

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY OCTOBER 5, 2023 @7:00PM**

---

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.

Topic: Conservation Commission

Time: Oct 5, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87001538319?pwd=Y0lDYUJqRjkyNkhFYkVCR3FxbDMwdz09>

Meeting ID: 870 0153 8319

Passcode: 322328

One tap mobile

+13126266799,,87001538319# US (Chicago)

+16469313860,,87001538319# US

Dial by your location

• +1 312 626 6799 US (Chicago)

• +1 646 931 3860 US

• +1 929 436 2866 US (New York)

• +1 301 715 8592 US (Washington DC)

Meeting ID: 870 0153 8319

Find your local number: <https://us02web.zoom.us/u/kbpbUkL5KT>

**New Business:**

1. Review Craftsman Village Harvard Plan to Manage Invasive Plants
2. Deer Management Subcommittee Request to Increase the Number of Approved Hunters for the 2023 Season
3. Review Peer Review Proposal from Beals + Thomas for The Village at Robin Lane, Ayer & Old Mill Roads
4. Updates from Land Stewardship and Deer Management Subcommittees from the Liaisons
5. MACC Fall Conference Registration for [Workshops](#) on October 28, 2023
6. Approve Minutes

**Public Hearings:**

- 7:30pm **Continuation of a Notice of Intent Hearing - Rachel Broadhurst, 41 Pinnacle Road, DEP#177-728, Harvard#0823-03**, for the construction of a paddock within 100' of a wetland resource area and the restoration of the resource area after enforcement – **Request for Continuance to October 19, 2023**
- 7:45pm **Continuation of a Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard#0923-01**, for the construction of one duplex unit, deck, drainage, public water supply wells, tree clearing, grading and associated utilities within the 100' wetland buffer zone and the 200' riverfront area – **Request for Continuance to November 2, 2023**
- 8:00pm **Continuation of a Notice of Intent Hearing - John & Laura Hunt, 61 Stow Road, DEP#177-730, Harvard#0823-04**, for the addition of deck, porch, and patio to an existing single-family dwelling within the 200' riverfront area
- 8:15pm **Abbreviated Notices of Intent Hearing – Harvard Conservation Commission, Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55), DEP#177-731 & 732, Harvard#0823-01 & 02**, for

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.

the management of invasive plant species within wetland resource areas and their associated buffer zone

8:20pm **Notice of Intent Hearing – Constance Larabee, 15 Under Pin Hill Road, Harvard#0923-02**, for the upgrade of a sewage disposal system within the 100' wetland buffer zone

**Old Business:**

1. Update on Enforcement Order – 320 Ayer Road
2. Assign Timeframes to assigned tasks from Strategic Planning Session
3. Update on Proposed Park at Beaver Brook, Boxborough
4. Update Pine Hill Village Status, DEP#177-586
5. Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02
6. Schedule Site Visit for Unauthorized Trail on Rodriguez Land (Map 13 Parcels 3.2 & 4)

**NEXT MEETING: OCTOBER 19, 2023**

**AS**



# Caron Environmental Consulting, LLC

Wetlands • Forestry • Permitting • Habitat Studies

September 7, 2023

Harvard Conservation Commission  
13 Ayer Road  
Harvard, MA 01451

Re: Craftsman Village  
DEP File #177-678

Dear Commission Members:

The Order of Conditions for the above-referenced project requires “a plan to control invasive plants in the northeast corner of the property shall be reviewed and approved by the Commission”. The applicant contacted this office to review the conditions on the site, especially in relationship to the nearby wetland resource areas, and to develop recommendations for the implementation of a control plan. The applicant is also in the process of identifying and retaining a qualified vegetation control specialist to develop and carry out the specific means and methods needed to implement the plan described below.

*Observations:*

We conducted a site investigation on July 19, 2023. At that time the site work on the site was essentially complete, with the exception of a rain garden that was still under construction. We observed that there is a delineated wetland on the northern edge of the site, which contains an intermittent stream channel. There is an area along the wetland that has not been disturbed by the project.

The primary non-native invasive species on the site is Japanese knotweed which is quite dense in many locations. There is also some bittersweet and glossy buckthorn in the hedgerow along Route 110. The areas of knotweed extend beyond the limits of the project site onto the property to the north and within the layout of Route 110. Invasive species are also common in much of the nearby landscape.

Within the disturbed portions of the site, we observed knotweed becoming established within the lawn and grassed areas within the northeast and northern portions of the project. It is also becoming established within the detention basin and along the access drive to the well.

*Recommendations:*

The general recommendation of this office is to control the knotweed, and any other invasive species that develop, within the disturbed portions of the site on the northeast and northern edges of the site. We do not recommend extending control efforts beyond the project's limit of disturbance further into the buffer zone or the wetland resource areas.

It is almost certain that control of the knotweed will require the repeated use of herbicides. Cultural treatments such as repeated cutting, pulling, digging up, etc. are almost always unsuccessful at controlling knotweed. These cultural treatments can be effective if used in conjunction with the proper herbicide treatments.

The control of the dense areas of knotweed in and adjacent to the wetland would result in significant disturbance. This level of disturbance would be warranted if long-term control could be obtained. It is our observation, however, that the prevalence of knotweed off-site, where the applicant would not be able to implement any control, will almost certainly result in its quick re-establishment. Under that scenario we do not believe that any benefits from the temporary control of knotweed outweigh the negative impacts from the disturbance of vegetation and soil, along with the likely application of herbicides, in and near wetland resource areas.

It is important, however, to ensure that the invasive species are not allowed to spread as a result of the project. Accordingly, they should be eliminated and prevented from becoming further established in the lawns, detention basin, rain garden and other disturbed areas. One potential limitation to the area of control may be restrictions on the use of herbicides near the well. The vegetation control specialist that is retained will need to assess what methods can be safely and legally utilized in the vicinity of the well.

*General Control Plan:*

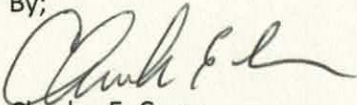
1. The applicant shall retain a vegetation control specialist that is a licensed pesticide applicator.
2. The vegetation control specialist shall develop the specific means and methods necessary to implement the goals of this plan, and shall submit their means and methods to the Commission at least 14 days before beginning work.
3. The Japanese knotweed in the lawns, other grassed areas, the detention basin and along the access driveway to the well shall be controlled to the extent possible given any limitations imposed by the location of the well.
4. Japanese knotweed shall be prevented from becoming established in the rain garden.
5. These areas shall also be monitored for other invasive species, and if any are found to be establishing they shall also be controlled.

6. Control measures shall continue for the length of time recommended by the vegetation control specialist, but shall not be required beyond two full growing seasons.
7. At the end of each of the two growing seasons a report on the control activities and related site conditions shall be submitted to the Commission no later than December 1.

We look forward to working with the Commission on this matter during your review and approval of the control plan. If you have any questions, please do not hesitate to contact us.

Very truly yours,  
CARON ENVIRONMENTAL CONSULTING LLC

By:



Charles E. Caron

c.c. Craftsman Village Harvard LLC

## 24 Re: DMS Request to Increase the Number of Hunters

robert douglas <drbobdouglas@yahoo.com>

Fri 09/29/23 2:37 PM

To: Jessie Panek <brumbydesign@me.com>; Liz Allard <lallard@harvard-ma.gov>

Cc: Eve Wittenberg <ewittenberg01451@gmail.com>; Tom Cotton <dsp\_doctor@yahoo.com>

Hi Liz,

The Deer Management Subcommittee would like to request 24 Archery Hunters be Authorized for the 2023 Season on Conservation and Town of Harvard Land.

All the best, Bob

On Friday, September 29, 2023 at 12:01:30 PM EDT, Liz Allard <lallard@harvard-ma.gov> wrote:

Hello Bob,

Please provide me with an official request from DMS pertaining to the increase in the number of hunters for the meeting packet no later than noon on Tuesday. Thank you

Liz Allard  
Conservation Agent  
Town of Harvard  
13 Ayer Road  
Harvard, MA 01451  
978-456-4100 ext. 321

***The Commonwealth of Massachusetts Secretary of State has determined that e-mail is a public record. Privacy should not be expected.***



September 29, 2023

Liz Allard, Conservation Agent  
Town of Harvard Conservation Commission  
13 Ayer Road  
Harvard, Massachusetts 01451

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

Reference: Proposal for Peer Review Services  
Notice of Intent (NOI)  
The Village at Robin Lane  
Old Mill Road at Ayer Road  
Harvard, Massachusetts  
B+T Project No. M9164.01

Dear Ms. Allard:

Beals and Thomas, Inc. (B+T) is pleased to provide this proposal to the Town of Harvard Conservation Commission (the Commission) to provide peer review consulting services related to the NOI for the Village at Robin Lane (the Project) located at the intersection of Old Mill Road and Ayer Road in Harvard (the Site). We understand that Juno Construction, LLC (the Applicant) proposes to develop a Chapter 40B housing project consisting of 12 two-story duplex style buildings consisting of 24 total units with associated site improvements.

As you are aware, we are also assisting the Town of Harvard ZBA with the review of the Chapter 40B Comprehensive Permit filing for this project. As a result of our initial ZBA review comments, the Applicant has submitted a revised stormwater report and plan set that will supersede what has been provided with the NOI filing. We will review the most current documents available in the context of our proposed NOI peer review services.

**Corporate Office**

144 Turnpike Road  
Southborough, MA 01772

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

**Regional Office**

32 Court Street  
Plymouth, MA 02360

Specifically, we received the following documentation which served as the basis for our review:

- *Notice of Intent for The Village at Robin Lane, Old Mill Road and Ayer Road*, dated August 2023. Prepared by Norse Environmental Services, Inc. (38 pages)
- *Site Plans - Chapter 40B Residential Development, The Village at Robin Lane, Harvard, MA*, dated June 2023, revised through September 20, 2023, prepared by GPR, Inc. (8 sheets)
- *Stormwater Management Report, The Village at Robin Lane At Old Mill & Ayer Road, Harvard, MA*, dated June 2023, revised through September 18, 2023, prepared by GPR, Inc. (174 pages)
- *Long Term Pollution Prevention & Stormwater System Operation and Maintenance Plan, The Village at Robin Lane At Old Mill & Ayer Road, Harvard, MA*, dated June 2023, prepared by GPR, Inc. (15 pages)

### **Scope of Services**

We will provide the Commission with an independent peer review of the NOI application materials, as detailed in the scope items below:

1. Comprehensive review of the NOI packet with respect to criteria, definitions, and performance standards set forth in the Massachusetts Wetlands Protection Act, MGL c.131, §40 and Regulations, 310 CMR 10.00. We acknowledge that we are also reviewing stormwater management pursuant to the ZBA process. We are carrying a detailed stormwater review pursuant to Wetlands Protection Act considerations, within this scope for the Commission and will coordinate those results with the ZBA and vice versa. We will not be duplicative in our services for the ZBA and the Commission.
2. Site visit attendance, coordinated with a representative of the Commission and a representative(s) of the Applicant. During this site visit our wetlands staff will familiarize themselves with existing and proposed conditions in the context of the resource areas. We understand that the boundaries of resource areas were previously confirmed through an Order of Resource Area Delineation, MassDEP File #177-0721, issued May 8, 2023.



3. We will prepare a letter to the Commission describing the findings of our review. Our letter will be stamped by a Professional Wetland Scientist and Professional Engineer, as applicable.

We intend to provide our review letter in advance of the public hearing to assist the Commission with an understanding of the Project and identified issues for resolution as applicable. We will issue our review letter approximately two to three weeks after receipt of authorization to proceed. The review letter also provides an opportunity for the Applicant to respond to issues prior to the following public hearing during which the Project will be addressed. In our experience, this process improves the efficiency of the review.

4. We have included an allowance of eight hours to review the Applicant's responses to our initial comments and prepare an associated response letter/report. We anticipate that the Applicant will respond comprehensively to our initial comments, to facilitate closure.
5. Attendance and presentation/participation at a virtual Commission hearing to discuss our findings and be available to answer questions.
6. Assistance with drafting special conditions should the Commission issue an Order of Conditions approving the Project.

### **Excluded Services**

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

- Review of delineated wetland resource areas
- Additional supplemental review beyond the allowance herein
- Attendance at additional meetings/hearings beyond those noted herein

### **Fees for Services**

All fees will be billed on a time and materials basis in accordance with the attached fee schedule. The estimated labor and expense budget for the scope of services outlined herein is:

Scope Item 1 through 3 (NOI Review, Site Visit, Report)	\$ 4,000
Scope Item 4 Supplemental Review	\$ 1,500
Scope Item 5 Hearing	\$ 500
Scope Item 6 Assistance Drafting Special Conditions	\$ 500
Estimated Internal Reimbursable Expenses	\$ 100
<b>Total Estimated Labor and Expense Budget</b>	<b>\$ 6,600</b>

Liz Allard, Conservation Agent  
Town of Harvard Conservation Commission  
September 29, 2023  
Page 4

**Please note:** this budget considers that the majority of the engineering-related review is already incorporated into the ZBA scope of services. Therefore, the overall effort is anticipated to be less than if we were only reviewing the Project for the Conservation Commission.

Excluded Services can be provided for additional mutually satisfactory compensation.

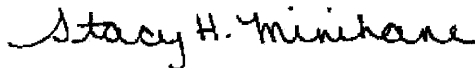
This proposal is valid for 30 days.

As authorization to proceed and as approval of the estimated budget, please execute and return one copy of this proposal for our records.

We thank you for the opportunity to submit this proposal and look forward to providing services to the Town of Harvard for the peer review of this Project.

Sincerely,

BEALS AND THOMAS, INC.



Stacy H. Minihane, PWS  
Principal



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

Enclosure: Fee Schedule

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

SIGNATURE \_\_\_\_\_

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

DATE \_\_\_\_\_

MC/shm/dmf/aak/M916401PR001





## FEE SCHEDULE

Effective January 1, 2023

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

### Time Charges

<u>Rate Category</u>	<u>Hourly Rate</u>
Senior Professional Staff I	\$260.00
Senior Professional Staff II	\$235.00
Senior Professional Staff III	\$205.00
Senior Professional Staff IV	\$195.00
Senior Professional Staff V	\$175.00
Senior Professional Staff VI	\$160.00
Professional Staff I	\$145.00
Professional Staff II	\$130.00
Professional Staff III	\$115.00
Administrative Staff I	\$80.00
Administrative Staff II	\$50.00

Expert testimony in support of litigation and court appearances will be billed at a rate of \$265.00 per hour.

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

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

FeeSched-January 2023

#### Corporate Office

144 Turnpike Road  
Southborough, MA 01772

bealsandthomas.com T 508.366.0560 F 508.366.4391

#### Regional Office

32 Court Street  
Plymouth, MA 02360





**MACC FALL CONFERENCE 2023**  
**Workshops-at-a-Glance**  
**October 28, 2023**

<b>Series A</b> 9:00 AM – 10:10 AM	<b>Series B</b> 10:30 AM – 11:40 AM	<b>Series C</b> 1:15 PM - 2:25 PM	<b>Series D</b> 2:40 PM - 4:00 PM
<b>A1.</b> Unit 103: Plan Review and Site Visit Procedures (Part 1 of 2)	<b>B1.</b> Unit 103: Plan Review and Site Visit Procedures (Part 2 of 2)	<b>C1.</b> Restoring Wetlands and Building Natural Resilience: Speeding Up Progress & Removing Barriers	<b>D1.</b> Conservation Agents in Distress: Responses to Your SOS
<b>A2.</b> Understanding & Utilizing the New Public Lands Preservation Act (PLPA)  <b>Hybrid Class</b>	<b>B2.</b> Growing Solar, Protecting Nature: Siting Solar While Minimizing Impacts to Forests, Farmlands, and Wetlands  <b>Hybrid Class</b>	<b>C2.</b> Crash Course on the Wetlands Protection Act Regulations  <b>Hybrid Class</b>	<b>D2.</b> Stormwater Management Systems: Importance of Groundwater Hydrology  <b>Hybrid Class</b>
<b>A3.</b> Protecting Forests and Water: Practical Strategies to Mitigate Climate Change and Protect our Health	<b>B3.</b> Perspectives on Cutting Trees: From Timber Harvesters to Conservation Commissioners	<b>C3.</b> Municipal Wetlands Bylaws, Ordinances, and Regulations: How to Strengthen & Affirm Local Standards	<b>D3.</b> Understanding Closed Loop Geothermal Heat Pump Systems: Design, Installation, Permitting & Environmental Benefits
<b>A4.</b> Regional Climate Collaborations: Working Across Borders to Adapt to Climate-Driven Flooding & Heat	<b>B4.</b> Reading’s Constructed Stormwater Wetlands: Storing Stormwater Upstream to Mitigate Flooding	<b>C4.</b> Hull’s Coastal Resilience & Adaptive Planning: Examples from the Edge	<b>D4.</b> Analyzing and Managing Long-term Risk using the Massachusetts Coast Flood Risk Model
<b>A5.</b> Principles for Running an Effective Conservation Commission (Part 1 of 2)	<b>B5.</b> Principles for Running an Effective Conservation Commission (Part 2 of 2)	<b>C5.</b> Innovative Nature- Based Solutions for Climate Resilience  (Part 1 of 2)	<b>D5.</b> Innovative Nature- Based Solutions for Climate Resilience (Part 2 of 2) Field Trip

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
AUGUST 17, 2023**

Vice Chair Eve Wittenberg called the meeting to order at 7:02pm, virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

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

**Others Present:** Liz Allard (Conservation Agent), Claire Chiang, Wendy Gendron (ARC), Kerry Shives (Bare Hill Pond Watershed Management Committee), Dan Wolfe (Ross Associates), Sean & Diandrea Bilodeau, Jack Maloney (Dillis & Roy Civil Design Group), Matt Marro, Jon Mechlin, John & Laura Hunt, Seth Donahue (Dillis & Roy) and David Latham

**Planning Board Request for Comment – Scenic Road Consent, 60 Old Shirley Road**

The Commission had no comments pertaining to this application.

**ZBA Request for Comments – 61 Stow Road, and 43 & 11 Mass Ave**

The Commission had no comments pertaining to 11 & 43 Mass Ave. As for 61 Stow Road, there is an application for a Notice of Intent for the proposed activity on the agenda this evening. The Commission will request the ZBA include a condition stating the applicant is to comply with the Order of Conditions issued by the Commission.

**Approve Minutes**

Jaye Waldron made a motion to approve the minutes of August 3, 2023 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

**Allocation of Funding**

- DEP Reporter \$270
- MACC eHandbook \$135
- MACC Fundamentals Unit 102 (Panek) \$65

Joanne Ward made a motion to approve the above allocation of funding. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

**Discuss Land Stewardship Subcommittee Recommendations for Additional Deer Management Program Lands: Tripp Land, Old Mill Land, Abbot-Reed-Powell Land, Clapp-Scorgie-Smith-Tufts Land, Gravel Pit and Warilla Land**

At the request of the Deer Management Subcommittee chair, Bob Douglas, this discussion was postponed to September 7, 2023.

**ZBA Request for Comments – Village at Robin Lane (corner of Ayer & Old Mill Road)**

Liz Allard is working on a draft response to the requested exemptions to the Wetland Protection Bylaw (WPB), with the intention of having the draft available for the next meeting. Don Ritchie had questioned Ms. Allard's previous recommendation to allow a portion of the fees under the WPB be exempt. With Mr. Ritchie absent this evening he felt this could be further discussed at the next meeting.

53 **Update on Enforcement Order – 320 Ayer Road**  
54 Liz Allard stated GPR, Inc. has been working with the applicant and has requested a site walk be scheduled  
55 prior to the September 7, 2023 meeting of the Commission so that members and the applicant’s  
56 representative can discuss remediation for the site at that meeting. Members felt there was no need for  
57 a site walk as they have all seen the site at least once.  
58

59 **Pine Hill Village Status Update**  
60 Liz Allard reviewed the site this week at which the roadway and septic system area are being graded out.  
61 The siltation barrier is in good working order; however, Ms. Allard did observe small cut trees that have  
62 been placed on the wetland side of the barrier; she has asked they be removed. Ms. Allard also  
63 questioned what appeared to be a small swale within the same area; Mr. Cricones was not aware of this  
64 and would investigate it. Finally, Ms. Allard observed what she had thought was Japanese Knotweed  
65 immigrating in the lower areas of this phase, but it turns out to be pokeweed, not an invasive but a  
66 nuisance plant.  
67

68 **Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02**  
69 Liz Allard stated phase one is down to the backfill, daylighting of the perimeter drains, boulder retaining  
70 walls and rough grading. The site itself is in compliance with the Order of Conditions.  
71

72 **Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee,**  
73 **DEP#177-726, Harvard#0523-03.** Opened at 7:25pm  
74

75 **Abbreviated Notices of Intent Hearing – Harvard Conservation Commission, Mass Ave (Map 23 Parcel**  
76 **35) and Stow Road (Map 32 Parcel 55), Harvard#0823-01 & 02.** Opened at 7:31pm  
77

78 **Request to Amend the Order of Conditions Hearing - Nicola Cavicchio, 53 Turner Lane, DEP#177-697,**  
79 **Harvard#1220-03.** Opened at 7:58pm  
80

81 **Notice of Intent Hearing – David Caponera, 38 Lovers Lane, DEP#177-727, Harvard#0723-01.** Opened at  
82 8:09pm  
83

84 **Notice of Intent Hearing - John & Laura Hunt, 61 Stow Road, Harvard#0823-04.** Opened at 8:30pm  
85

86 **Notice of Intent Hearing - Rachel Broadhurst, 41 Pinnacle Road, Harvard#0823-03.** Opened at 8:54pm  
87

88 **Adjournment**  
89 Jaye Waldron made a motion to adjourn the meeting at 9:39pm. Jessie Panek seconded the motion. The  
90 vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie  
91 Panek, aye; and Eve Whittenberg; aye.  
92

93 Respectfully submitted,  
94

95  
96 Liz Allard,  
97 Conservation Agent  
98

99 \*At the time of meeting Jim Burns and Mark Shaw had not yet been sworn in by the Town Clerk for their  
100 new term on the Conservation Commission, therefore they were unable to vote on any of the items or  
101 hearings on the agenda this evening.  
102  
103  
104  
105

106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated August 7, 2023
- Site Plan Nicola Cavicchio 53 Turner Lane Harvard, MA Job No.: 33465, Plan No.: L-14145, prepared by David E. Ross Associates, Inc, dated 8/17/23
- Sewage Disposal System Design 38 Lovers Lane (M:17C P:27) Harvard, Massachusetts 01451 Job No. 659, Drawing No. 659-SDS, prepared by Dillis & Roy Civil Design Group, dated 8/17/2023
- Topographic Plan of land in Harvard, MA at 41 Pinnacle Road Prepared for Rachel Broadhurst, 22-0147, prepared by Summit Surveying Inc., dated 7-31-23
- NOI Site Plan 61 Stow Road Harvard, Massachusetts, Job No. 4608, Drawing No. 4608-ZBA SP, prepared by Dillis & Roy Civil Design Group, dated 7/17/2023

DRAFT



158 **Harvard Conservation Commission**  
159 **Continuation of a Notice of Intent Hearing Meeting Minutes**  
160 **Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03**  
161 **August 17, 2023**  
162

163 The public hearing was opened at 7:25pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40  
164 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw  
165 virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19  
166 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.  
167

168 **Members Present:** Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns\*, Mark Shaw\*, Jessie Panek  
169 and John Lee (Associate Member)  
170

171 **Others Present:** Liz Allard (Conservation Agent) and Bruce Leicher (Bare Hill Pond Watershed  
172 Management Committee), Wendy Gendron (Aquatic Restoration Consulting) and Kerry Shrives (Bare Hill  
173 Pond Watershed Management Committee)  
174

175 This hearing was continued from August 3, 2023 for a Notice of Intent filed by Bare Hill Pond Watershed  
176 Management Committee for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake  
177 & Pond General Environmental Impact Report to control phosphorus and invasive plant species.  
178

179 Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee, stated the Department of  
180 Environmental Protection (DEP) file number has been received with comments. The comments include  
181 the need to submit Appendix A: Ecological Restoration Limited Project Checklist, documentation that the  
182 project qualifies as an Ecological Restoration Limited Project under 310 CMR 10.53(4) and proof of  
183 publication in the Environmental Monitor. In addition, as a deep drawdown Massachusetts Division of  
184 Fish and Wildlife should be contacted for assistance in evaluating the proposed depths. Wendy Gendron,  
185 from Aquatic Restoration Consulting, stated these are standard questions when submitting a Notice of  
186 Intent for a drawdown. Ms. Gendron also stated DEP is unaware a drawdown of Bare Hill Pond has been  
187 occurring for several years and most of the comments have been address in one form or another.  
188

189 With additional information necessary, Jessie Panek made a motion to continue the hearing to September  
190 7, 2023 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion  
191 by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg; aye.  
192

193 Respectfully submitted,  
194

195  
196 Liz Allard,  
197 Conservation Agent  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210

211 **Harvard Conservation Commission**  
212 **Notice of Intent Hearing Meeting Minutes**  
213 **Abbreviated Notices of Intent Hearing**  
214 **Harvard Conservation Commission,**  
215 **Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55)**  
216 **Harvard#0823-01 & 02**  
217 **August 17, 2023**  
218

219 The public hearing was opened at 7:31pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40  
220 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw  
221 virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19  
222 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.  
223

224 **Members Present:** Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns\*, Mark Shaw\*, Jessie Panek  
225 and John Lee (Associate Member)  
226

227 **Others Present:** Liz Allard (Conservation Agent) and Wendy Sisson (Land Stewardship Subcommittee)  
228

229 This hearing is for two Abbreviated Notices of Intent filed by the Harvard Conservation Commission for  
230 for the management of invasive plant species within wetland resource areas and their associated buffer  
231 zone on Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55), Harvard  
232

233 Wendy Sisson, chair of the Land Stewardship Subcommittee, stated the material submitted with the  
234 application is has been seen before by the Commission with previously submitted grant for this activity.  
235 Vegetative Control Services (VCS), Inc., in Athol, will be conducting the work, using an aquatic version of  
236 the herbicide rodeo. Timing is important when it comes to the treatment of Japanese Knotweed,  
237 therefore VCS is scheduled to complete the work in late August/early September. Due to the dense  
238 vegetation the herbicide will be applied directly by a backpack sprayer. Ms. Sisson explained these  
239 locations are part of a demonstration to the officials in Town of can be done to manage invasives on the  
240 Town road sides.  
241

242 Jaye Waldron believes this is the same company used by the State on projects; they are very competent  
243 and do a good job. Mark Shaw asked if this the same herbicide used on Ayer Road across from Poor Farm  
244 Road, which took a lot of application to knock that down. Ms. Sisson explained in that situation there was  
245 a lack of coordination with Department of Public Works and that is one of the reasons it took so long. Ms.  
246 Sisson explained is generally takes two more years of follow up to have the plant under control.  
247

248 Jaye Waldron made a motion to close the hearing and issue a standard Order of Conditions. Jessie Panek  
249 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye;  
250 Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg; aye.  
251

252 Respectfully submitted,  
253

254  
255 Liz Allard,  
256 Conservation Agent  
257  
258  
259  
260  
261  
262  
263

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Request to Amend the Order of Conditions Hearing**  
**Nicola Cavicchio, 53 Turner Lane, DEP#177-697, Harvard#1220-03**  
**August 17, 2023**

The public hearing was opened at 7:58pm 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 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

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

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

This hearing is for Request to Amend the Order of Conditions filed on behalf of Nicola Cavicchio to include parking improvements, pervious walkway and stepping stones, brick paver patio, fieldstone retaining walls and granite steps within 200' of Bare Hill Pond at 53 Turner Lane, Harvard.

Dan Wolfe, of Ross Associates, Inc., stated the amendments to the plan include landscape features and improvements to the driveway, including a brick patio at the rear of the house, retaining walls along the side and front of the house. The covered deck shown on the original plan will not be built, therefore the re-charge trench will not be installed and gutters will be added to the southside of house that will flow to a dry well as shown on the plan. The contractor has been asked to reinforce the erosion control barrier prior to the start of this work.

With no questions or comments from the members or others in attendance, Jaye Waldron made a motion to accept the amendments as shown on the plan revised the plan dated August 17, 2023. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

317  
318  
319  
320  
321  
322

**Harvard Conservation Commission**  
**Notice of Intent Hearing Meeting Minutes**  
**David Caponera, 38 Lovers Lane, DEP#177-727, Harvard#0723-01**  
**August 17, 2023**

323 The public hearing was opened at 8:09pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40  
324 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw  
325 virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19  
326 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

327  
328 **Members Present:** Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns\*, Mark Shaw\*, Jessie Panek  
329 and John Lee (Associate Member)

330 **Others Present:** Liz Allard (Conservation Agent) and Jack Maloney (Dillis & Roy Civil Design Group)

331  
332  
333 This hearing is for a Notice of Intent filed on behalf of David Caponera for the installation of a 1,500-gallon  
334 septic tank, 1,000-gallon pump chamber, leaching facility and associated grading within the 100' wetland  
335 buffer zone at 38 Lovers Lane, Harvard

336  
337 Jack Maloney, of Dillis & Roy Civil Design Group, explained the existing septic tank and pump chamber is  
338 within the front lawn area within the 100' wetland buffer zone. A few large trees outside the 100' wetland  
339 buffer zone will need to be removed. The proposed plan shows the force main for the system within the  
340 boundary of the existing driveway. In addition, the plan proposes working around other utilities and  
341 existing gardens. Mr. Maloney stated the wetland runs along the side of the property and the only work  
342 in the buffer zone is septic tank and pump chamber replacement, and force main. The abutter who was  
343 previously on the meeting wanted to be assured there would be no damage to her property or the  
344 wetlands; Mr. Maloney had previously spoken with her.

345  
346 Jessie Panek made a motion to close this hearing and issue an Order of Conditions with the standard  
347 conditions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a  
348 roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

349  
350 Respectfully submitted,

351  
352  
353 Liz Allard,  
354 Conservation Agent  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369

370  
371  
372  
373  
374  
375

**Harvard Conservation Commission**  
**Notice of Intent Hearing Meeting Minutes**  
**Notice of Intent Hearing - John & Laura Hunt, 61 Stow Road, Harvard#0823-04**  
**August 17, 2023**

376 The public hearing was opened at 8:30pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40  
377 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw  
378 virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19  
379 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.

380  
381 **Members Present:** Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns\*, Mark Shaw\*, Jessie Panek  
382 and John Lee (Associate Member)

383  
384 **Others Present:** Liz Allard (Conservation Agent), Seth Donahue (Dillis & Roy Civil Design Group) and John  
385 & Laura Hunt

386  
387 This hearing is for a Notice of Intent filed on behalf of John & Laura Hunt for the addition of deck, porch,  
388 and patio to an existing single-family dwelling within the 200' riverfront area at 61 Stow Road, Harvard.

389  
390 Steh Donahue, of Dillis & Roy Civil Design, explained the plan proposes to replace the existing terrace area  
391 which is within the 200' riparian zone only. Along with the replacement of the terrace a small landscape  
392 hedge is proposed. In addition a screen porch and deck are proposed on either side of the existing  
393 structure within the 200' riparian zone. The proposed activity is entirely within an already disturbed area  
394 and comprises of 0.9% of the entire property; the remaining 4.4 acres will remain in its natural state. An  
395 erosion control barrier is proposed as well.

396  
397 As noted on the site walk, Liz Allard asked if the applicant would be willing to allow the vegetated buffer  
398 along the stream to naturally revegetate beyond the 2 -4 feet that is there now. Mr. Donahue explained  
399 the site contains approximately 3 acres of scrub-shrub habitat that the applicant is willing to maintain, but  
400 to have a large portion of the historically maintained lawn and field be returned to a natural state is a big  
401 ask of the applicant. Mr. Donahue noted the application does not request any altering within the buffer  
402 zone.

403  
404 John Hunt has concerns with the request however, Mr. Hunt is willing to work with the Commission. Mr.  
405 Hunt's concern is if the area is not maintained it will encroach into the lawn area. Mr. Hunt notices the  
406 Commission does not maintain their abutting land of invasives that have caused trees to come down on  
407 their land. The activity of mowing is not new. Mr. Hunt noted the Commission keeps it fields mowed  
408 close to the ponds on the abutting land. The pond on the abutting conservation land is all choked up  
409 because the Commission does not keep it up. Mr. Hunt does not want area to become big swamp and  
410 would like to hear what Commission would suggest to keep the stream a flowing course of water. Laura  
411 Hunt is concerned with safety of their children and dog with existing wildlife in the area that must be  
412 monitored consistently.

413  
414 Jaye Waldron explained the Commission is not asking to get rid of a large portion of the lawn area, but  
415 provide additional buffer to the stream, as a big expansive lawn is not natural and what the Commission is  
416 asking for about ten feet be allowed to go back to natural conditions. The Commission does not want to  
417 see invasive take over either, therefore maintaining a lawn or a vegetated buffer is still work either way.  
418 Mr. Hunt explained lawn mowing is a weekly activity and then there is field mowing that is done  
419 periodically to keep the openness of the space. Mr. Hunt asked what the 10-foot barrier means, because  
420 if the area is left unmaintained it will choke out the stream; periodically running a big field mower is the  
421 only thing he can do. Mr. Hunt further explained they have riparian rights to the pond on the Williams

422 land and they would lose those rights if the pond was to get choked up; these rights extend to the  
423 Williams Pond at the corner of Murry Lane.  
424  
425 Jessie Panek thought from an ecological point of view is to not abandon a section of property and not be  
426 allowed to anything but to allow it to be more of a field for that section that would periodically be  
427 mowed. Ms. Panek further explained that by simply letting the field to grow up allows wildlife to live  
428 there and provides a buffer for their habitat. The Commission is requesting the regular mowing stop and  
429 the area is mowed in the fall. This would filter water better to help prevent things from clogging the  
430 stream. Mr. Hunt stated some of the areas are already that way in the north and south of the property; is  
431 the Commission is talking in one specific section about 75' of frontage along the stream. Ms. Panek  
432 agreed. Mr. Hunt explained there is a bridge in that area that would need to be maintained as an open  
433 path to the bridge. Ms. Panek did not see a problem with that. The distance being requested by the  
434 Commission to be periodically mowed in the fall would be an area ten feet from the streams edge as  
435 confirmed by the Conservation Agent.  
436  
437 Mr. Donahue explained the stream is the divide line between deciduous forest and the field and lawn  
438 area. Mr. Donohue further explained at times invasives have caused trees to come down and block the  
439 stream and that is what Mr. Hunt is primarily worried about – dead fall into the stream. Mr. Donahue  
440 summarized what the Commission is seeking - minimal mow areas to enhance the area, let that become a  
441 fringe area that is allowed to become a field in the summertime and the cut back in late summer early fall  
442 so that it does not become overgrown with undesirable vegetation.  
443  
444 Jim Burns suggested members of the Commission return to the site to review it again as not everyone  
445 looked at the area near the stream during the site walk; this will eliminate any confusion as to what is  
446 being asked by the Commission. The Hunt's will be in touch with the Conservation Agent to arrange a date  
447 and time for this visit.  
448  
449 Jaye Waldron made a motion to continue the hearing to September 7, 2023 at 7:45pm. Jesie Panek  
450 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye;  
451 Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.  
452  
453 Respectfully submitted,  
454  
455  
456 Liz Allard,  
457 Conservation Agent  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474

475 **Harvard Conservation Commission**  
476 **Notice of Intent Hearing Meeting Minutes**  
477 **Rachel Broadhurst, 41 Pinnacle Road, Harvard#0823-03**  
478 **August 17, 2023**  
479

480 The public hearing was opened at 8:54pm by Vice Chair Eve Wittenberg under MGL Chapter 131 §40  
481 Wetland Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw  
482 virtually, pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19  
483 Measures Adopted during the State of Emergency, and signed into law on March 29, 2023.  
484

485 **Members Present:** Eve Wittenberg, Jaye Waldron, Joanne Ward, Jim Burns\*, Mark Shaw\*, Jessie Panek  
486 and John Lee (Associate Member)  
487

488 **Others Present:** Liz Allard (Conservation Agent), Matt Marro, Sean & Diandra Bilodeau and David Latham  
489

490 This hearing is for a Notice of Intent filed on behalf of Rachel Broadhurst for the construction of a paddock  
491 within 100' of a wetland resource area and the restoration of the resource area after enforcement at 41  
492 Pinnacle Road, Harvard.  
493

494 Matt Marro stated there are additional circumstances he was unaware of that will need to be addressed,  
495 therefore he was going to keep his presentation brief because he knows there are other issues to discuss.  
496 Mr. Marro explained he had flagged the bordering vegetated wetland (BVW) on the property after an  
497 enforcement order was issued for the removal of trees within that BVW. The applicant desires to have a  
498 paddock on the property, therefore the Notice of Intent (NOI) has been filed to remediate the tree  
499 removal and request the addition of a fence at or about the 50' wetland buffer zone line. Mr. Marro  
500 noted the herbaceous layer has grown back in within the area of disturbance and the plan proposes the  
501 planting of maple trees to restore the canopy. Mr. Marro acknowledge the unauthorized installation of  
502 the fence that has caused additional disturbance within the wetland resource area; this fence is not  
503 located in the area shown on the plan. Mr. Marro will need to re-write the narrative for this application.  
504

505 Jim Burns wanted to clarify that the proposed fence is at the toe of the slope. Mr. Marro indicated that  
506 was correct. Mr. Marro further explained the reason for the location of the fence was that area had  
507 historically been used as a paddock and his client was requesting to re-establish area for that purpose.  
508 Although this was the desire of his client, Mr. Marro knew this was going to be a discussion with the  
509 Commission.  
510

511 Jaye Waldron asked why the plan does not show the proposed fence at the 100' wetland buffer zone line  
512 as previously discussed with the applicant and required by the Wetland Protection Bylaw Regulations.  
513 Mr. Marro explained the historical use of the area that had been mowed within proximity to the wetland  
514 and used a paddock. Mr. Marro acknowledge that he will also need to revise his planting plan within the  
515 resource area due to the installation of the fence in that area.  
516

517 Eve Wittenberg pointed out the property is under an Enforcement Order which requires no activity on the  
518 site until the proper NOI was filed, however the mowing and installing a fence within the wetland are in  
519 violation of that Order. Mr. Marro stated the recent activities were unknown to him, but feels his client  
520 had not completely understood the process and he took the blame for that. Liz Allard explained that the  
521 applicant had been previously before the Commission when the original violation occurred, at which time  
522 it was explained to her that nothing was to occur on the property until the proper filing process was  
523 completed. Ms. Allard noted the application does not include a request to waiver the 100' setback for the  
524 paddock and the fact that the area had been previously used as a paddock does not grandfather it in to be  
525 used as a paddock at this time. Ms. Allard explained in other situation in which a paddock had been  
526 abandon for several years, the Commission has requested the area be reduced in size to move it further  
527 from a wetland resource area.

528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569

Ms. Waldron suggest the Commission deal with the most recent violation this evening and all other issues to be dealt within the existing NOI. Ms. Wittenberg agreed the Commission address the violation of the Enforcement Order and issue fines for the recent violation of the installation of a fence within the wetland resource area. Jessie Panek stated there seems to be a flagrant violation here with someone who knew about the wetlands and the installation of a fence in an area that has you up to your knees in mud. Ms. Waldron agreed. Mr. Burns stated the original violation for which the applicant is before the Commission seems almost trivial compared to the most recent violation and needs to be dealt with properly.

David Latham, 140 Old Littleton, was surprised to see the fence in the wetland and would like to be kept aware of these discussions.

Diandrea Bilodeau, 134 Old Littleton Road, wants know if the owner can be required to flag the property line. Ms. Bilodeau is concerned with horse manure and the steep slope, as the stable permit indicates manure will be contained in an area further up on the property. Ms. Wittenberg stated she is not sure the Commission can require the property boundary be demarcated as part of the Order of Conditions.

Mr. Marro offered to share revised plans with both abutters. Ms. Wittenberg stated all applications are posted on the Town website.

Ms. Wittenberg asked what action the Commission wanted to take pertaining to the Enforcement Order. Mark Shaw stated the fence in the wetland is a clear problem, however the mowing is typical land maintenance, so he is not stuck on that. Ms. Waldron stated she hears what Mr. Shaw is saying about the mowing; however, it is the fact in violation of the Enforcement Order which required all activity cease and desist. Mr. Burns stated the two things here are mowing and fence installation; the property owner may not have any idea what has been going on and perhaps the Enforcement Order was so long ago they have forgotten about it or thought it had runout.

Jessie Panek made a motion assessing a fine of \$300 for the violation of the Enforcement Order and the installation of a fence within the wetland. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Jaye Waldron made a motion to continue the hearing to September 7, 2023 at 8:00pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent



**CONSERVATION COMMISSION  
FY2024 STRATEGIC PLANNING SESSION – TASK ASSIGNMENT**

<b>TASK</b>	<b>ASSIGNED TO</b>	<b>COMPLETION DATE</b>
<b>Conservation Restrictions &amp; Baseline Reports</b> - complete the necessary conservation restrictions and develop a plan to complete the associated baseline reports	Joanne Ward, Wendy Sission & Liz Allard	
<b>Amendments to Chapters 119 and 147:</b>		
Climate	Liz Allard	January 2024
Invasive Plants	Jessie Panek & Liz Allard	January 2024
<b>Monitoring Conservation Restrictions</b> - Develop a Plan for the Monitoring Conservation Restrictions	Don Ritchie & Jim Burns	
<b>Deer Management Goals</b> - Update the Mission of the Deer Management Subcommittee	Don Ritchie & Jessie Panek	
<b>Wetland Protection Bylaw Fees</b> - research previous Town Meeting votes	John Lee	
<b>Public Outreach/Engaging Residents:</b>		
Website News & Announcements	All	Ongoing
Natural Heritage Endangered Species Program (NHESP)- develop a plan using interns and volunteers to regain habitat under the State's Natural Heritage Endangered Species Program.	Joanne Ward & Eve Whittenberg	
<b>Involving Interns</b> - manage unpaid interns to assist the Commission with certain tasks such as those listed above under Public Outreach/Engaging Residents	Eve Wittenberg	
<b>Minor Activities</b> - provide the Commission with the process Lunenburg uses for Agent review along with the process in other communities.	Liz Allard	October 19, 2023



SMART GROWTH AND REGIONAL COLLABORATION

September 8, 2023

Rebecca Tepper  
Secretary of Energy and Environmental Affairs  
MA Executive Office of Energy & Environmental Affairs  
Attention: Eva Vaughan, MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: The Park at Beaver Brook, Expanded Environmental Notification Form, EEA No.16745

Dear Secretary Tepper:

The Metropolitan Area Planning Council (MAPC) regularly reviews proposals deemed to have regional impacts. The Council reviews proposed projects for consistency with *MetroCommon 2050*, MAPC's regional land use and policy plan, consistency with Complete Streets policies and design approaches, as well as impacts on the environment.

Campanelli Trigate Boxborough Sub, LLC, the Proponent, has submitted an Expanded Environmental Notification Form (EENF) for a research and development campus (Project) located on Beaver Brook Road, off Swanson Road in Boxborough. The Project site comprises approximately 350 acres, with about 304 acres in Boxborough and the remaining 46 acres in Harvard.

Currently, the Project site comprises four buildings with a combined total of approximately 426,974 square feet. The Proponent proposes adding five new buildings which will comprise a total of 746,500 square feet. Upon full completion, there will be nine buildings, collectively totaling an estimated 1.17 million square feet. Furthermore, the Proponent proposes to increase the parking capacity by adding 670 new spaces to the existing 2,200 spaces, resulting in a total of 2,890 parking spaces.

Upon full completion, the Project is projected to generate 12,900 vehicle trips per day, representing a daily increase of 8,272 vehicle trips. According to the Proponent, the predicted motor vehicle CO<sub>2</sub> emissions generated by this project will be 430.8 tons/year<sup>1</sup>. As this project creates significant new vehicle trips, making it difficult for the Commonwealth to achieve its robust climate reduction goals, MAPC recommends a reconsideration of the proposed parking, additional transportation demand (TDM) efforts, and additional electric vehicle infrastructure.

After reviewing the EENF, MAPC has significant concerns regarding the proposed amount of parking and requests that the Proponent adequately address these concerns in their next MEPA filing. Namely, the addition of 670 new parking spaces appears to be both excessive and unwarranted, especially given the current underutilization of the site's existing 2,200 spaces. As indicated in the EENF's technical appendix, we note the low amount of parking from the observed counts that were conducted at the Project site (200 & 300 Beaver Brook Road and 500 Beaver Brook Road) and at the nearby 85 Swanson Road and 155 & 159 Swanson Road sites. The addition of 670 parking spaces will contribute to an increase in impervious area and the generation of additional vehicular trips. Providing high volumes of parking also

---

<sup>1</sup> The Park at Beaver Brook, Expanded Environmental Notification Form, Technical Appendix 2 – Greenhouse Gas Analysis, Table 1, Page 5.

**Metropolitan Area Planning Council (MAPC) comments on  
The Park at Beaver Brook, Expanded Environmental Notification Form, EEA No. 16745**

---

incentivizes single occupancy vehicle (SOV) trips which diminishes the impact of TDM efforts such as those proposed by the Proponent.

The Proponent must provide justification for the allocation of additional parking. MAPC recommends that instead of expanding the inventory of general parking on site, the Proponent invest in new and improved pedestrian connections between existing parking lots and newly constructed buildings, reserving a small number of dedicated spaces for ADA placard holders, carpool/vanpool vehicles, and electric vehicles.

MAPC commends the Proponent's efforts to reduce SOV travel through a comprehensive TDM program in conjunction with the project, including preferential parking for carpools and vanpools, provision of bike storage facilities, and provision of an on-site transportation coordinator. However, we have two recommendations that will allow the Proponent to increase the efficacy of that program while supporting the Commonwealth's climate and greenhouse gas reduction goals. Namely:

**Transportation Management Association (TMA) membership:** The technical appendix of the EENF states that the Proponent will become a member of a TMA "to the extent that such an organization is formed and applicable to businesses in Boxborough". Currently, the [CrossTown Connect TMA](#) operates primarily in the town of Acton, but was initially formed as a partnership between Acton, Boxborough, Concord, Littleton, Maynard, Sudbury, and Westford and the businesses therein. This TMA is undergoing a reorganization and is in discussions with Montachusset Area Regional Transit (MART) about a partnership for new services that would include the Town of Boxborough. The addition of the Proponent at Beaver Brook as a member could enable the TMA to resume operations in Boxborough, thus making services such as shuttles from Commuter Rail stations, web-based ride matching (such as [eCommuter](#) and [Ride Amigos](#)), vanpool formations, and emergency ride home (ERH) programs available to employees of the site. MAPC strongly recommends the Proponent work with CrossTown Connect TMA to re-launch operations in Boxborough, and we stand ready to assist in making this connection.

**Pre-Tax Commuter Benefits:** MAPC recommends strengthening language that employers offer pre-tax transit benefits from "encourage" to "require" so that all employees can benefit from pre-tax transit pass sales through the MBTA Perq program.

MAPC acknowledges the Proponent's proposal to initially install 5 dual-port chargers per building (equivalent to 10 EV-equipped spaces per building). Additionally, the Proponent proposes to install infrastructure sufficient to accommodate additional EV charging stations for up to 10 percent of total parking spaces as demand requires. However, MAPC requests that the Proponent install infrastructure for 20 percent of the parking spaces. This percentage is consistent with the recently updated Massachusetts Stretch Code for commercial buildings.

MAPC has a long-term interest in alleviating regional traffic and environmental impacts, consistent with the recommendations of *MetroCommon 2050*, including *reducing vehicle miles traveled and the need for single-occupant vehicle travel through increased development in transit-oriented areas and walkable*

**Metropolitan Area Planning Council (MAPC) comments on  
The Park at Beaver Brook, Expanded Environmental Notification Form, EEA No. 16745**

---

*centers*<sup>2</sup>, and *improving accessibility and regional connectivity*<sup>3</sup>. Furthermore, the Commonwealth has a statutory obligation to reduce greenhouse gas (GHG) emissions by at least 50% by 2030, 75% by 2040, and 85% from 1990 levels by 2050 to achieve net zero emissions by 2050. With the modifications included in this letter, we can ensure that this project does not put us further behind in meeting our climate and transportation goals.

Thank you for the opportunity to comment on this project.

Sincerely,



Lizzi Weyant  
Deputy Executive Director

cc: Alexander Wade, Town of Boxborough  
Frank O'Connor, Town of Harvard  
David Mohler, MassDOT

---

<sup>2</sup> <https://metrocommon.mapc.org/announcements/recommendations/2>

<sup>3</sup> <https://metrocommon.mapc.org/announcements/recommendations/1>