

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY SEPTEMBER 16, 2021 @7:00PM**

**Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, 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.**

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/87131673959?pwd=RVI4dmVPamo5TWNxaFRoUkluSnVaUT09>

**Meeting ID: 871 3167 3959**

**Passcode: 675945**

One tap mobile

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**New Business:**

1. Open Space Committee Update & Community Preservation Committee Application FY2023 (7:00pm)
2. Proposed Chapter 125-58 Erosion Control Bylaw with Staci Donahue (7:15pm)
3. Request to Amend Site Plan at 51½ Old Shirley Road, DEP#177-691 (8:15pm)
4. Request to Amend Site Plan at 175 Littleton County Road, DEP#177-694 (8:30pm)
5. Review Request for Determination of Applicability Requirements
6. Land Stewardship Subcommittee Updates
7. Climate Resiliency Working Group Town Resolution Support
8. Public Lands Preservation Act Update & Support Letter
9. Approve Minutes

**Public Hearings:**

7:30pm **Request Determination of Applicability Hearing – Harvard Department of Public Works, Pond Road, Harvard#0921-01**, for the replacement of an existing water main and installation of a new water main within 100' of a resource area

7:45pm **Continuation of a Notice of Intent Hearing – Wheeler Realty Trust, 203 Ayer Road, Harvard#0721-02**, for the filling of a freshwater wetland with proposed replication adjacent to an existing bordering vegetated wetland located on the site

8:00pm **Request Determination of Applicability Hearing – Gail McCarty, 39 Jacob Gates Road, Harvard#0921-02**, for the installation of a flagstone patio with fenced-in area within 100' of a resource area

**Old Business:**

1. The Commission's Position on the Stone land, Old Mill Road
2. Pine Hill Village Update

**NEXT MEETING: OCTOBER 7, 2021**

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.



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# Town of Harvard Open Space Committee

## Conservation Commission Update

September 16, 2021

# OSC Goals (from Select Board charge)

## OSC Completed in 2020

- ✓ Using the 2016 Open Space and Recreation Plan (“OSRP”) as a starting point, develop a process for prioritizing lands for open space preservation and recreational needs based on current and anticipated future demand.
- ✓ Develop a capital improvement plan for the protection and development of open space and recreation. (done for OS protection based on past spend)

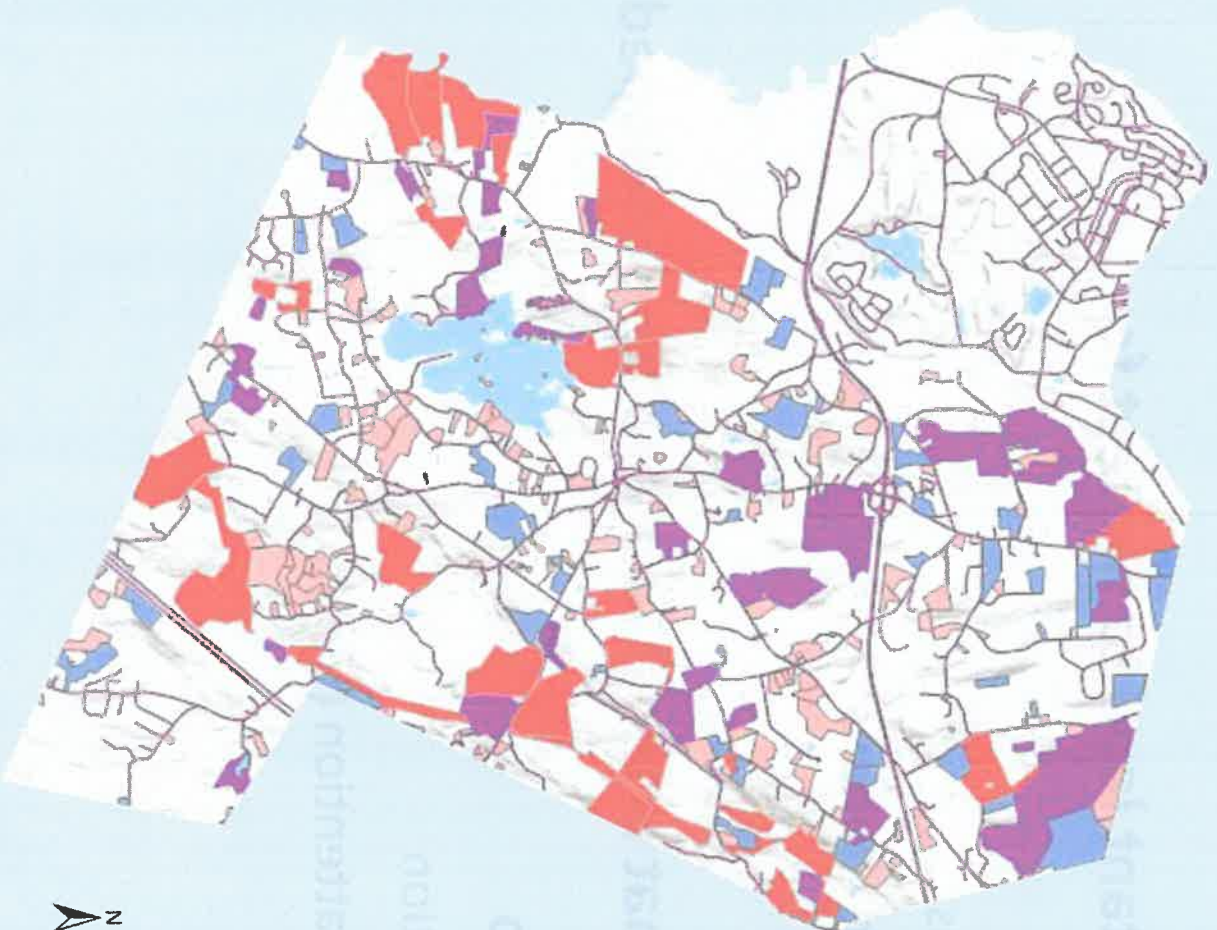
## OSC Goals for 2021

- Using the OS prioritization model, create a plan recommending land for acquisition for open space and recreational use based on current and anticipated future demand.
- Finalize the capital improvement plan for the protection and development of open space and recreation.
- Work with Town boards to identify private/non-profit, State and Federal funding sources.
- Act as Town liaison with individuals and land protection advocacy groups working to protect open space or develop recreational facilities with the authority to apply for, negotiate, and with appropriate approvals direct Town funding for OS acquisition.

# OS Protection

- 1. Identify the most important land to protect for**
  - Agriculture
  - Ecologically Significant Areas
  - OS Corridors for Wildlife and Humans
  - Water & Wetlands
- 2. Identify the critical OS that is most likely to be developed**
- 3. Triage the critical OS into**
  - Requires immediate protection
  - Doesn't require immediate attention (monitor)

# OS Protection – Priority Scoring

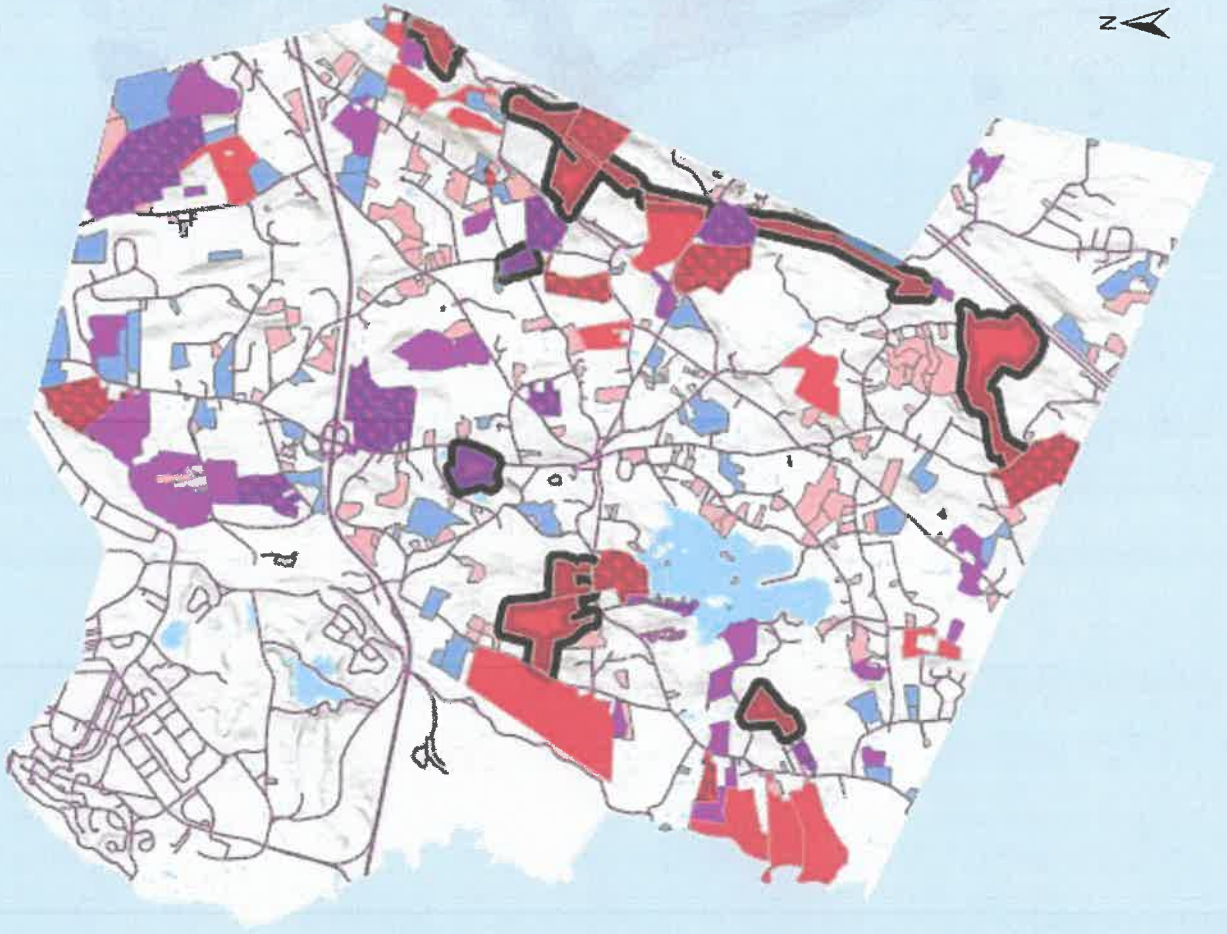


Total\_OS\_Score  
High Priority  
Priority  
Low Priority

Unprotected\_OS



# OS Protection – Top 25



Total\_OS\_Score

High Priority

Priority

Low Priority

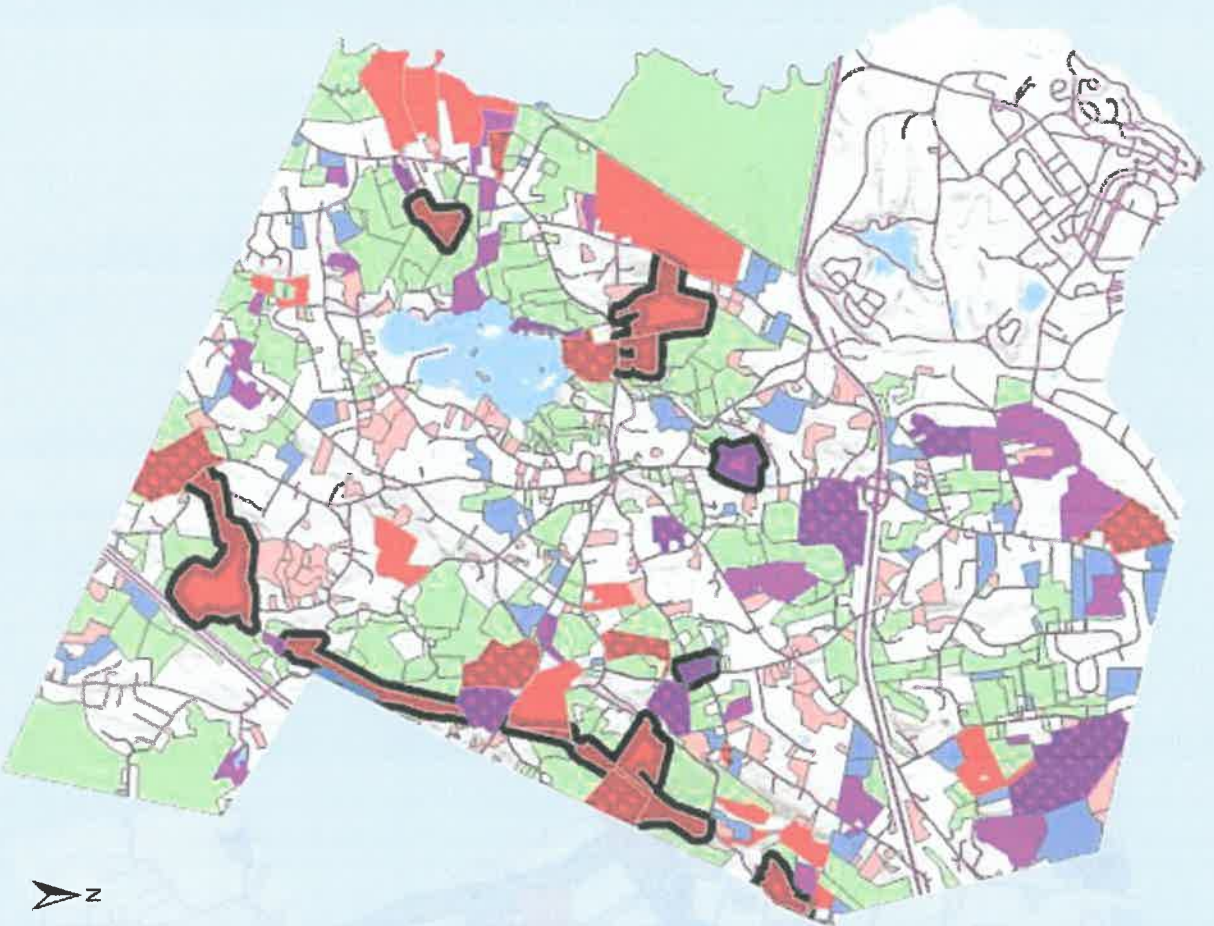
Top 25 OS

Protect

Monitor

Unprotected\_OS

# OS Protection – Top 25



- Total\_OS\_Score
- High Priority
- Priority
- Low Priority
- Top 25 OS
- Protect
- Monitor
- Unprotected\_OS
- Protected\_OS

# CPC Funding Requests

- **Community Harvest Project Orchard - APR**
  - CHP has set a minimum goal of \$2.5M to sustain orchard operations
  - MDAR has awarded \$1.239M for APR on 71 acres
  - Original CPC request was for \$500K
    - \$150K in CPA funds was awarded for each of the past two years
    - Asking for another \$100K in FY2023
  - Remaining \$861K to be raised privately by HCT, SVT and CHP

# CPC Funding Requests

- **Still River Woods**
  - 23 Ac parcel abutting 200 Ac of Conservation Land and 65 Ac in CR
  - \$100K in CPC funds granted in 2019
  - \$100K in CPIC expenditure approved in 2019 (expires June 2022)
  - \$80K Conservation Partnership grant was awarded but has expired
  - Purchase offer by HCT was declined by owner
  - Asking for \$50K in CPA funds to close deal
  - OSC will reapply for State grants
  - HCT will privately raise remaining funds

# OS Protection – Top 25

OS Priority	Develop. Probability	NAME	MA_Loc_ID	LOCATION	Protect/ Monitor	Lead
H	H	CAPOBIANCO, JEANNE- FAMILY TRUST	M_190691_915067	0 WILLARD LN	P	HCT
H	H	CARLSON ORCHARDS INC	M_195849_916929	LITTLETON CNTY RD	P	HCT
H	H	COMMUNITY HARVEST PROJECT, INC.	M_191491_917203	115 PROSPECT HILL RD	P	HCT/OSC
H	H	DAVIS, CHARLES F JR & PATRICIA L	M_191937_917008	STILL RIVER RD	P	HCT
H	H	TURNER, KEITH & VESENKA-TURNER, MARY I	M_197225_918337	LITTLETON CNTY RD	P	OSC
H	L	NEW ENGLAND POWER CO	multiple	multiple	P	HCT
M	H	HILL NOMINEE TR	M_193021_917911	87 AYER RD	P	HCT
M	H	LATHAM, DAVID & VIRGINIA	M_194978_917565	OLD LITTLETON RD	P	HCT
H	M	CARLSON ORCHARDS INC	M_194714_916597	OAK HILL RD	M	HCT
H	M	CISCO SYSTEMS INC	M_196273_916726	LITTLETON CNTY RD	M	HCT
H	M	KWW HARVARD LLC	M_193000_912484	2 BROWN RD	M	OSC
H	M	LDPL LLC	M_193665_921707	AYER RD	M	OSC
H	M	MONTACHUSETT GIRL SCOUT COUNCIL INC	M_192036_916594	69 STILL RIVER RD	M	OSC
H	M	WESTWARD ORCHARDS INC	M_194964_915591	MASS AV	M	OSC
H	M	WILLARD FAMILY REALTY TRUST	M_190083_915576	218 Still River Rd	M	OSC
M	H	CHIPMAR, LLC	M_195363_915456	MASS AV	M	HCT
M	H	FREDRICK, ARDEN H, TTE	M_195785_917493	OLD SCHOOLHOUSE RI	M	OSC
M	H	HAZEL, NANCY J	M_193602_919001	150 AYER RD	M	OSC
M	H	IRA SERVICES TRUST COMPANY	M_190224_914665	STILL RIVER RD	M	OSC
M	H	SHUTT FAMILY LIMITED PARTNERSHIP	M_193649_917170	LITTLETON RD	M	OSC
M	H	TURNER, ARTHUR S & ROBERT F	M_191667_915735	TURNER LN	M	OSC
M	H	WARREN FAMILY TRUST	M_192785_919890	52 LANCASTER CNTY RI	M	OSC
M	M	MCLAUGHLIN, SEAN	M_193637_918706	132 AYER RD	M	OSC
M	M	PRESIDENT & FELLOWS OF HARVARD COLLEGE	M_195380_917255	40 PINNACLE RD	M	OSC
M	M	TEFIELD GROUP LLC	M_195569_921568	SHAKER RD	M	OSC





Community Preservation Committee – Town of Harvard  
Request for Funding for FY2023

**APPLICANT:**

Your Organization: Open Space Committee

Application Date: 9/14/21

Contact Name: Jim Lee

Phone No.: 508-284-6182

Email: jlee8893@gmail.com

**PROJECT:**

Project Title: Still River Woods

Requested Amount: \$150K over fy2019-23

Purpose (Check all that apply):

- Open Space
- Historic Preservation
- Affordable Housing
- Recreation

Summary Description of Project:

To purchase a 23 Acre parcel of open space and protect it in perpetuity through a Conservation Restriction.  
See attached for project history and details.

Does the project require approval by another organization (e.g., Board of Health, Historical Commission, Mass Department of Environmental Protection, etc.)?

If so, please explain: \_\_\_\_\_

- Has a copy of this application been submitted to the Harvard Climate Resilience Working Group to assess its climate impact?

Please note whether the project has been endorsed by any of the following:

- Harvard Conservation Commission (Open Space Projects)
- Harvard Historical Commission (Historic Preservation Projects)
- Harvard Municipal Affordable Housing Trust (Affordable Housing Projects)
- Parks & Recreation Commission (Recreation Projects)

How will this project benefit the community?

This parcel has been identified as one of the most important parcels of open space to protect by the OSC and HCT. The 23 Acre parcel abuts 200 Acres of Conservation Land, and another 65 Acres of protected land in a CR. The combination of protected open space provides wildlife corridors, trails for humans, and provides a buffer to Bare Hill Pond.

Total Project Cost: To be negotiated If this is larger than the request, please note other funding sources: See attached.

Do you have any other funds available? If so, can they be used for this project? Why or why not?

See attached.

Please submit this form electronically, along with any supporting documents you wish to attach, by 4:00 PM on Thursday, October 21, 2021 to Julie Doucet in the Harvard Select Board office at [jdoucet@harvard.ma.us](mailto:jdoucet@harvard.ma.us).

Thank you for helping to preserve our community!

## Still River Woods – CPC Application

### Project History

The project's goal is to protect the Still River Woods by purchase as Town Conservation Land with a Conservation Restriction (CR) held by HCT. The 23 Acre parcel abuts 200 Acres of Conservation Land, and another 65 Acres of protected land in a CR. The combination of protected open space provides wildlife corridors, trails for humans, and provides a buffer to Bare Hill Pond.



The Town voted to approve \$100,000 in CPA funds and \$100,000 in capital expenditure in 2019. These funds were supplemented by private donations and grants, and a purchase offer was submitted by HCT to the owner. The owner rejected the offer as inadequate.

### Project Funding

Because of importance of this parcel to complement existing Conservation Land, an additional \$50,000 in CPA funds is being requested, bringing the Town's commitment to \$250,000.

ToH CPIC fy2020	\$100,000 (approved)
ToH CPA fy2020	\$100,000 (approved)
ToH CPA fy2023	<u>\$ 50,000</u> (requested)
ToH Total	\$250,000

The remainder of the funding will be privately raised by HCT.





Community Preservation Committee – Town of Harvard  
Request for Funding for FY2023

**APPLICANT:**

Your Organization: Open Space Committee Application Date: 9/14/21  
 Contact Name: Jim Lee Phone No.: 508-284-6182  
 Email: jlee8893@gmail.com

**PROJECT:**  
 Project Title: Community Harvest Project APR Requested Amount: \$400K over fy2021-23

Purpose (Check all that apply):

- Open Space       Historic Preservation       Affordable Housing       Recreation

Summary Description of Project:

To purchase an Agricultural Preservation Restriction (APR) for the 71 acre Community Harvest Project Orchard at 115 Prospect Hill Road in conjunction with the Mass. Department of Agriculture Services.

See attached for project history and details.

Does the project require approval by another organization (e.g., Board of Health, Historical Commission, Mass Department of Environmental Protection, etc.)?

If so, please explain: Mass. Dept. of Agriculture Services has approved the application.

- Has a copy of this application been submitted to the Harvard Climate Resilience Working Group to assess its climate impact?

Please note whether the project has been endorsed by any of the following:

- Harvard Conservation Commission (Open Space Projects)  
 Harvard Historical Commission (Historic Preservation Projects)  
 Harvard Municipal Affordable Housing Trust (Affordable Housing Projects)  
 Parks & Recreation Commission (Recreation Projects)

How will this project benefit the community?

Preservation of this parcel in perpetuity has been identified as a high priority by the OSC, HCT and SVT. This APR will ensure the orchard remains in active agriculture, and will provide needed funds to CHP to continue its operations there.

Total Project Cost: \$2.5M If this is larger than the request, please note other funding sources: See attached.

Do you have any other funds available? If so, can they be used for this project? Why or why not?

See attached.

Please submit this form electronically, along with any supporting documents you wish to attach, by 4:00 PM on Thursday, October 21, 2021 to Julie Doucet in the Harvard Select Board office at [jdoucet@harvard.ma.us](mailto:jdoucet@harvard.ma.us).

Thank you for helping to preserve our community!

## Community Harvest Project Prospect Hill Orchard APR – CPC Application

### Project History

The project's goal is to protect the CHP Prospect Hill orchard through an Agricultural Preservation Restriction (APR), and to insure it remains in active agriculture.



The Massachusetts Department of Agricultural Services (MDAR) approved the APR in November 2020. CHP has signed a Purchase & Sale Agreement with MDAR, subject to raising the remaining balance. MDAR has agreed to extend the deadline until 2022 to allow the fund raising to meet the targeted \$2.5M.

A request for CPA funding was originally made in fy2021 for \$500,000. \$150,000 was awarded by CPC, and approved by the ATM, for both fy2021 and fy2022. An additional \$100,000 is being requested for fy2023 to help meet the \$2.5M funding requirement.

### Valuation and Funding

Appraised FMV	\$2,800,000
Restricted Value	<u>\$ 210,000</u>
<b>APR value</b>	<b>\$2,590,000</b>
<b>CHP Goal</b>	<b>\$2,500,000</b>
MDAR	-\$1,239,000
ToH CPA fy2021	-\$ 150,000 (approved)
ToH CPA fy2022	-\$ 150,000 (approved)
ToH CPA fy2023	<u>-\$ 100,000 (requested)</u>
<b>Remaining</b>	<b>\$ 861,000</b>

The remainder of the funding will be raised privately by HCT, SVT and CHP through donations and grants.

## **ARTICLE XX: AMEND PROTECTIVE BYLAW CHAPTER 125**

To see if the Town will vote to amend Chapter 125 of the Code of the Town of Harvard, Protective Bylaw, by adding thereto a new Section 125-58, entitled Erosion Control as follows, or pass any vote or votes in relation thereto:

### **§125-58 EROSION CONTROL**

**A. Purpose.** The purpose of this Bylaw is to protect, maintain and enhance the public health, safety, environment, and general welfare of the Town by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction site runoff, increased post-development stormwater runoff, decreased groundwater recharge and nonpoint source pollution associated with new development, redevelopment and other land-disturbance. It has been determined that proper management of erosion and stormwater will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, protect water and aquatic resources, protect and enhance wildlife habitat, and promote groundwater recharge to protect surface and groundwater drinking supplies. This Bylaw seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the Bare Hill Pond and Nashua River watersheds and preserve the health of water resources.
- (2) Require that new development, redevelopment, and other land-disturbance activities maintain the after-development runoff characteristics as equal to or less than the pre-development runoff characteristics, where appropriate, in order to reduce flooding, stream bank erosion, siltation, nonpoint source pollution, property damage, and to maintain the integrity of stream channels and aquatic habitats.
- (3) Establish provisions that require practices that reduces soil erosion and sedimentation and control the volume and rate of stormwater runoff resulting from land-disturbance activities.
- (4) Establish provisions to ensure that soil erosion and sedimentation control measures, stormwater and nonpoint source pollution runoff control practices are incorporated into the site planning and design process and are implemented and maintained.
- (5) Establish administrative procedures for the submission, review, approval or disapproval of erosion and sediment controls, Best Management Practices (BMP's) and for the inspection of approved active projects, and long-term follow up; Establish administrative procedures and fees for the submission, review, approval, or disapproval of erosion control plans, inspection of construction sites, and the inspection of approved projects.
- (6) Establish the Town of Harvard's legal authority and capacity to ensure compliance with the provisions of this Bylaw through funding, permitting, inspection, monitoring, and enforcement.

**B.** Nothing in this Bylaw is intended to replace the requirements of the Town of Harvard Protective Bylaw, the Mass Wetlands Protection Act, the Town of Harvard Wetland Protection Bylaw, Town of Harvard General Bylaw, any other Bylaws that may be adopted by the Town of Harvard, or any Rules and Regulations adopted there under.

**C. Exemptions.** Exemptions from this Bylaw apply to the following activities, provided that a project is solely comprised of any one of these activities:

- (1) Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act Regulations at 310 CMR 10.04 (“Agricultural”) and the conversion of additional land to agricultural use, when undertaken in such a manner as to prevent erosion and siltation through the use of Best Management Practices (BMP) recommended by the U.S. Department of Agriculture Natural Resources Conservation Service or the Massachusetts Department of Agricultural Resources.
- (2) Any work or projects for which all necessary approvals and permits were issued before the effective date of this Bylaw.
- (3) Normal maintenance of existing landscaping, gardens, or lawn areas.
- (4) Construction of any fence that will not alter existing terrain or drainage patterns.
- (5) Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage which will not alter terrain, ground cover, or drainage patterns, so long as BMPs are used to prevent erosion, sedimentation and release of pollutants.
- (6) Emergency repairs to any existing utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) and emergency repairs to any stormwater management facility that poses a threat to public health or safety. Where such activity is subject to the jurisdiction of the Conservation Commission, the work shall not proceed without the issuance of an Emergency Certification by the Commission.
- (7) The maintenance or resurfacing (not including reconstruction) of any public or private way.

**D. Definitions.**

**BEST MANAGEMENT PRACTICES (BMPs)** - Structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce point source and nonpoint source pollution, and promote protection of the environment. “Structural” BMPs are devices that are engineered and constructed to provide temporary storage and treatment of stormwater runoff. “Nonstructural” BMPs use natural measures to reduce pollution levels, and/or promote pollutant reduction by eliminating or capturing the pollutant source.

**DISTURBANCE OF LAND (Land-Disturbance)** - Any action causing the removal of vegetation including tree and brush clearing; importation, removal or redistribution of soil, sand, rock, gravel or similar earth material.

**EROSION** - The process in which the ground surface is disturbed or worn by either natural forces such as wind, water, ice, gravity, or by mechanical means.

**EXISTING LAWN** - Grass area which has been maintained and mowed in the previous two years.

**FILLING** - The act of transporting or placing (by any manner or mechanism) material from, to, or on any soil surface or natural vegetation.

**NORMAL MAINTENANCE** - Activities that are regularly scheduled to maintain the health and condition of a landscaped area. Examples include removal of weeds or invasive species, pruning, mowing, raking, and other activities that are done at regular intervals within the course of a year.

**SITE** – Shall include the following meanings:

- a. Generally, a site is a contiguous area of land, including a lot or lots or a portion thereof, upon which a project is developed or proposed for development.
- b. For the purpose of erosion control, a site shall include the lot (locus) which includes clearings, structures and utilities, temporary earthen disturbances, excavations, and trenching locations, at a minimum.

**E. Applicability.** Where a project is subject to Site Plan Approval, Definitive Subdivision, or Special Permit Approval from the Planning Board, the Regulations adopted by the Planning Board shall apply and a review shall be completed as part of the Planning Board process provided that the Planning Board also finds that the activity is in compliance with any additional performance standards contained in the Regulations promulgated to implement this Bylaw. When a project is within the Bare Hill Pond watershed the Bare Hill Pond Watershed Management Committee shall be requested to provide comments to the Planning Board prior to approval.

(1) For projects not subject to Site Plan Approval, Definitive Subdivision, or Special Permit Approval from the Planning Board, this Bylaw shall be applicable to all new development and redevelopment, land-disturbance, and any other activity that may result in an increased amount of stormwater runoff or pollutants, or changes to drainage characteristics causing an increase in runoff, flowing from a parcel of land, unless exempt pursuant to Section C of this Bylaw. This Bylaw shall apply to land or parcels of land that are held in common ownership (including ownership by related or jointly-controlled persons or entities) as of the effective date of this Bylaw, if the total land-disturbing activities on said land or parcels, considered as a whole, would presently or ultimately exceed the minimum thresholds in Section E(2), and are not exempted by Section B. A development shall not be segmented or phased in a manner to avoid compliance with this Bylaw.

(2) No Permit Required – For activities including, but not necessarily limited to, those listed below, no permit shall be required provided that erosion control measures are used and the activity will not result in an increased amount of soil, stormwater runoff, and/or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.

- (a) Land Disturbance not to exceed 5,000 square feet in area other than work described in Sections E(2)(d) and E(3)(a).
  - (b) The creation of new impervious area, or expansion of existing impervious area, not to exceed 750 square feet.
  - (c) Repair, replacement, or reconstruction of an existing driveway in the same location.
  - (d) Restoration of existing lawn areas provided that any imported material is spread at a thickness no greater than four inches and the total imported material does not exceed 250 cubic yards.
  - (e) The addition or on-site redistribution of up to 250 cubic yards of material.
  - (f) Demolition of a structure provided that any land-disturbance, including the area of the structure, does not exceed 5,000 square feet.
  - (g) Routine maintenance and improvement of institutional open space, and recreational areas, provided that an annual letter or plan is filed with and approved by the Planning Board describing the work to be done.
- (3) Erosion Control Permit Thresholds - A Erosion Control Permit shall be required for any of the following, except for an activity exempt per Section B:
- (a) Minor Permit
    - [1] The creation of new impervious area, or expansion of existing impervious area, greater than 750 square feet and not exceeding 2,500 square feet.
    - [2] Repair, replacement, expansion of septic systems provided the work does not exceed the thresholds in Section E(3)(b)[4].
    - [3] The addition or on-site redistribution of more than 250 cubic yards, but not exceeding 500 cubic yards, of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.
  - (b) Major Permit
    - [1] Construction of any new dwelling or new dwelling replacing an existing dwelling or accessory dwelling;
    - [2] Any land-disturbance exceeding an area of 5,000 square feet, or more than 20% of a parcel or lot, whichever is less, other than activities described in Section E(2).
    - [3] Creation of new impervious surface area greater than 2,500 square feet.
    - [4] The addition or on-site redistribution of more than 500 cubic yards of earth materials including, but not limited to, sand, gravel, stone, soil, loam, clay, sod, fill and mineral products.
    - [5] Reconstruction of public or private way.
    - [6] Reconstruction or replacement of existing non-residential parking lots, including associated driveways, greater than 2,500 square feet.

**F. Appeal of Permit.** Any person aggrieved by the decision of the Planning Board, whether or not previously a party to the preceding, may appeal the decision in accordance with Massachusetts General Laws Chapter 40A, Section 17.

**G. Enforcement.**

- (1) This Section shall be administered by the Planning Board and enforced by the Town's Zoning Enforcement Officer who shall take appropriate action in the name of the Town of Harvard to prevent, correct, restrain, or abate violations of thereof. Each day that any violation continues is a separate offense. Violators shall be subject to a fine not exceeding \$300 for each offense; and
  
- (2) The Town's Zoning Enforcement Officer may post the site with a Stop Work Order directing that all site disturbances in violation of this Section cease immediately. The issuance of a Stop Work Order may include remediation or other requirements which must be met before construction activities may resume. No person shall continue working in an area covered by a Stop Work Order, except work required correcting an imminent safety hazard as directed by the Town.

(Inserted by Planning Board)





# DAVID E. ROSS ASSOCIATES, INC.

*Civil Engineers, Land Surveyors, Environmental Consultants*

September 13, 2021

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

Re: Lot C – Old Shirley Road, Harvard  
DEP File #: 177-0691  
(Applicant: Flanigan Contracting)  
Project No. 33789, Plan No. L-14100

Dear Commission Members;

Our office obtained an Order of Conditions for the above referenced property on behalf of Ed Bernice of Jade Realty Trust in September of 2020 for the construction of single-family house. The proposed house location required a significant "cut" into the top of hill that is predominantly comprised of ledge. We have been working with the site contractor and builder to relocate the proposed house to minimize the amount of earthwork required to prepare the lot for construction of the house. The revised plan reduces the alteration within the 100-foot Buffer Zone by approximately 6,500 SF or 72%. Furthermore, the modification eliminates all the work within the Buffer Zone located on the easterly side of the lot. The work previously proposed within the Buffer Zone on the easterly side of the lot was right up to the 50-foot wetland setback. The revised layout provides an additional 20' separation distance between the proposed house and the Bordering Vegetated Wetland (BVW). Additionally, all of the proposed work is on the revised plan is greater than 70 feet from the edge of the BVW. We are requesting that this modification be considered a "de minimis change" to the existing Order of Conditions. We look forward to discussing this matter at your next meeting.

Very truly yours,

DAVID E. ROSS ASSOCIATES, INC.

By:



Brandon Ducharme, Project Manager

cc: Jerry Flanigan, Flanigan Contracting





Civil Engineering • Land Planning • Land Surveying

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Engineering Solutions  
for Land & Structures

## **CONTROL BARRIER MODIFICATION REQUEST**

175 Littleton County Road, Harvard, MA

GPR #181080 Manganella/Harvard

September 9, 2021

### UPDATE CONSTRUCTION CONDITIONS

The applicant and their contractor have asked to move the erosion and sedimentation barrier at the proposed house site twenty-five feet closer to the pond than as shown. This change will allow the contractor to move the large pile of boulders from the excavation out of the house construction site. Providing space for stock piling material, complete the necessary grading and construct the retaining wall from the front of the wall rather than behind it. Upon completion of the retaining wall the area of disturbance of the meadow will be tilled, loamed and seeded. This change moves the control barrier from the 100-foot setback line to mostly the 75-foot setback line with some are just past that but not into the 50-foot no disturb area.

GPR has provided this information to Oxbow Associates for their coordination and approvals with Fisheries and Wildlife (NHESP) relative to the necessary turtle sweep prior the removal of the current line and the installation of the proposed change.

Additionally, during a site meeting with the team and Liz the applicant asked to maintain the bulk of the old berm of the former lower pond. This is the area between the 'fire pond' and the crossing. This would allow for more of the existing vegetation to remain and less disturbance of the areas adjacent to the stream channel. We've shown this with a note on the attached plan and it will be shown in detail on the Construction Record plan.

We look forward to reviewing these modifications with the Commission at your next meeting.

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

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To see if the Town of Harvard recognizes the local impacts of climate change and chooses to address these impacts by adopting the following resolution:

#### **BACKGROUND AND PURPOSE**

The Commonwealth of Massachusetts has a legally binding statewide requirement of an 80% reduction in greenhouse gas emissions from 1990 levels by 2050;

The local impacts of climate change are presently evident and are expected to increase in intensity from more severe storm events, increasing heat and drought, increasing pestilence and disease, increasing impacts to water and soil resources, and increasing impacts to native natural and agricultural flora and fauna, resulting in damage to public and private lands and ecosystems in Harvard, and harming the health and welfare of its residents;

Harvard is dependent on greenhouse gas emitting fossil fuels for mobility, heating and cooling, and other basic needs but the availability of energy from renewable sources is growing and becoming more cost effective;

Harvard recognizes that actions taken to address climate change will also benefit our natural resources, be positive for public health, support our quality of life and assure our community's vibrancy well into the future.

**NOW BE IT RESOLVED,**

**1 - Harvard affirms its support for the greenhouse gas reduction goals established by the Commonwealth of Massachusetts and for any subsequently adopted modifications of those goals, and affirms its willingness to change its practices, policies, and procedures in support of achieving the goals established by the Commonwealth in order to mitigate the impacts of climate change;**

**2 - Harvard commits to evaluating and mitigating the potential negative impacts of climate change associated with all purchases, public projects, planning processes, and policies;**

**3 - Harvard commits to developing and requiring an environmental assessment process to review all purchases, public projects, planning processes and policies and to make this information readily available to town residents specifically on warrants requiring citizen approval; and**

**4 - Harvard commits to addressing climate resiliency and adaptation by coordinating the work of Town boards, committees, commissions, and other entities to plan together how to respond to the threats climate change may have on the built environment, natural resources, and the health of its residents.**

To implement the above, the Harvard Select Board will establish the means by which this resolution will be achieved and will provide an update to the town on its progress towards establishing the infrastructure in which to accomplish this resolution within one year of its passage. Thereafter reports will be made annually at Town Meeting on the progress the Town has made in regards to this resolution.

