

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY AUGUST 4, 2022 @7:00PM**

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Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

Hildreth Pro is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/89439135534?pwd=SnFsRUoxU0tvS2RMZHhoTk1jNORVQT09>

**Meeting ID: 894 3913 5534**

**Passcode: 972665**

One tap mobile

+16469313860,,89439135534# US

+19294362866,,89439135534# US (New York)

Dial by your location

+1 646 931 3860 US

+1 929 436 2866 US (New York)

**Meeting ID: 894 3913 5534**

Find your local number: <https://us02web.zoom.us/j/89439135534>

**Old Business:**

1. Request to Amend the Determination of Applicability – 72 Warren Ave, Harvard#0419-03
2. Update to the Wetland Violation – 41 Pinnacle Road
3. Environmental Notification Form – Massachusetts Avenue Research Campus, Boxborough
4. ZBA Request for Comments – 175 Littleton County Road
5. Pine Hill Village Update

**New Business:**

1. Short-, Mid- and Long-term Playing Field Solutions
2. Parks & Recreation Commission Request for Improvements at Ann Lee Field and Ryan 2 Field
3. Ayer Road Meadow Access Improvements
4. Approve Transfer of Wetland Protection Bylaw Fees to the Conservation Fund
5. Discuss Wetland Violation at 131 Bolton Road
6. Request for a Certificate of Compliance – 277 Stow Road, DEP#177-692
7. Approve Minutes

**Public Hearings:**

7:30pm Continuation of a Determination of Applicability Hearing - Richard Fellows, 328 Still River Road, Harvard#0522-01, for the restoration of an open meadow and removal of invasive plants within the 100' wetland buffer zone

**NEXT MEETING:  
AUGUST 18, 2022**

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.

# Pinnacle Road



## Aquifers by Yield

- High Yield
- Medium Yield

## Q3 Flood Zones (from Available Areas)

- A
- AE
- AE Floodway
- AH
- AO
- D
- V
- VE
- Area Not Included
- X500

## FEMA National Flood Polygons

- A: 1% Annual Chance of Flo
- AE: 1% Annual Chance of Fl
- AE: Regulatory Floodway
- AH: 1% Annual Chance of 1-
- AO: 1% Annual Chance of 1-
- VE: High Risk Coastal Area
- D: Possible But Undetermin
- X: 0.2% Annual Chance of Fl
- X: 1% Drainage Area < 1 Sq
- X: Reduced Flood Risk due t
- Area Not Included
- Area with no DFIRM - Paper

## Q3 Flood Zones (from NFHL Unavailable)

- A
- AE
- AE Floodway
- AH
- AO
- D
- VE
- Area Not Included
- X500

## Potential Vernal Pools

- 

## NHESP Priority Habits

- 
- 

## NHESP Natural Comm

-

**OFFICES OF THE  
SELECT BOARD  
TOWN ADMINISTRATOR**

13 Ayer Road, Harvard, Massachusetts 01451  
(978) 456-4100

www.harvard-ma.gov  
(978) 456-4107 fax



**TO:** Select Board  
**FROM:** Town Administrator and Assistant Town Administrators  
**DATE:** July 14, 2022  
**RE:** Short-term, Mid-term, and Long-term Playing Field Solutions

The number of available rectangular or diamond-shaped playing fields versus the number of practices and games played has been a precarious balance. This situation, as you know, has been a topic of concern for many boards and committees for some time. The loss of two diamond fields when the new Hildreth Elementary School was approved in 2018 exacerbated an ongoing issue and created others for the School Department, simultaneously straining scheduling capacity and ostensibly creating an alleged Title IX issue<sup>1</sup>. At that time, the urgent issue of replacing a softball field was dealt with quickly - albeit imperfectly - by converting an underutilized baseball field (Ann Lee Field).

With an influx of new families and more children to play sports, our overutilized fields are further strained. Additionally, new teams "popping up" -- whether for baseball, softball, soccer, or lacrosse -- needs to be managed by those with oversight. For example, in a recent discussion of the Town/Parks & Recreation/School Memorandum of Understanding for field maintenance, we discussed the issue of new leagues, as an AAU group recently popped up on the field, and Park & Recreation had no knowledge of this. Similarly, when the School creates additional teams which were not present before, this likewise exacerbates issues of field overuse, the ability for younger players outside of school being moved off fields during the week, et cetera.

In order to address these issues and at the direction of the Board, we have come up with short-term, mid-term, and long-term solutions. These solutions are built on work already done by the Parks & Recreation Commission, the Open Space Committee, the Athletic Field Subcommittee, and many concerned residents.

***Short-term Solution***

The immediate issue is the Schools and the Superintendent are confronted by a claim of a Title IX issue. We do not profess whether the claim is supported or not, just that it exists. The short-term solution to this potential claim is to convert the Ryan 2 baseball field into a softball field. This could be done in time for the 2023 Spring season according the DPW Director.

This short-term fix is not without issues as the conversion then displaces the field's current baseball users and causes greater strain on the remaining two fields (HS baseball and Ryan 1). T-Ball may be played on a softball diamond yet as the players' ages increase, the need to use a true baseball field increases. It is unfortunate when planning for the new elementary school that the School's athletic needs were not taken into account especially since the removed fields were predominantly used by the School.

<sup>1</sup> Link to Title IX site will provide information regarding what is considered a violation and provide links for further information.  
<https://sites.ed.gov/titleix/policy/>

### ***Mid-term Solution***

The mid-term approach for additional field(s) is converting land located on Old Mill Road from conservation to playing field(s). This requires a transfer of land from the Conservation Commission to the Parks & Recreation Commission. State legislative approval is not required. It must be highlighted that ever since the Town obtained this land in November 2002<sup>2</sup>, the Conservation Commission has preserved its agricultural and passive recreational use. In order to have an equitable exchange, the Parks & Recreation Commission will need to agree to swapping land they currently control to conservation, and the Conservation Commission will need to approve relinquishing the land they have managed and controlled for twenty years to the Parks & Recreation Commission.

In looking at the inventory of land the Parks & Recreation Commission oversees and controls, the land with the highest conservation value is the property above the beach bounded by Pond Road and Whitman Road [these parcels (Whitman Road) were formerly proposed in an earlier scenario from Bob O'Shea, attached]. The parcels proposed for the swap would need to be surveyed so that Park & Recreation maintain control over the beach, parking lots, playgrounds, docks, etc. In return, Park & Recreation would receive great synergy with the McCurdy track, just on the other side of the woods, with the Old Mill Road property.

The Old Mill land is also not without concerns and constraints as to what can be done due to wetland encroachments, buffer zone issues, neighborhood concerns/opposition, and deed restrictions regarding permanent structures<sup>3</sup>. It is obvious that this mid-term solution will take longer to accomplish and all of the parties must commit to do what is needed to accomplish this task. The transfer of land and initial funding for the surveys and layouts of the field could occur as soon as the October 1, 2022 Town Meeting, if all participants are willing. In the Spring of 2023, funds could be appropriated to make the conversion of the Old Mill land into a field a reality.

### ***Long-Term Solution***

The long-term solution (defined by the Select Board as 3+ years), is to develop a recreational complex somewhere in town. This is more complicated and expensive - but possible.

Park & Recreation have received \$50,000 for Athletic Fields Study and Design from the Capital Fund (see original CPIC request attached), and are presumably setting criteria for an ideal site. The Select Board had also discussed at their Strategic Planning retreat their interest in hiring a consulting firm to prepare a comprehensive needs assessment, accounting for present recreational needs *and* future recreational trends, as well as how to address upkeep/maintenance.<sup>4</sup>

From a **procurement** perspective, if the intent is to purchase additional lands, there are two choices:

- Purchasing via a Proposition 2 ½ override and funding this via debt (following the MGL Ch. 30B, s. 16 process of land acquisition, similar to what occurred with the Senior Center at Lancaster County Road). Real Property Acquisition under 30B requires determining criteria, advertising, soliciting responses for potential sites and their associated cost, evaluating responses, and negotiating with the lowest-priced respondent.<sup>5</sup>

2 The Quitclaim Deed is located in the Worcester Registry of Deeds B00k 28153; Page 214 and was recorder in November 2002. A copy of the deed and map are attached to this document.

3 The Quitclaim Deed, in the Worcester Registry of Deeds, Book 25774, Page 274 was original provided to the Harvard Conservation Trust in January 2002. The deed clearly states. "..., no buildings, pavement, or other structures requiring permanent foundation or footings shall be erected or established on the premises or any portion thereof." It does allow for temporary structures. A copy of this deed is attached to this document.

4 Costs associated with upkeep and maintenance of natural turf fields: [https://www.harvard-ma.gov/sites/g/files/vyhlf676/f/minutes/athl\\_field\\_plng\\_subcomm\\_of\\_pr\\_-\\_minutes\\_-\\_06-06-2019\\_appr.pdf](https://www.harvard-ma.gov/sites/g/files/vyhlf676/f/minutes/athl_field_plng_subcomm_of_pr_-_minutes_-_06-06-2019_appr.pdf)  
5 <https://www.cambridgema.gov/-/media/Files/purchasingdepartment/forsitelaunch/thechapter30bmanual.pdf>

- Purchasing via bonding the future Community Preservation-raised surtax<sup>6</sup> (MGL Ch 44B), avoiding the 30B real property procurement process (excerpt from MGL Ch. 44B below):

*(f) Section 16 of chapter 30B shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding section 14 of chapter 40, for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.*

The use of CPA funds to acquire property for recreation is a permitted, and is the funding approach many CPA communities use to acquire playing fields (or construct athletics complexes, make field improvements, etc.).<sup>7</sup>

Harvard's adoption of the Community Preservation Act at a 1.1% threshold has raised \$264,354 via the surtax on \$24M+ of tax revenue. *Without* increasing the 1.1% threshold, if the Community Preservation Committee was amenable, this would enable CPA surtax funds to pay \$130k/year in debt service for field acquisition.

Additionally, from a big-picture perspective, we should not exclusively constrain ourselves to additive solutions or just looking at one piece of property to add fields. We have an opportunity to consider congregating fields in a larger complex: in other words, identify and sell existing field properties in order to fund a larger complex. This is truly an opportunity to think bigger and be creative in our approach to solving what is an issue we as a community can solve.

<sup>6</sup> Similar to the \$1M in CPA funds which were applied to offset the bonding cost for the Town Hall renovation. In FY23, the CPA-funded debt service for Town Hall is projected to be \$46,988.

<sup>7</sup> List available here: [https://www.communitypreservation.org/cpc-report?report\\_src=bcstvw3d3%3Fa%3Dq&qid=12](https://www.communitypreservation.org/cpc-report?report_src=bcstvw3d3%3Fa%3Dq&qid=12)

**Re: Ann Lee Field improvements**

Marisa Steele <msteele01451@gmail.com>

Tue 08/02/22 6:20 AM

To: Liz Allard <lallard@harvard-ma.gov>

Cc: David Boisvert <dboisvert@psharvard.org>; Robert O'Shea <roshea01451@gmail.com>; mattbenway@gmail.com <mattbenway@gmail.com>

All-

I'd like to amend my previous email. Please read that email first (if you haven't done so yet!) then use this one to further clarify items #1/3. Thanks!

1. As home plate will be moved back and the diamond repositioned, that would also mean shifting the outfield foul poles AND the infield/outfield grass line would need to be moved in by at least an initial seeding (like a soil/seed/fert mix).

3. Batting cage size will likely to be shorter in length - possibly <50ft.

Marisa

On Mon, Aug 1, 2022 at 9:33 PM Marisa Steele

<msteele01451@gmail.com> wrote:

Liz,

I'd like to inform you that some field improvements are needed at the Ann Lees Softball Field in order to provide an equitable experience as the boys baseball team for the girls' softball squad . Per the MOU between the Conservation Commission and P&R Department dated November 19, 2020 we need your approval prior to implementation.

The changes that may be relevant to your commission include:

- 1. moving home base closer to the backstop (we will NOT be altering the outfield distance)
- 2. installing shade covers on the dugout
- 3. installing a batting cage (measures approx 70L' x 14" W x 12'H) - likely to be positioned along the 3rd base line
- 4. adding an additional storage shed/changing room - likely to be positioned near the existing shed

Please advise if you need any additional information or if you'd like to walk the field with me to visualize the proposed changes. Thanks in advance for your consideration.

Marisa Steele  
Town of Harvard, Parks & Recreation

--

Marisa Steele  
Town of Harvard, Parks & Recreation

**DRAFT**  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**JULY 21, 2022**

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3  
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5  
6 Vice Chair Eve Wittenberg called the meeting to order at 7:00pm, virtually, pursuant to Chapter 22 of the  
7 Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of  
8 Emergency, and signed into law on February 15, 2022, under MGL Chapter 131 §40 Wetland Protection  
9 Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

10  
11 **Members Present:** Eve Wittenberg, Paul Willard, Janet Waldron, Joanne Ward, Jim Burns, Mark Shaw and  
12 John Iacomini (Associate Member)

13  
14 **Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Richard Fellows, Peter &  
15 Susan Grilli, Karen Shea, Nathan Bailey, Art Allen (EcoTec), Bob & Paula Schmidt, Robert Kody (Envision  
16 Homes), Heather Graham and Dan Wolfe (Ross Associates, Inc.)

17  
18 **Request to Amend the Determination of Applicability – 72 Warren Ave, Harvard#0419-03**  
19 At the request of the applicant, this item was passed over and will be on the agenda for the August 1,  
20 2022 meeting of the Commission.

21  
22 **Discuss Use of State & Local Bylaw Fees**

23 Liz Allard had previously provided the members a spreadsheet of the State and Bylaw fees collected and  
24 expenses allocated from those fees over the past five years. Ms. Allard has determined the Commission  
25 annually collects an average of \$15,240 in Bylaw fees, with allocations on average of \$206 (mileage) and  
26 \$622 (training), which on average would leave a balance of \$14,412 in the Bylaw fee account annually.  
27 State fee collected annual on average is \$1293, with dues to MACC this year at \$928, this account is barely  
28 keeping up with those dues.

29  
30 After briefly discussing the options before the Commission, Jim Burns made a motion to annually determine an  
31 agreed upon percentage to transfer from the Wetland Protection Bylaw fee account to the Conservation  
32 fund. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call,  
33 Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye; Joanne Ward, aye and Eve  
34 Wittenberg, aye.

35  
36 **Pine Hill Village Update**

37 An overview of the recent onsite meeting with the developer, Peter Cricones, members of the  
38 Commission and the Zoning Board of Appeals, along with the Conservation Agent (CA) was provided by  
39 Eve Wittenberg. This onsite meeting was a follow up to the letter sent to Mr. Cricones from the  
40 Conservation Agent, which details the current inefficiencies of the development. Responses from the  
41 developer to that letter was received late this afternoon, however the CA has not had an opportunity to  
42 thoroughly review that document. The CA requested Mr. Cricones be fined for violation the Order of  
43 Conditions (OOC) and the Wetland Protection Bylaw regulation, 145-12 Setback, by installing the mailbox  
44 kiosk within 75' of a wetland resource area that is not shown on the approved plan associated with the  
45 OOC.

46  
47 Paul Willard made a motion to fine Peter Cricones, the developer of Pine Hill Village, along Stow Road, for  
48 two separate violations under the Order of Conditions, DEP#177-586, Harvard#1010-02, and the Wetland  
49 Protection Bylaw, Chapter 147-12 Setbacks. Jim Burns seconded the motion. The vote was unanimously  
50 in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye;  
51 Joanne Ward, aye and Eve Wittenberg, aye.

53 **Request for Certificate of Compliance – 44 Littleton County Road, DEP#177-677**  
54 Joanne Ward made a motion to issue the Certificate of Compliance for 44 Littleton County Road,  
55 DEP#177-677, Harvard#0319-01 as requested. Paul Willard seconded the motion. The vote was  
56 unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye;  
57 Mark Shaw, aye; Joanne Ward, aye and Eve Wittenberg; aye.  
58

59 **Approve use of Sprague#3 Land for Bromfield Cross-Country Practices for the 2022 Season Approve Use**  
60 **of Stone Land for the 2022 Bromfield Cross-Country Practices & Events**  
61 Joanne Ward made a motion to approve the use of the Stone and Sprague #3 Land for cross-county  
62 practice and events for the 2022 season. Jaye Waldron seconded the motion. The vote was unanimously  
63 in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye; Mark Shaw, aye;  
64 Joanne Ward, aye and Eve Wittenberg; aye.  
65

66 **Continuation of a Determination of Applicability Hearing - Richard Fellows, 328 Still River Road,**  
67 **Harvard#0522-01. Opened at 7:25pm.**  
68

69 **ZBA Request for Comments – 175 Littleton County Road**  
70 Liz Allard explained the applicant would like to maintain the existing grade along the area in which the  
71 new driveway is proposed, which is slightly less than 10%. The Protective Bylaw requires an 8% grade for  
72 new driveways. Ms. Allard will need to determine if there would be any adverse impacts to the wetland  
73 resource area should this variance be granted; she will provide an update at the August 1<sup>st</sup> meeting of the  
74 Commission.  
75

76 **Approve Invoice**  
77 Joanne Ward made a motion to approve the invoices for the Turner Lane Association (\$250) and MACC  
78 (\$110). Paul Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call,  
79 Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve  
80 Wittenberg; aye.  
81

82 **Approve Minutes**  
83 Minutes were unavailable for approval this evening  
84

85 **Notice of Intent Hearing – Nathan Bailey, 131 Bolton Road, DEP#177-714, Harvard#0622-02. Opened at**  
86 **7:30pm**  
87

88 **Request for Determination of Applicability Hearing – Heather Graham, 131 Warren Avenue,**  
89 **Harvard#0722-01. Opened at 8:00pm**  
90

91 **Request for Determination of Applicability Hearing – Envision Homes, Inc., 55 Warren Avenue,**  
92 **Harvard#0722-02. Opened at 8:15pm**  
93

94 **Request for Determination of Applicability Hearing – Ross Jones 155 West Bare Hill Road,**  
95 **Harvard#0722-03. Opened at 8:30pm**  
96

97 **Continuation of a Notice of Intent Hearing -Christine DeGuglielmo, DEP#177-713, Harvard#0522-02, 37**  
98 **Pine Ridge Road. Opened at 8:45pm**  
99

100 **Request for Determination of Applicability Hearing – Cricket Potter, at44 Littleton County Road,**  
101 **Harvard#0722-04. Opened at 9:00pm**  
102  
103  
104  
105



106 **Adjournment**  
107 Jim Burns made a motion to adjourn the meeting at 9:09pm. Mark Shaw seconded the motion. The vote  
108 was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Paul Willard, aye;  
109 Joanne ward, aye; Mark Shaw, aye; and Eve Wittenberg; aye.

110  
111 Respectfully submitted,

112  
113  
114 Liz Allard,  
115 Land Use Administrator/  
116 Conservation Agent

117  
118 **EXHIBITS & OTHER DOCUMENTS**  
119

- 120 • Conservation Commission Agenda, dated July 21, 2022
- 121 • Outdoor Living Area, prepared for Bailey Residence Harvard, Massachusetts, prepared by
- 122 Fieldstone Design, dated 6/1/22
- 123 • Sewage Disposal System Heather Graham, 131 Warren Avenue Harvard, MA, Job No.: 34046,
- 124 Plan No.: L-14565, prepared by David E. Ross, Associates, Inc., June 2022
- 125 • Sewage Disposal System 55 Warren Avenue, Harvard, Massachusetts, designed for Envision
- 126 Homes, Inc., Job No.: 27038, Plan No.: L-9945, prepared by David E. Ross, Associates, Inc.,
- 127 10/21/11
- 128 • Sewage Disposal System Ross Jones, 155 West Bare Hill Road Harvard, MA, Job No.: 34006, Plan
- 129 No.: L-14562, prepared by David E. Ross, Associates, Inc., 7/05/22
- 130 • Site Plan Cricket Potter, 44 Littleton County Road Harvard, MA Job No.: 34093, Plan No.: L-14577,
- 131 July 2022

**Harvard Conservation Commission**  
**Continuation of a Request for Determination of Applicability Hearing**  
**Richard Fellows, 328 Still River Road, Harvard#0522-03**  
**July 21, 2022**

The public hearing was opened at 7:25pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

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

This hearing was continued from July 7, 2022 for the restoration of an open meadow and removal of invasive plants within the 100' wetland buffer zone 328 Still River Road, Harvard.

Without the applicant present or any indication on how to proceed, Jim Burns made a motion to continue the hearing to August 4, 2022 at 7:30pm. 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; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

DRAFT

Harvard Conservation Commission  
Notice of Intent Hearing  
Nathan Bailey, 131 Bolton Road,  
DEP#177-714, Harvard#0622-02  
July 21, 2022

The public hearing was opened at 7:30pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Art Allen (EcoTec), Nathan Bailey, Peter & Susan Grilli, Bob & Paula Schmidt and Karen Shea

This hearing is for a Notice of Intent filed on behalf of Nathan Bailey for the construction of a pool, patio, deck, pool house and landscaping within the 100' wetland buffer zone at 131 Bolton Road, Harvard.

Art Allen, of EcoTec, explained the plan has been scaled back after the site walk with the Commission and comments received by the abutters. Mr. Allen shared a preliminary site plan that now shows a patio area with wall seat and firepit, stepping stones, hot tub and deck expansion within the 100' wetland buffer zone. This preliminary plan eliminates the proposed pool, associated fencing, pool seat wall, pool house, covered seating area, outdoor shower, pool paving, and additional firepit. Mr. Allen request the hearing be continued to allow final plans to be drafted and circulated to the Commission.

Jaye Waldron asked for demarcation of the existing decks and the color demarcation of the wetlands and its buffer zones as required by the regulations. Mr. Allen noted the revised plan will include the same type of mitigation within the 0'- 50' wetland buffer zone. Nate Bailey stated, via the chat function, he wants to allow the abutters the ability to suggest the plantings. Peter Grilli stated he was delighted to hear the plan has been scaled back and would like to see the new plan before its approved. Mr. Grilli is also amenable to working with Mr. Bailey on the plantings. Bob Schmidt stated it may save the time if the abutters are made aware of the revisions as it would help avoid mistakes occurring again. Mr. Allen stated he is willing to work with the abutters to keep them aware of the revisions.

Joanne Ward made a motion to continue the hearing to August 18, 2022 at 8:00pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Heather Graham, 131 Warren Avenue, Harvard#0722-01  
July 21, 2022

The public hearing was opened at 8:00pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Heather Graham and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Request for Determination of Applicability filed on behalf of Heather Graham for the replacement of a failing sewage disposal system with fill and grading within the 100' wetland buffer zone at 131 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, Inc., explained the proposed project of a failing septic system to be replaced with a new Title 5 sewage disposal system and related fill and grading within the 100' wetland buffer zone. As discussed on the site walk, the grading will be loamed and seeded with a New England Wildflower mix as opposed to woodchips that suppress natural vegetation.

Jim Burns made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the conditions that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity and the disturbed area be seeded with a New England Wildflower mix, including the slope. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Envision Homes, Inc., 55 Warren Avenue, Harvard#0722-02  
July 21, 2022**

The public hearing was opened at 8:15pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Robert Kody (Envision Homes), Heather Graham and Dan Wolfe (Ross Associates, Inc.)

This hearing is for a Request for Determination of Applicability filed on behalf of Envision Homes, Inc., for the demolition and removal of all visible site improvements, with restoration to any disturbed areas to natural conditions within the 100' wetland buffer zone at 55 Warren Avenue, Harvard.

Dan Wolfe, of Ross Associates, Inc., stated the project includes the removal of the existing dwelling and garage per the wishes of the owners last will and testament. The land will then be conveyed to the Harvard Conservation Trust. Mr. Wolfe stated parts of the dwelling will be salvaged and the remaining foundation will be removed. The footings may or may not be removed. Existing grades will remain the same, with disturbed areas being loamed and seeded.

Joanne Ward made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Ross Jones, 155 West Bare Hill Road, Harvard#0722-03  
July 21, 2022**

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The public hearing was opened at 8:30pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) Ross Jones, Dan Wolfe (Ross Associates, Inc.) and Karen Shea.

This hearing is for a Request for Determination of Applicability filed on behalf of Ross Jones for an upgraded new septic system with a small degree of fill and a retaining wall within the 100' wetland buffer zone at 155 West Bare Hill Road, Harvard.

Dan Wolfe, of Ross Associates, Inc., explained the upgrade to a new septic system is within 85' of the wetland resource area with fill associated with the system is a fairly simple process. There were no questions or comments generated from a recent site visit by the Commission. Karen Shea, an abutter, stated she had no objections to the project as proposed.

Jaye Waldron made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity. 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; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing  
Christine DeGuglielmo, 37 Pine Ridge Drive  
DEP#177-713, Harvard#0522-02, 37 Pine Ridge Road  
July 21, 2022

The public hearing was opened at 8:45pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Paul Willard and Seth Donahue (Dillis & Roy)

This hearing was continued from June 16, 2022 for a Notice of Intent filed on behalf of Christine DeGuglielmo for the removal and reconstruction of a single-family dwelling within the 200' wetland buffer zone of Bare Hill Pond at 37 Pine Ridge Drive, Harvard.

Seth Donahue, of Dillis & Roy Civil Design Group, stated the revised plan details the removal of the proposed walkway to the pond, a full walkout basement with associated grading at the rear of the structure. Gross floor area has been added to the plan as requested by the Zoning Board of Appeals (ZBA). This application will be before the ZBA next Wednesday.

Jaye Waldron made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. 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; Paul Willard, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent

Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Cricket Potter, 44 Littleton County Road, Harvard#0722-04  
July 21, 2022

The public hearing was opened at 7:39pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022.

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

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Cricket Potter and Shelia Cuttell

This hearing is for a Request for Determination of Applicability filed on behalf of Cricket Potter, for the conversion of a dirt arena to a green space within the 100' wetland buffer zone at 44 Littleton County Road, Harvard.

Shelia Cuttell explained the boarding of horses on this property has ceased, therefore they are looking to convert a previous horse arena to a lawn area for dog training. Jim Burns asked if fertilizers would be used within this area. Ms. Cuttell stated they would not. Jaye Waldron asked about manure storage. Ms. Cuttell stated manure stored near the indoor riding ring, which is outside the 100' wetland buffer zone.

With no further questions, Joanne Ward made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that the erosion control barriers are inspected by the Conservation Agent or a member of the Commission prior to the commencement of activity. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Land Use Administrator/  
Conservation Agent