencies, consultants, and other applicants. The training events are currently being planned for late spring / early summer of 2023. An hour-long update summary will be provided during the MACC Annual Conference

on March 9 at 4PM and later at a MACC Lunch and Learn Webinar (TBA). Both the *Massachusetts Handbook for Delineation of BVWs* and the *Massachusetts Inland Wetland Replacement Guidelines* will be covered in the update and trainings.

**Section 125-39.G.(2)**

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**Requirement:** Internal pedestrian walkways to be 6-ft wide and car stops to be provided at parking spaces.

**Request:** To allow 4-ft wide bituminous concrete sidewalk along one side of the street and no car stops required.

**Section 125-58.E**

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**Requirement:** Project subject to Planning Board review as part of the Planning Board process.

**Request:** Allow review by the Zoning Board of Appeals as part of the Zoning Board of Appeals process.

**WETLAND PROTECTION BYLAW (CHAPTER 119)**

**Section 119-4E**

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**Requirement:** At time of application the applicant shall pay the local filing fee(s).

**Request:** At time of application the applicant will pay the State mandated fees (only).

**WETLAND PROTECTION BYLAW REGULATIONS (CHAPTER 147)**

**Section 147-6C**

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**Requirement:** Filing procedure to include additional Harvard filing fees (Form F)...

**Request:** At time of application the applicant will pay the State mandated fees (only).

**Section 147-12**

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**Requirement:** Harvard wetland setbacks of no disturbance within fifty feet (50') and no driveways, roads, structures within seventy-five feet (75').

**Request:** Use the Wetland Protection Act standards.

**Section 119-14C**

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**Requirement:** Enhanced Stormwater management standards.

**Request:** Allow the project to provide best management practices pursuant only to Massachusetts Stormwater Handbook standards.

**Board of Health Article I Sanitation (Chapter 145)**

**Section 145-3J**

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**Requirement:** There must be a minimum offset distance of ten feet (10') between the primary and the reserve area.

**Request:** Standards of Title 5 to be followed.

**Section 15-6B**

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**Requirement:** Additional deep observation hole testing will be required at one test hole per additional 2,000 gallons per day capacity or fraction thereof.

**Request:** Standards of Title 5 to be followed.

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
MAY 18, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns (arrived 7:16pm), and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent), Bruce Ringwall (GRP, Inc.), Grant MacLean (Chestnut Tree & Landscape), Jim Lee (Harvard Conservation Trust), Peter Dorward (Open Space Committee), John Lee (Harvard Conservation Trust), Margaret Nessler, Tony Shaw, Tom Cotton (Deer Management Subcommittee), Dan Wolfe (Ross Associates), Bob Douglas (Deer Management Subcommittee), and Stacey Minihane (Beals & Thomas)

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

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

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

**Open Space Committee (OSC) Action Items**

• **Review Littleton County Road Land Project Draft Conservation Restriction**

Peter Dorward, chair of the OSC, would like to have the conservation restriction (CR) for the above mentioned property reviewed by Town Counsel as soon as possible as the State is slow in getting them approved and the timeframe for the MVP grant is short. Mr. Dorward was requesting the CR be submitted to the State for review before knowing if the MVP grant will be awarded. If done in this order the legal expenses will not be reimbursed by the MVP grant. Mr. Dorward explained Gaining Ground, in Concord, will be using the fields to grow food for the food insecure, which will have associated buildings, therefore there is a building envelope on the plan. The Commission agreed with the concept but was interested in knowing the cost associated with Town Counsel reviewing the CR. Liz Allard will obtain a quote from Town Counsel.

• **Approve Allocation of Funds for Legal Review of Above-Mentioned Conservation Restriction**

As noted above, Liz Allard will obtain a quote from Town Counsel.

• **Approve Allocation of Funds for Community Harvest Project Agricultural Preservation Restriction**

Joanne Ward made a motion to approve the \$400,000 invoice from the Mass Department of Agriculture for the purchase of an Agricultural Preservation Restriction from Community Harvest Project on Prospect Hill Road. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Eve Wittenberg, abstained; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

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**Request for Determination of Applicability Hearing –Carol J. Greenough Trust, 55 Warren Avenue, Harvard#0523-01.** Opened at 7:33pm

**Approve Minutes**

Jaye Waldron made a motion to approve the minutes of May 4, 2023 as amended. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Approve Invoices**

There were no invoices this evening for approval.

**ZBA Request for Comments – 32 Mass Avenue**

The Commission has no comments pertaining to this application.

**Planning Board Request for Comments – 247 Littleton County Road**

The Commission has no comments pertaining to this application.

**Harvard Conservation Trust Request to use the William’s Land for Stargazing Event**

This event has been relocated, therefore there is no need for the approval of the Commission.

**Trail Ridge Unit 12C Request to Remove a Tree within the Conservation Restriction Area**

Liz Allard provided the Commission with an overview of a recent request to remove a tree behind unit 12C at Trail Ridge. This tree along with others previously requested for removal is at the top of a very steep embankment created by the construction of the units along that side of Trail Ridge Way. Ms. Allard would suggest for safety reasons the Commission grant the removal of this tree within the area of the conservation restriction, but not allow the removal of any additional trees until the homeowners’ association provides the Commission with a plan to stabilize the embankment that is continuously eroding.

Eve Wittenberg made a motion to permit the removal of the tree behind unit 12C Trail Ridge Way, with the stipulation that any additional request to remove trees from the Conservation Restriction area will not be allowed until the Trail Ridge Homeowners’ Associations provides a plan to stabilize the embankment. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Notice of Intent Hearing – Shaw Properties, LLC, 30 Cruft Lane, DEP#177-725, Harvard#0523-02.**

Opened at 7:45pm

**Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711,**

**Harvard#0322-01.** Opened at 8:18pm.

**Continuation of a Notice of Intent Hearing – Luciano Manganello, 175 Littleton County Road, DEP#177-**

**724, Harvard#0423-01.** Opened at 8:58pm

**Update of Enforcement Order – 175 Littleton County Road**

Bruce Ringwall, of GPR, Inc, stated the \$900.00 fine associated with the Enforcement Order (EO) will be paid tomorrow. Mr. Ringwall requested an extension to the 30-day requirement to remove the stonewalls from the 75-foot wetland buffer zone, explaining that coordinating the removal may take longer than the 30-day time period within the EO. Jim Burns made a motion to extend 30-day timeframe to remove the stonewalls within the 75’ wetland buffer zone as required by the Enforcement Order dated April 13, 2023. Eve Wittenberg made a friendly amendment requiring no work may begin on the new stonewalls until the existing stonewalls are removed. Mr. Ringwall noted the intent is to use as much of



106 the existing walls as possible. Ms. Wittenberg withdrew her amendment and seconded the motion. The  
107 vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron,  
108 aye; Joanne Ward, aye; and Eve Wittenberg, aye.  
109

110 **Comments on the Draft Harvard Housing Production Plan**

111 Liz Allard has reviewed the Plan and found there to be no action to be taken by the Commission. Ms.  
112 Allard suggested as residents of the Town the members review and provide any comments they may have  
113 to the Municipal Affordable Housing Trust.  
114

115 **Review Deer Management Annual Process and Procedures**

116 Eve Wittenberg stated she had suggested previously the Commission put into writing what the  
117 expectations and procedures are to avoid confusion in the future, however due to the lateness of the  
118 evening the Commission may want to discuss at the next meeting. Mr. Ritchie stated he has spoken with  
119 Bob Douglas, Chair of the Deer Management Subcommittee (DMS), who has stated DMS will be providing  
120 information on how the hunters are vetted and qualified. Ms. Wittenberg stated she has some issues as  
121 to how information is communicated back and forth between the Commission and DMS and how DMS  
122 responds to request for information. Ms. Wittenberg wants to set the expectation that the DMS respond  
123 to the Conservation Agent when they are asked for information or clarification and that it is very clear  
124 DMS is not an autonomous body that operates outside the jurisdiction of the Commission. Mr. Ritchie  
125 stated he would relate that to Mr. Douglas. It was noted Mr. Douglas was in attendance. It was explained  
126 the intent this evening or at a subsequent meeting was to allow the Commission an opportunity to discuss  
127 and finalize a draft of the proposed Procedures and Policies and then share it with DMS, allowing them an  
128 opportunity to discuss amongst themselves, provide comment and then come together to discuss. Ms.  
129 Wittenberg will prepare a draft for the Commission to review and make additions for discussion at the  
130 next meeting.  
131

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

133 Liz Allard suggested the wetland delineation be put on a plan for the Commission to decide on the  
134 remediation. Jaye Waldron asked how the wetland flags were determined. Ms. Allard stated she would  
135 assume by both vegetation and soil based on where the flags have been placed on the site. Eve  
136 Wittenberg agreed. In regards to the removal of material, Ms. Wittenberg would like to have the area  
137 within 100-foot wetland buffer zone be left in place. Ms. Allard clarified that the Commission did not  
138 provide the plan being used by Grant MacLean that indicates the buffer zone, so she would have concerns  
139 stating within the 100-foot wetland buffer zone.  
140

141 Eve Wittenberg made a motion to revise the Enforcement Order to require a wetland delineation plan  
142 within 60-days and there is to be no activity within 100' of the wetland based on the wetland line on the  
143 Site Plan Grant MacLean has. Jaye Waldron seconded the motion. The vote was unanimously in favor of  
144 the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve  
145 Wittenberg, aye.  
146

147 **Select Board Annual Appointment Recommendations – John Iacomini**

148 Ms. Allard stated she has not heard back yet from John Iacomini as to whether he is still interested in  
149 being re-appointed as the Associate Member of the Conservation Commission.  
150

151 **Discuss Unauthorized Trail on Rodriguez Land (Map 13 Parcels 3.2 & 4)**

152 With the recent site walk of this site attended by only two members of the Commission and the need for  
153 the Land Stewardship Subcommittee (LSS) to review the site, Liz Allard suggested to postpone this  
154 discussion until August to allow for other members and the LSS to review the site. The Commission  
155 agreed.  
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**Pine Hill Village Status Update**

Liz Allard and Don Ritchie reviewed the site to ensure compliance with the Order of Conditions (OOC) for the ZBA to release the Certificates of Occupancy for the units within the Sunrise and Tucks Way neighborhoods. The site is in general is compliant with the OOC. The erosion control barrier within the Phase 3 will need to be reinstalled before clearing is to commence.

**Adjournment**

Eve Wittenberg made a motion to adjourn the meeting at 9:52pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Eve Wittenberg; aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated May 18, 2023
- Sewage Disposal Plan 55 Warren Avenue Harvard, Massachusetts, Job No.: 27038, Plan No.: L-9945, prepared by David E. Ross Associates, Inc., March 2006
- Site Plan Shaw Properties, LLC #30 Cruft Lane, Harvard MA, Job No.: 34293, Plan No.: L-14644, prepared by David E. Ross Associates, Inc., May 2023
- Residential Development Notice of Intent (Enforcement Order) Site Plan 175 Littleton County Road Harvard, MA prepared for Luciano Manganella, Job 181080, prepared by GPR, Inc., 5/18/23
- Commercial Development 203 Ayer Road Harvard, MA L-1.01 Planting Plan, prepared by Fisher Design Group, March 1, 2023
- Photos from Trail Ridge

**Harvard Conservation Commission**  
**Request for Determination of Applicability Hearing Meeting Minutes**  
**Carol J. Greenough Trust, 55 Warren Avenue, Harvard#0523-01.**  
**May 18, 2023**

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, 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:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent) and Dan Wolfe (Ross Associates)

This hearing is for a Request for Determination of Applicability filed on behalf of Carol J. Greenough Trust for the replanting of the area to restore it back to its natural setting within the 100' wetland buffer zone 55 Warren Avenue, Harvard

Dan Wolfe, of Ross Associates, explained the last will and testament of Carol Greenough to transplant trees from her nursery around the site to return it to its natural conditions. Additional nursery stock will also be brought in and planted on the property. The Commission had no questions or comments.

Jim Burns motion to close the hearing and issue a Negative #2 Determination. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**Harvard Conservation Commission**  
**Notice of Intent Hearing Meeting Minutes**  
**Shaw Properties, LLC, 30 Cruft Lane, DEP#177-725, Harvard#0523-02**  
**May 18, 2023**

The public hearing was opened at 7:45pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 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:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent), Tony Shaw, Dan Wolfe (Ross Associates), Margaret Nessler

This hearing is for a Notice of Intent filed on behalf of Shaw Properties, LLC for the remediation/restoration of two small areas of land within wetland resource areas after enforcement at 30 Cruft Lane, Harvard.

Dan Wolfe, of Ross Associates, explained the delay in submitting this application as required by the Enforcement Order is solely on him and not the applicant. Mr. Wolfe detailed the plan with a siltation barrier around the well house. Vegetation in that area has started to take hold again. The ruts within the field caused by the fire truck have been filled in and the area seeded, which is also starting to grow. Eve Wittenberg asked if the fill that was used around the well house is comparable to what would naturally be that area, a wetland resource. Mr. Wolfe stated turtles will love the sandy gravel mix put in around the well house to allow maintenance; he also agreed the material would not naturally be found in that location, but neither would a well house.

Margaret Nessler, the former owner of the property for twenty years, stated it is not a well but a spring house that was abandoned in the Fall of 2021 because it was impossible to maintain because of changing hydrology and the water did not meet the standards as potable water. The Board of Health (BOH) considers it a non-traditional water source.

Tony Shaw, the current owner, explained the spring house is a viable source of water to be used for the house on the property should the water pass the BOH requirements. BOH has recommended against using the spring well as a potable water source. Should approval be granted by the BOH there would be very minor work to connect to the house.

Jaye Waldron wondered if the Commission and/or the BOH could permit a well within a wetland resource area. Jim Burns noted the viability to use this well as potable water is not within the Commission's purview. Ms. Nessler explained the restrictions on the property under the conservation restriction include enough area within the buildable area to locate a well.

Ms. Wittenberg stated the question before the Commission this evening is should the material used to fill in around the spring house remain. Ms. Waldron suggested there be no additional activity around the well house until the BOH makes its decision. Ms. Wittenberg suggested the material be removed and replaced with organic material. Mr. Wolfe thought removal would create more disturbance to an area in which vegetation is thriving.

After discussing potential conditions, including the ability to mow the wet meadow, Eve Wittenberg made a motion to close the hearing and issue an Order of Conditions with the condition of annual mowing of the wetland meadow to be allowed twice after August 15<sup>th</sup>, and the addition of protected wetland markers along the 50-foot wetland buffer zone line from the edge of the wet meadow. Jaye Waldron

317 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns,  
318 abstained; Mark Shaw, abstained; Jaye Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don  
319 Ritchie, aye.

320  
321 Mr. Shaw made a request to reduce the filing fee as it was doubled due to the issuance of an Enforcement  
322 Order. There was no response from the Commission members.

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324 Respectfully submitted,

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327 Liz Allard,  
328 Conservation Agent

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**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing**  
**Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01**  
**May 18, 2023**

The public hearing was opened at 8:18pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 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:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (Conservation Agent), Bruce Ringwall and Stacey Minihane (Beals & Thomas)

This hearing was continued from May 4, 2023 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard

Stacy Minihane, of Beals and Thomas (B&T), the peer review consultant for the Commission, stated most of the comments made by B&T have been addressed, those outstanding are minor. B&T now understands the replication was permitted under a separate Order of Conditions (OOC). Comments on the fill and replication have been included within the plan set. The two main comments relate to invasive plants on the site. B&T would suggest remediation of the invasive plants should be expanded to include other invasives beyond the Japanese Knotweed. B&T does not recommend the reuse of soil on the site due to the potential seed stock to include invasive plant seeds. When asked, Ms. Minihane stated it would be up to the Commission as to how often a wetland scientist should be on site during the replication. Bruce Ringwall, of GPR, Inc., stated there is every intention to have their wetland scientist on site. Mr. Ringwall stated soil has been stockpiled for years on the site that does not have invasives/seed bank therefore he would like to be able to continue to use that material as it will have an additional 5-feet of material covered over it. Ms. Minihane suggested the wetland scientist be on site when the major milestones are to be conducted; Mr. Ringwall agreed. Don Ritchie asked about test pits for the determination of the water levels. Mr. Ringwall stated these tests pits will be conducted and he is currently working with the Planning Board on the conditions under the Special Permit pertaining to the test holes with results being provided to them, which can be shared with Commission.

Ms. Minihane mentioned the comments raised by the Department of Environmental Protection pertaining to hydrological connection of the isolated wetland and it being jurisdictional under the stands of the Army Corps of Engineers regulations, which have been resolved. As for the size of the replication area, B&T is seeking confirmation the replication area size is equal to or greater than the original areas. Mr. Ritchie stated the Commission agreed to a 1:1 replication under the previous OOC. Mr. Ringwall stated when re-designed to comply with the Commission's setbacks the replication was reduced by 120-feet in error; a revised plan will replace that 120-feet toward the field; Mr. Ringwall apologized for this error. Ms. Minihane encouraged the bond requirements as stated within the Wetland Protection Bylaw Regulations. Mr. Ringwall stated his client would like to move forward without a bond based on the proven track record of both the developer and engineering firm. Liz Allard stated the Wetland Protection Bylaw Regulations requires the bond. Ms. Wittenberg stated unless there is a clear justification as why that should be waived the bond should be required. Ms. Minihane stated the seed mix to be used within the area in which the riprap apron is being pulled back from the buffer zone should be provided to the Commission. Mr. Ringwall stated it is on the planting plan as part of the replication area. Final statement from Ms. Minihane was that B&T has confirmed there is no discharge to the existing stormwater basin on the adjacent property.

422 Ms. Allard requested a narrative of the changes be submitted with the revised plan; Mr. Ringwall agreed.  
423 Ms. Allard will include a condition pertaining to the seed stock in the material brought onto the site. In  
424 addition, the Commission may want to consider hiring a site monitor for this project as it is a substantial  
425 project for the Town of Harvard. The necessary waiver to the 50-foot no disturb zone was discussed.  
426

427 Jim Burns made a motion to continue the hearing to June 1, 2023 at 8:00pm. Eve Wittenberg seconded  
428 the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw,  
429 aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.  
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431 Respectfully submitted,  
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434 Liz Allard,  
435 Conservation Agent  
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475 **Harvard Conservation Commission**  
476 **Continuation of Notice of Intent Hearing Meeting Minutes**  
477 **Luciano Manganello, 175 Littleton County Road, DEP#177-724, Harvard#0423-01**  
478 **May 18, 2023**  
479

480 The public hearing was opened at 8:58pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland  
481 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
482 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures  
483 Adopted during the State of Emergency, and signed into law on March 29, 2023.  
484

485 **Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw  
486

487 **Others Present:** Liz Allard (Conservation Agent) and Bruce Ringwall (GRP, Inc.)  
488

489 This hearing was continued from May 4, 2023 for a Notice of Intent filed on behalf of Luciano Manganello  
490 for the installation of two stonewalls at the driveway entrance after the issuance of an Enforcement Order  
491 at 175 Littleton County Road, Harvard.  
492

493 Bruce Ringwall, of GRP, Inc., detailed the revised plan, the stonewalls were well constructed and are not  
494 easy to take down or apart, therefore they will be relocated outside the 100-foot wetland buffer zone as  
495 shown on the plan. When asked, Mr. Ringwall explained the area where the existing walls will be removed  
496 will be loamed and seeded beyond the gravel shoulders.  
497

498 With no further questions, Joanne Ward made a motion to issue an order of conditions and close the  
499 hearing. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a  
500 roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.  
501

502 Respectfully submitted,  
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505 Liz Allard,  
506 Conservation Agent  
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**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JUNE 1, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw.

**Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw (arrived at 8:14pm)

**Others Present:** Liz Allard (Conservation Agent), Bruce Ringwall (GRP, Inc.), Diane Rayla, Tony Shaw, Margaret Nessler, John Lee (Harvard Conservation Trust), Tom Cotton, Peter Dorward (Open Space Committee), Bruce Leicher (Bare Hill Pond Watershed Management Committee), Wendy Sisson, Jessie Panek, Susan Coldwell, Kerry Shrides (Bare Hill Pond Watershed Management Committee), John McCormack (Planning Board), Guy Hermann, and Marshall Meeks

**Presentation of the Crescent Valley Conservation Restriction Area by Margaret Nessler**

Margaret Nessler detailed the unique land formations in the area at the end of Cruft Lane as a large drumlin that faces south and is surrounded by wetlands. The name, Crecent Valley, was what people used to call this valley. Ms. Nessler shared photos that detailed the value of the area, such as the native wildflowers, blue spotted salamanders, painted turtles, spotted salamanders, red spotted newt, spotted turtles, peepers, frogs, snakes, monarch butterflies, and damsel and dragon flies. These factors are why Ms. Nessler created the Conservation Restrictions (CR) for 30 and 31 Cruft Lane. Ms. Nessler further explained the area to the east has a substantial amount of water as opposed the western side, which has a much different ecology. The CR contains two 3.9 acre building envelopes for each property, which is primarily in the uplands. The goal was to create clear lines between human activity and the habitat. Ms. Nessler detailed the building envelopes and the newly created trail, which connects a large patch of conservation land. Ms. Nessler noted that she mowed the wet meadow at 30 Cruft Lane once a year in the fall as suggested by Mass Audubon. Don Ritchie thanked Ms. Nessler for the presentation and her willingness to protect the area.

**Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03.**

Opened at 7:34pm

**Request for Determination of Applicability Hearing –Guy Hermann, 32 Madigan Lane, Harvard#0523-01.**

Opened at 7:50pm

**Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711,**

**Harvard#0322-01.** Opened at 8:03pm

**Request to Add Rain Gutters and Down Spouts at 7 Pine Hill Village Way**

After briefly discussing the request from Susan Coldwell to install rain gutters to her home at 7 Pine Hill Village Way, Jaye Waldron made a motion to allow the rain gutters as a De Minimus change to the approved plan under the existing Order of Conditions, DEP#177-586, with the condition of the use of rain barrels on the downspouts at the back of the house. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Eve Wittenberg; aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Approval of the Community Harvest Project Agricultural Preservation Restriction**

Don Ritchie made a motion to approve the Agricultural Preservation Restriction for Community Harvard Project as drafted. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by

54 a roll call, Eve Wittenberg; abstained; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; and Don  
55 Ritchie, aye.

56

57 **Interview Potential Volunteer for the Conservation Commission – Jessie Panek; make final**  
58 **recommendations to the Select Board**

59 Jessie Panek provided her background with almost 30 years of experience in native and invasive plants  
60 and is curious to learn how she might use some of those skills to help the Town. Peter Dorward member  
61 of the 2016 Open Space & Recreation Plan Update Committee stated Ms. Panek was a major contributor  
62 to the flora section of the Plan.

63

64 Eve Wittenberg made a motion to recommend to the Select Board the re-appointment of Jaye Waldron,  
65 Jim Burns and Mark Shaw, as well as the appointment of Paul Willard as the Associate Members and  
66 Jessie Panek to fill the remainder of Mr. Willard’s term as a voting member of the Commission. Joanne  
67 Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Eve  
68 Wittenberg; aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie,  
69 aye.

70

71 **Request to Mow within the 50’ wetland buffer zone at 30 Cruft Lane**

72 After a discussion of the area, the wetland buffer zones and previous care of the area, Jim Burns made a  
73 motion allowing the mowing of a six-foot path at the edge of the existing tree line adjacent to the  
74 common driveway from the barway in the stonewall to the garage at 30 Cruft Lane. Joanne Ward  
75 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye  
76 Waldron, aye; Joanne Ward, aye; Mark Shaw, abstained; Eve Wittenberg, aye and Don Ritchie, aye.

77

78 **Review Proposed Chapter 125-35 Open Space Residential Development Bylaw**

79 John McCormack, the Associate Member of the Planning Board, wants the Commission to review the  
80 revisions and provide any comments they may have. The Planning Board is seeking to make the bylaw  
81 more desirable to developer and to encourage this type of development in Town. Mr. McCormack stated  
82 the Planning Board is hoping to bring the amendment to the Fall town meeting in October. Don Ritchie  
83 asked members of the Commission to review the document in order to provide comments to the Planning  
84 Board.

85

86 **Approve Minutes**

87 Joanne Ward made a motion to approve the minutes of February 2, 2023 as amended. Jaye Waldron  
88 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark  
89 Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

90

91 **Approve Invoice**

92 Jaye Waldron made a motion to approve the invoice from Moore’s Lumber & Hardware in the amount of  
93 \$179.97. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll  
94 call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

95

96 **Review Deer Management Annual Process and Procedures**

97 Eve Wittenberg stated she has drafted an outline of standard operating procedures for the Deer  
98 Management Subcommittee. The intent is to streamline the process to avoid the hiccups of last season.  
99 Due to the lateness of the meeting the Commission agreed to review the document for discussion at the  
100 next meeting.

101

102 **Approve Allocation of Funds for Legal Review of Littleton County Road Land Project Draft Conservation**  
103 **Restriction**

104 Jaye Waldron made a motion to allocate up to \$500.00 for review of the Littleton County Road Land  
105 Project Draft Conservation Restriction by Town Counsel. Eve Wittenberg seconded the motion. The vote

106 was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye;  
107 Joanne Ward, aye; and Eve Wittenberg, aye.

108  
109 **Update on Enforcement Order – 320 Ayer Road**

110 There was no update this evening on this matter, however Liz Allard mention she will be suggesting to  
111 Grant MacLean that he reach out to the property owner to discuss sharing the cost of the wetland  
112 delineation as opposed to hiring his own specialist to delineate the wetland in order to provide a site plan  
113 to the Commission.

114  
115 **Pine Hill Village Status Update**

116 Liz Allard has re-inspected the erosion control barrier for Phase 3 of the project. Clearing of trees should  
117 begin within the next week or two, which requires approval from the Conservation Agent to do so.

118  
119 **Adjournment**

120 Eve Wittenberg made a motion to adjourn the meeting at 9:34pm. Jaye Waldon seconded the motion.  
121 The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye  
122 Waldron, aye; Joanne Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

123  
124 Respectfully submitted,

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126  
127 Liz Allard,  
128 Conservation Agent

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130 **EXHIBITS & OTHER DOCUMENTS**

- 131
- 132 • Conservation Commission Agenda, dated June 1, 2023
  - 133 • Photos provided by Margert Nessler Crescent Valley Conservation Restriction Area
  - 134 • Ariel photo of 30 & 31 Cruft Lane (Mass Mapper)
  - 135 • Conservation Restriction and Easement Plan of Land in Harvard, Mass. owned by Turtle Rock
  - 136 Realty Trust, Job No. 37002, Plan No.: L-13327B, prepared by David E. Ross Associates, July 2020
  - 137 • Seamless Gutters Job Estimate – Susan Colwell 7 Pine Hill Way
  - 138 • Photos provided by Liz Allard 30 Cruft Lane
  - 139 • Site Plan Shaw Properties, LLC #30 Cruft Lane, Harvard MA, Job No.: 34293, Plan No.: L-14644,
  - 140 prepared by David E. Ross Associates, Inc., May 2023
  - 141 • Commercial Development Notice of Intent Wetland Replication Plan 203 Ayer Road Harvard, MA
  - 142 prepared for Yvonne Chern, prepared by GPR, Inc. 5/23/23
  - 143 • 203 AYER ROAD, DEP#177-711, Harvard#0322-01 ADDITIONAL SPECIAL CONDITIONS
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160 **Harvard Conservation Commission**  
161 **Notice of Intent Hearing Meeting Minutes**  
162 **Bare Hill Pond Watershed Management Committee, Harvard#0523-03**  
163 **June 1, 2023**  
164

165 The public hearing was opened at 7:34pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland  
166 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
167 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures  
168 Adopted during the State of Emergency, and signed into law on March 29, 2023.

169  
170 **Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, and Jim Burns

171  
172 **Others Present:** Liz Allard (Conservation Agent), Diane Rayla, Bruce Leicher (Bare Hill Pond Watershed  
173 Management Committee), and Kerry Shrivess (Bare Hill Pond Watershed Management Committee)

174  
175 This hearing is for a Notice of Intent filed on behalf of Bare Hill Pond Watershed Management Committee  
176 for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake & Pond General  
177 Environmental Impact Report to control phosphorus and invasive plant species.

178  
179 Bruce Leicher, the chair of the Bare Hill Pond Watershed Management Committee (BHPWMC), stated the  
180 application before the Commission proposes no changes to the process or the conditions of the annual  
181 drawdown of Bare Hill Pond. Mr. Leicher stated the BHPWMC is happy with the work done by Wendy  
182 Gendron, of Aquatic Restoration Consulting, LLC, to monitor the pond annually. Funding at Town Meeting  
183 will allow for additional testing of Phosphorus and Dissolved Oxygen levels at different time points to  
184 determine potential for algal blooms. Ms. Gendron has been out on the pond since the rain events in  
185 May, which indicate oxygen begins to decline at 18 feet; at the 12 to 10 feet algal blooms may be  
186 triggered. At that time, clarity was at approximately 12 feet. There is no plan yet for the drawdown this  
187 year but BHPWMC does not plan to go beyond 6.5 feet. The data to make this determination will be  
188 available by the end of August.

189  
190 Tony Shaw, a member of the Harvard Snowmobile Club, requested the refill start on March 1<sup>st</sup> as opposed  
191 to February 1<sup>st</sup> which assists in the ice on the pond being stable longer through the winter. Mr. Leicher  
192 explained there is an environmental impact that is the basis for the start date of the refill, however the  
193 refill is so slow it would not affect the ice on the pond.

194  
195 Diane Rayla, a resident on the pond, questioned the reason for the drawdown in excess of the level that  
196 had been approved last fall by the Commission. Mr. Leicher explained an error between the manual and  
197 the automatic controls of the pump system that used to drawdown the pond. The error has been  
198 corrected to eliminate the manual controls as opposed to the automatic controls as the pump was  
199 designed. Mr. Leicher further explained when Ron Ricci, a former member of the BHPWMC, designed the  
200 pump he designed it with a sensor; that sensor has never been used as it was never validated. The staff  
201 gauge was initially used and now the markers on the intake pipe are used to determine the pond depth.  
202 To ensure this error does not occur again three people will be monitoring the pond level while the  
203 drawdown is taking place.

204  
205 With the file number not received yet from the Department of Environmental Protection Eve Wittenberg  
206 made a motion to continue the hearing to July 6, 2023 at 7:30pm. Jaye Waldron seconded the motion.  
207 The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne  
208 Ward, aye; Eve Wittenberg, aye; and Don Ritchie, aye.

209  
210 Respectfully submitted, Liz Allard, Conservation Agent

**Harvard Conservation Commission**  
**Request for Determination of Applicability Hearing Meeting Minutes**  
**Guy Hermann, 32 Madigan Lane, Harvard#0523-01**  
**June 1, 2023**

The public hearing was opened at 7:50pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 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:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, and Jim Burns

**Others Present:** Liz Allard (Conservation Agent), Guy Hermann and Joanne Crystoff

This hearing is for a Request for Determination of Applicability filed by Guy Hermann for the removal of approximately 1,200SF of existing asphalt driveway, regrading and replanting of the area, repairs to an existing stonewall, and repaving of the remaining driveway within 200' of a pond at 32 Madigan Lane, Harvard.

Guy Hermann and Joanne Crystoff explained a portion of the existing U-shaped driveway will be removed and re-vegetated. Stormwater currently runs off the roadway into the driveway and then into the pond on their property. By eliminating this portion of the driveway stormwater will have more of a vegetated area to flow over prior to entering the pond. Ms. Crystoff explained the disturbed areas will be replaced with grasses as opposed to a wildflower mix, as she is creating a meadow of wildflowers in the back yard. Ms. Crystoff further explained there are several trees, including willows and birches, between the pond and the existing driveway so the grass will not go right to the edge of the pond.

Jaye Waldron stated the Commission seeks to preserve the 50-foot wetland buffer zone in a natural state and would prefer a wildflower mix as opposed to lawn area. Eve Wittenberg agreed. Ms. Crystoff felt by putting in grass she is putting in a more natural area. When asked Ms. Crystoff further detailed the around the pond which is vegetated and consists of a slope down to the pond. Since the area is an already disturbed Ms. Waldron requested a non-manicured lawn within the 50-foot wetland buffer zone to allow the area to vegetate naturally. Mr. Hermann stated they were moving in that direction. Ms. Waldron further requested they allow the shrubs on the slope to continue to grow and spread into the lawn area and limit the amount of mowing.

Jim Burns made a motion to close the hearing and issue a Negative #3 Determination with the condition that the erosion control barrier is to be inspected by the Conservation Agent prior to the removal of the driveway. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing**  
**Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01**  
**June 1, 2023**

The public hearing was opened at 8:03pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 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:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw

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

This hearing was continued from May 18, 2023 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard.

Bruce Ringwall, of GPR, Inc., detailed revisions made to the plan including increasing the wetland replication area and updating the plan set to reference the Order of Conditions. The draft special conditions were reviewed.

Eve Wittenberg made a motion to allow a waiver to the 50-foot no disturb zone as requested for the installation of a stormwater basin. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

Eve Wittenberg made a motion to close the hearing and issue an Order of Conditions to include the additional special conditions. Joanne ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
JULY 6, 2023**

Chair Don Ritchie called the meeting to order at 7:00pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Jessie Panek

**Others Present:** Liz Allard (Conservation Agent), Bob O’Shea (Interim Beach Director), Tom Cotton (Harvard Conservation Trust), John Lee (Harvard Conservation Trust), Bruce Leicher (Bare Hill Pond Watershed Management Committee), and John McCormack (Planning Board)

**Harvard Conservation Trust Conservation Restriction Municipal Certification – 32 Mettacomett Path & Jacob Gates Road (Map 32 Parcel 77)**

John Lee, from Harvard Conservation Trust (HCT), stated HCT had become aware of the potential for the two above mentioned parcels from becoming subdivided into additional buildable lots. The Conservation Restriction will preserve 26-acres of land with trails that will connect to additional open space, creating connectivity of 240 acres of preserved land open to the public. Tom Cotton, also from Harvard Conservation Trust, reviewed the revised Municipal Certification.

Eve Wittenberg made a motion to approve the Municipal Certification for Rathore Conservation Restriction. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jessie Panek, abstained; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Update on the Plant Removal at the Bare Hill Pond Beach**

Bob O’Shea, the interim Beach Director, stated he is working with the Bare Hill Pond Watershed Management Committee (BHPWMC) on a plan to restore the plants removed at the beach that were part of the stormwater project completed by BHPWMC in 2013. In addition, new stormwater runoff from the accessible ramp will be addressed. Mr. O’Shea requested time on the July 20<sup>th</sup> agenda to discuss this plan with the Commission prior to filing an application for the activity. The Commission was amenable to this request and looks forward to a solution to the error made by the removal of the plantings.

**Discuss Recent Mowing at Eastview Conservation Land on Ayer Road**

Liz Allard provided an overview of the recent mowing at Eastview by the Department of Public Works, which included damage to the existing stone walls on the property. Ms. Allard is not fully aware of the agreements that have been made to maintain this property and will need to follow up with Wendy Sisson from the Land Stewardship Subcommittee (LSS). John Lee, who lives across the street from the land, stated with permission from the LSS he has mowed the area, twice a year, for several years now except for last year when his mower was broken. Mr. Lee stated the area needs to be mowed more than once a year in order to prevent woody vegetation and invasive plants from taking over. Mr. Lee is concerned about the integrity of the stone walls and suggest a management plan be developed for the land as mowing by the Department of Public Works seems sporadic. Mark Shaw indicated the Fire Department had previously kept the view clear on the land, but has not done so in several years. After briefly discussing, the Commission agreed more detail was necessary from Ms. Sisson and the deed will need to be reviewed to determine any requirements with the maintenance of this land. Jessie Panek stated the Garden Club maintains the horse water trough and the poison ivy is aggressive in the area of the trough, therefore maintaining the area is important to be able to maintain the trough.

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**Approve Use of Stone Land, Old Mill Road, for Bromfield Cross-Country Fall 2023 meets**

Jim Burns made a motion to allow the use of the perimeter of the Stone Land on Old Mill Road by the Bromfield Cross-Country Team for the Fall of 2023. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Approve Minutes**

Joanne Ward made a motion to approve the minutes of March 16, April 6 & 20 and June 15, 2023 as amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; and Eve Wittenberg, aye.

**Approve Invoice**

Joanne Ward made a motion to approve the following invoices:

- Nitsch Engineering \$248 (Pine Hill Village)
- MACC \$869 (Annual Dues)
- Turner Lane Association Road Dues \$260
- Liz Allard \$126.35 (3<sup>rd</sup> & 4<sup>th</sup> Quarter Mileage)

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

**Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, Harvard#0523-03. Opened at 7:30pm**

**Review Proposed Chapter 125-35 Open Space Residential Development (OSRD) Bylaw**

Liz Allard stated the majority of her suggested amendments to the OSRD bylaw are Planning Board related and formatting. Those amendments related to the Commission include:

Section K Common Open Space:

- (1)(a) Added: as defined by M.G.L. c. 131 §40 and the Harvard Wetland Protection Bylaw Chapter 119 of Code of the Town of Harvard
- (1)(e) Deleted, as 1(d) above
- Section O(1)(b) Snow Plowing. Suggest adding snow storage areas in C(1) Submittal Requirements

Don Ritchie stated he questioned the use of wetlands and their buffer zones as part of the common open space, within Section K(1)(a). In addition, Mr. Ritchie wondered if the requirement for the open space to be “opened to the sky” within Section K(1)(d) meant trees would be removed, which seemed counterproductive. Ms. Allard believed it is not meant to remove trees from the area, but to deter the use of areas that enclosed as part of the common open space. Eve Wittenberg asked why not zero percent of wetlands within the common open space area, as opposed to the twenty-five percent stated in Section K(1)(a)? Ms. Allard stated she believes this is standard in all open space bylaws. When asked, John McCormack, from the Planning Board (PB), stated that although there is a total of thirteen bonus units/acre across all categories, the maximum amount allowed per acre is ten. Mr. McCormack did not know the answer to either question asked by Mr. Ritchie or Ms. Wittenberg, but the PB would consider amended language from the Commission. Mr. McCormack stated the PB is opening the public hearing on July 17<sup>th</sup>. Ms. Allard will look into the questions of the Commission and submit comments to the PB prior to the 17<sup>th</sup>.

**Discuss Strategic Planning Session**

With the Commission collectively not available in July to meet for this session the members agreed to try for August. Members were asked to provide Liz Allard the dates in August they are not available in August.



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

Grant McClean, from Chestnut Tree & Landscape, has informed Liz Allard that he would be speaking tomorrow with the property owner of 320 Ayer Road in order to determine if he can share the cost of the recent wetland delineation and associated plan completed on the site. After discussing concerns with the timeframe it has taken to resolve this issue and applying fines not only to Chestnut Tree & Landscape but to the property owner as well, the Commission agreed to hold off on further action until an update from the discussion tomorrow is provided.

**Pine Hill Village Status Update**

With the recent rains activity to clear Phase 3 on the site has slowed. Areas affected by the heavy rain events as of late have been addressed. Ms. Allard continues to be concerned that the outflow of the constructed wetland is not functioning properly; she will continue to work with Mr. Cricones to resolve this issue. In addition, the material and plants recently installed within the constructed wetland may need to be replaced due to the heavy rain events.

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

Liz Allard shared the items completed to date on Phase 1 of this project, which is currently at the framing stage. Once framing begins details pertaining to Phase 2 will be provided to the Commission. The site itself is in compliance with the Order of Conditions.

**Adjournment**

Jim Burns made a motion to adjourn the meeting at pm. Eve Wittenberg seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated July 6, 2023
- Rathore CR locus map
- Rathore Municipal Certification
- Proposed Chapter 125-35 Open Space Residential Development (OSRD) Bylaw
- Envision Homes Construction Sequence 90 Warren Ave, 04/03/2023

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160 **Harvard Conservation Commission**  
161 **Continuation of a Notice of Intent Hearing Meeting Minutes**  
162 **Bare Hill Pond Watershed Management Committee, Harvard#0523-03**  
163 **July 6, 2023**  
164

165 The public hearing was opened at 7:30pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland  
166 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
167 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures  
168 Adopted during the State of Emergency, and signed into law on March 29, 2023.  
169

170 **Members Present:** Don Ritchie, Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns, and Mark Shaw  
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172 **Others Present:** Liz Allard (Conservation Agent),  
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174 This hearing was continued from June 15, 2023 for a Notice of Intent filed by Bare Hill Pond watershed  
175 Management Committee for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake  
176 & Pond General Environmental Impact Report to control phosphorus and invasive plant species.  
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178 With still no Department of Environmental Protection File Number, Mark Shaw made a motion to  
179 continue the hearing to July 20, 2023 at 7:20pm. Eve Wittenberg seconded the motion. The vote was  
180 unanimously in favor of the motion by a roll call, Jim Burns, aye, Mark Shaw, aye; Jaye Waldron, aye;  
181 Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye  
182

183 Respectfully submitted,  
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185  
186 Liz Allard,  
187 Conservation Agent