

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY DECEMBER 14, 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

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Topic: Conservation Commission

Time: Dec 14, 2023 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/88135636479?pwd=Mk42R1dobllzSnp4WDBQUy91VUx6QT09>

Meeting ID: 881 3563 6479

Passcode: 209624

One tap mobile +13126266799,,88135636479# US (Chicago)

+16469313860,,88135636479# 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: 881 3563 6479

Find your local number: <https://us02web.zoom.us/u/kldclDec2>

**Public Hearings:**

7:05pm **Continuation of a Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), DEP#177-33, 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

8:05pm **Notice of Intent Hearing - Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03**, for the removal and replacement of an existing deck within the 200' buffer zone of Bare Hill Pond

**New Business:**

1. Executive Session with Harvard Conservation Trust pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease, or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position only to return to the open session of the public meeting
2. Request to Extend the Order of Conditions, Pine Hill Village, Pin Hill Way, DEP# 177-586
3. Request for Certificates of Compliance – 204 Ayer Road, DEP#177-699 and 10 Ann Lees Road, DEP#177-565

**Standard Business:**

1. Approve Minutes
2. Approve Invoices

**NEXT MEETING: JANUARY 4, 2024**

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.

PINE HILL VILLAGE LLC  
PO BOX 468  
TYNGSBORO, MA 01879  
978-509-3235  
EASTHOMESTRUST@YAHOO.COM

Harvard Conservation Commission  
13 Ayer Road  
Harvard, MA 01451

Via Email: [lallard@harvard.ma.us](mailto:lallard@harvard.ma.us)

Re: Pine Hill Village

December 12, 2023

Dear Members of the Board:

Please accept this letter as our formal request for an extension to the Order of Conditions that were issued to Pine Hill Village. The current Order of Conditions are due to expire on December 31, 2023. As you are aware, construction is well under way at the site, but more time is needed to complete construction. Therefore, we hereby request that the Order of Conditions be extended to December 31, 2024.

Please do not hesitate to contact me with any questions or concerns.

Thank you,

*Peter Triccones, Manager*



# BEALS + THOMAS

BEALS AND THOMAS, INC.  
144 Turnpike Road  
Southborough, MA 01772-2104

T 508.366.0560  
F 508.366.4391  
www.bealsandthomas.com  
Regional Office: Plymouth, MA

Town of Harvard  
13 Ayer Road  
Harvard, MA 01451

Invoice number 3241.04-1  
Date 10/31/2023

Project **3241.04**  
**The Village at Robin Lane**  
**Old Mill Road at Ayer Road**  
**Harvard, MA**

FOR PROFESSIONAL SERVICES RENDERED: this period through October 31, 2023

Services to undertake a peer review of The village at Robin lane (Old Mill Road at Ayer Road) Notice of Intent application. Specifically, during this period we coordinated with the Town staff regarding our review services; and, we issued our initial review comments in a letter to the Conservation Commission dated October 30, 2023.

**NOI Review**

	Hours	Amount
Senior Professional Staff III	1.50	307.50
Senior Professional Staff V	4.25	743.75
Senior Professional Staff VI	12.25	1,960.00
NOI Review subtotal		3,011.25

**Supplemental Review Allowance**

	Hours	Amount
Administrative Staff I	0.50	40.00
Invoice total		<b>3,051.25</b>

By: Stacy H. Minihane  
Stacy H. Minihane  
Principal

Town of Harvard  
13 Ayer Road  
Harvard, MA 01451Invoice number 3241.04-2  
Date 11/30/2023Project **3241.04**  
**The Village at Robin Lane**  
**Old Mill Road at Ayer Road**  
**Harvard, MA**

FOR PROFESSIONAL SERVICES RENDERED: this period through November 30, 2023

## Services Rendered:

Services to undertake a peer review of The Village at Robin lane (Old Mill Road at Ayer Road) Notice of Intent application. Specifically, during this period we coordinated with the Town staff regarding our review services; we issued our supplemental review comment letter to the Conservation Commission dated November 13, 2023; and, we issued a final letter to the Conservation Commission closing out our review dated November 30, 2023.

<b>Supplemental Review Allowance</b>	Hours	Amount
Senior Professional Staff III	0.50	102.50
Senior Professional Staff V	7.00	1,225.00
Senior Professional Staff VI	7.75	1,240.00
Administrative Staff I	1.25	100.00
Supplemental Review Allowance subtotal		2,667.50

<b>Hearing</b>	Hours	Amount
Senior Professional Staff V	0.75	131.25

Invoice total **2,798.75**By: Stacy H. Minihane  
Stacy H. Minihane  
Principal

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  
DECEMBER 7, 2023**

Chair Eve Wittenberg called the meeting to order at 7:01pm, 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, Don Ritchie, Jaye Waldron, Jim Burns, Mark Shaw, and John Lee (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Wendy Sisson (Land Stewardship Subcommittee), Tim Kilhart (Department of Public Works), Mary Danielson (Tighe & Bond), April Locke (Tighe & Bond), Tom Mahanna (Tighe & Bond), Jonathan Bulger, Dan Wolfe (Ross Associates), Marty Green (Harvard Press), Stephen Morris, Justin Baer, Bruce Ringwall (GPR, Inc.), Brad Blower, William Gardner, Rick Sicard (Harvard Fire Department), Margret Warner, David Latham, Jeff Brown, and Pam Brown

**Status Report Pine Hill Village, DEP#177-586**

Liz Allard was on site with Jessie Panek earlier this week to provide her an overview of the project. Unit 11 is being framed and backfilled, with an additional foundations being installed with the final phase. The siltation barrier is in good working order.

**Status Report 90 Warren Ave, DEP#177-719, Harvard#1122-02**

Most of the activity on the site is focused on the dwelling itself. Gravel has been installed within the areas under the decks on the pond side of the dwelling, along with the retaining wall and stabilizing material. The installation of the bridge is scheduled for the spring. The siltation barrier remains in good working order.

**Notice of Intent Hearing - Jonathan Bulger, 80 South Shaker Road, DEP#177-738, Harvard#1123-01.**

Opened at 7:05pm

**Continuation of a Notice of Intent Hearing – Travis Dery, 62 Old Littleton Road, DEP#177-729, Harvard#1023-01. Opened at 7:41pm**

**Discuss Memorial Bench and Tree Program**

Wendy Sisson, chair of the Land Stewardship Subcommittee (LSS), explained the LSS have been discussing the topic of memorials, including planted trees, in recent months and recommends against them on Town conservation land. Jaye Waldron asked why not planted trees. Ms. Sisson stated plantings on conservation land should be done for management purposes, such as habitat restoration. Ms. Sission stated the LSS is not against memorials, but they should be in appropriate places, such as the Reuben Reed land in the Town Center. When asked, John Lee explained Harvard Conservation Trust's policy for memorials. The discussion had been prompted by a request from the Town Administrator to have conservation lands included in a policy approved by the Select Board. With no determination from the Select Board yet on whether their policy will or will not allow memorials the Commission tabled this item.

**Ratify Enforcement Order – 8 Willow Road**

Don Ritchie made a motion to ratify the enforcement issued earlier this week by the Conservation Agent to 8 Willow Road for fill within a wetland resource area and its 100-foot buffer zone. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.

53 Don Ritchie made a motion to send a letter to the property owners of 8 Willow Road instructing them to  
54 be in contact with the Conservation Agent by end of December to arrange a meeting with the Commission  
55 for the first meeting in January 2024. Jim Burns seconded. The vote was unanimously in favor of the  
56 motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.

57  
58 **Notice of Intent Hearing - Harvard Department of Public Works, along Depot Road, Harvard#1123-02.**

59 Opened at 8:09pm

60  
61 **Approve Minutes**

62 Don Ritchie made a motion to approve the minutes of September 14 and November 30, 2023 as  
63 amended. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll  
64 call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.

65  
66 **Approve Invoice**

67 There were no invoices for approval.

68  
69 **Update from Representatives/Liaisons**

70 *Deer Management Subcommittee* – Total number of deer culled is now at nine for the season. There was  
71 an incident of vandalism of a trail camera on the Barrett Land. Eve Wittenberg has recommended that  
72 tags be used on that type of equipment to indicate that it is part of the Deer Management Program  
73 (DMP). Jaye Waldron wondered if that would bring additional unwanted attention to the DMP. It is  
74 unclear as whether this incident was intentional or random; Liz Allard will follow up with the  
75 Environmental Police. In either case, it was noted that trail cameras used for the purposes of the DMP  
76 should not be in an area where other users of the land images are being captured by the trail cameras.  
77 Jaye Waldron suggested addition language on the existing DMP signage at the trailheads pertaining to  
78 trail cameras in use.

79 *Community Preservation Committee* – John Lee reported both requests for funding of the Commission  
80 have been approved for inclusion on the warrant for the spring town meeting.

81 *Open Space Committee (OSC)*– Liz Allard reported the Littleton Road County Project is progressing with  
82 the development of the plans necessary for the conservation restriction (CR), the submittal of the draft CR  
83 to the States and the engaging of a consultant to complete the associated baseline report. In addition, the  
84 OSC is working towards completing the Open Space and Recreation Plan by the beginning of 2024, with a  
85 public comment hearing prior to being submitted to the State for approval.

86 *Climate Initiative Committee* – Eve Wittenberg stated work continues to include provisions that address  
87 climate change with the Wetland Protection Bylaw and Regulations. As for provisions that address  
88 invasive species, sites for commercial development will be addressed within the regulations pertaining the  
89 importing of material onto a site and the management of onsite invasives the during the permitting  
90 process. Addressing invasive species on private property will be a goal for the 2025 cycle of MVP grants.

91  
92 **Notice of Intent Hearing - Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03.** Opened at  
93 8:35pm

94  
95 **Notice of Intent Hearing - Harvard Fire Department, 266 Stow Rd, 21 Scott Rd, 2 Lancaster County Rd,**  
96 **74 Poor Farm Rd, 3 Cliffside Dr., 5 Sholan Circle, 175 Littleton County Rd, 140 Old Littleton Rd, 199 Still**  
97 **River Rd, across from 183 Littleton Rd, and the Ann Lees Playing Field on Ann Lees Rd, DEP#177-708,**  
98 **Harvard#0821-04.** Opened at 9:05pm

99  
100 **Adjournment**

101 Jim Burns made a motion to adjourn the meeting at 9:34pm. Don Ritchie seconded the motion. The vote  
102 was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye;  
103 and Mark Shaw, aye.

104  
105 Respectfully submitted, Liz Allard, Conservation Agent

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 December 7, 2023
- Site Plan Jonathan Bulger #80 South Shaker Road Harvard, MA Job No.: 34365, Plan No.: L-14702, prepared by David E. Ross Associates, Inc., September, 2023
- Harvard- Devens Water System Interconnection Town of Harvard – Department of Public Works Presented by Mary Danielson, P.E., and Julia Novotny, Tighe & Bond, Inc, undated
- Harvard Fire Pond Repair Plan Pond No. 14, Harvard Fire Department, prepared by GPR, Inc., December 2016

DRAFT

158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209

**Harvard Conservation Commission**  
**Notice of Intent Hearing Meeting Minutes**  
**Jonathan Bulger, 80 South Shaker Road,**  
**DEP#177-738, Harvard#1123-01**  
**December 7, 2023**

The public hearing was opened at 7:05pm by 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, Don Ritchie, Jaye Waldron, Jim Burns, Mark Shaw, and John Lee (Associate Member)

**Others Present:** Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates, Inc.) and Jonathan Bulger

This hearing is for a Notice of Intent filed on behalf of Jonathan Bulger for the clearing, grading, and filling to create an open space and useable yard area with portions of the fill within the 100' wetland buffer zone 80 South Shaker Road, Harvard

Dan Wolfe, of Ross Associates, explained Jonathan Bulger wished to level out an area to create a yard space for his children; he was unaware the Town had adopted an Erosion Control Bylaw, nor was he aware there is a wetland within 100-feet of the activity. Mr. Wolfe detailed the plan that shows the sloped area toward the right being completed and stable. The area to the left has not been completed as a stop work was requested in July by the Conservation Agent. The proposal before the Commission is to finish grading the area and installing rip rap like what is already been installed. With rip rap fill occurring within the 50-foot buffer a waiver has been requested; the plans propose plantings within an area adjacent to the fill. However, as noted at the site walk, the location of the proposed plantings do not serve much value; members agreed plantings would be more beneficial elsewhere and shifted them to the perimeter of the yard space at the top of the slope. In addition, Mr. Wolfe requested a waiver to the filing fee of \$3,500, as he felt the applicant had no nefarious intentions and has been cooperative throughout the process. Mr. Wolfe requested a 20% reduction of the fee as much of the work has already been completed.

Jaye Waldron stated it is very likely the Commission would not have approved the rip rap slope within the 50-foot wetland buffer zone had this work been properly permitted. Ms. Waldron stated to require the fill to be removed would create a great deal of disturbance, however she is concerned with a similar situation in which the Commission does not allow on an applicant to fill the 50-foot buffer zone, but do allow for it here. Mr. Wolfe stated Ms. Waldron made an excellent point pertaining the disturbance that would be created by removing the fill and reiterated that the activity was a sincere oversight by Mr. Bulger.

Mr. Wolfe stated, as discussed on site, the debris at the toe of the slope would be removed, the large log and brush pile needs to be cleared out, but an old pile of trees may serve a purpose for wildlife; perhaps a condition to keep some of that material on the site. Jim Burns thought it would be helpful to review the site after the remaining work is complete to determine what of the felled trees should remain for habitat, along with assuring the project is headed in the right direction, and allow for a better idea for remediation. Mr. Burns agrees that it is not worthwhile doing any remediation at the toe of the slope. Ms. Waldron suggested there be a permanent condition about leaf dumping over the slope as the wetland is within 24-feet of the bottom edge. Liz Allard suggested the "Protected Wetland" markers be installed. After briefly discussing, it was agreed markers would be installed in association with the proposed fence at the top of the slope.



210 Jim Burns made a motion to waive 147-12 Setbacks: No disturb zone in which there shall be undisturbed  
211 natural vegetation, 50-foot setback. Mark Shaw seconded the motion. The vote was unanimously in favor  
212 of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.  
213

214 Mark Shaw made a motion to reduce the fees under the Wetland Protection Bylaw from \$3500 to \$2700  
215 as the activity was not a major disturbance in the upland area and the applicant has put fourth good faith  
216 effort to resolve the matter. Jim Burns seconded the motion. The vote was unanimously in favor of the  
217 motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.  
218

219 Jaye Waldron made a motion to close the hearing and issue an Order of Conditions to complete the  
220 installation of the rip rap along the slope, with additional remediation to be discussed after that  
221 installation and-wetland signage be installed in association with the proposed fence. Don Ritchie  
222 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye;  
223 Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.  
224

225 Respectfully submitted,  
226

227  
228 Liz Allard,  
229 Conservation Agent  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262

263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Travis Dery, 62 Old Littleton Road,**  
**DEP#177-729, Harvard#1023-01**  
**December 7, 2023**

The public hearing was opened at 7:41pm by 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, Don Ritchie, Jaye Waldron, Jim Burns, Mark Shaw, and John Lee (Associate Member)

**Others Present:** Liz Allard (Conservation Agent)

This hearing was continued from November 16, 2023 for a Notice of Intent filed by Travis Dery for the installation of a pool within the 100' wetland buffer zone at 62 Old Littleton Road, Harvard.

At the request of the applicant's representative, Jim Burns made a motion to continue the hearing to January 4, 2024 at 7:05pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337

**Harvard Conservation Commission**  
**Notice of Intent Hearing Meeting Minutes**  
**Harvard Department of Public Works, along Depot Road, Harvard#1123-02**  
**December 7, 2023**

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

327 **Members Present:** Eve Wittenberg, Don Ritchie Jaye Waldron, Jim Burns, Mark Shaw, and John Lee  
328 (Associate Member)

330 **Others Present:** Liz Allard (Conservation Agent), Tim Kilhart (Department of Public Works Director), Mary  
331 Danielson (Tighe & Bond), Mary Danielson (Tighe & Bond), April Locke (Tighe & Bond), Tom Mahanna  
332 (Tighe & Bond),

334 This hearing is a Notice of Intent filed on behalf of Harvard Department of Public Works, , for the  
335 installation of a new water main approximately 8,900 linear feet long with portions within the 100'  
336 wetland buffer zone along Depot Road, Harvard

338 Julia Novotny, of Tighe & Bond, stated the application before the Commission is for the Construction of  
339 approximately 8,900 linear feet of ductile iron water main, that will originate at the corner of Ayer and  
340 Depot Roads, which will tie into a proposed pump station at the end of Depot Road, and continue through  
341 a forested parcel and Red Tail Golf Course. Proposed activities include work within the roadway limits of  
342 Depot Road; the crossing of the railroad tracks; and the construction of a meter building with booster  
343 pumps located within Devens. Culverts crossings are proposed for several locations including Bowers  
344 Brook and an unnamed tributary. Protective measures during construction include the use of the  
345 appropriate siltation barriers, the use of catch basin inserts, and surrounding stockpiles with sediment  
346 controls and covering with tarp as necessary. All disturbed areas will be restored to pre-construction  
347 conditions, with previously vegetated areas being loamed and seeded. The roadway as well will be  
348 restored to pre-construction condition. Wetland resource areas include riverfront area (RA) associated  
349 with Bowers Brook and the unnamed tributary. There will be approximately 7,000 square feet of impacts  
350 to the RA. With the work limited to the roadway there no anticipated adverse impacts to the resource  
351 area. Temporary impacts to the buffer zones to the banks and bordering vegetated wetlands with the  
352 100-foot buffer is approximately 30,800 square feet; within the 75-fott buffer 29,500 square feet.

354 The multiple culvert crossings will be achieved through open-cut trench installation above or below these  
355 crossings depending on existing conditions to avoid impacts to jurisdictional wetland resource areas. The  
356 proposed construction schedule spans both the 2024 and 2025 construction seasons, with work beginning  
357 in June of next year.

359 With no Department of Environmental Protection file number, Jaye Waldron made a motion to continue  
360 the hearing to January 4, 2024 at 7:35pm. Jim Burns seconded the motion. The vote was unanimously in  
361 favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.

362  
363 Respectfully submitted,

364  
365  
366 Liz Allard,  
367 Conservation Agent  
368

369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421

**Harvard Conservation Commission  
Notice of Intent Hearing Meeting Minutes  
Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03  
December 7, 2023**

The public hearing was opened at 8:35pm by 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, Don Ritchie, Jaye Waldron, Jim Burns, Mark Shaw, and John Lee (Associate Member)

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

This hearing is for a Notice of Intent filed on behalf of Baer Construction, for the removal and replacement of an existing deck within the 200' buffer zone of Bare Hill Pond at 119 Clinton Shore Drive, Harvard.

Bruce Ringwall, of GPR, Inc, explained the proposed deck will be replace the existing deck within the same footprint, including the stairs associated with the deck. In addition, new footings will be installed. The Harvard erosion control barrier is shown on the plan. Due to limited access to the area, all work will be done by hand. There were no questions from the Commission members.

With no Department of Environmental Protection file number, Jim Burns made a motion to continue the hearing to December 14, 2023 at 8:05pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

422  
423  
424  
425  
426  
427  
428  
429  
430  
431

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Harvard Fire Department, 266 Stow Rd, 21 Scott Rd, 2 Lancaster County Rd,**  
**74 Poor Farm Rd, 3 Cliffside Dr., 5 Sholan Circle, 175 Littleton County Rd,**  
**140 Old Littleton Rd, 199 Still River Rd, across from 183 Littleton Rd,**  
**and the Ann Lees Playing Field on Ann Lees Rd,**  
**DEP#177-704, Harvard#0821-04**  
**December 7, 2023**

432 The public hearing was opened at 9:05pm by Chair Eve Wittenberg under MGL Chapter 131 §40 Wetland  
433 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
434 pursuant to Chapter 2 of the Acts of 2023, An Act Relative to Extending Certain COVID-19 Measures  
435 Adopted during the State of Emergency, and signed into law on March 29, 2023.

436  
437 **Members Present:** Eve Wittenberg, Don Ritchie, Jaye Waldron, Jim Burns, Mark Shaw, and John Lee  
438 (Associate Member)

439  
440 **Others Present:** Liz Allard (Conservation Agent), Fire Chief Rick Sicard, David Latham, Margret Warner, Jeff  
441 Brown, and Pam Brown

442  
443 This hearing is for a Notice of Intent filed by the Harvard Fire Department, for the dredging of existing fire  
444 ponds and the replacement of appliances associated with those ponds within the wetland resource area  
445 and the 200' wetland buffer zones at the following locations: 266 Stow Rd, 21 Scott Rd, 2 Lancaster  
446 County Rd, 74 Poor Farm Rd, 3 Cliffside Dr., 5 Sholan Circle, 175 Littleton County Rd, 140 Old Littleton Rd,  
447 199 Still River Rd, across from 183 Littleton Rd, and the Ann Lees Playing Field on Ann Lees Rd, Harvard.

448  
449 Liz Allard reminded the members that the Order of Conditions had never been issued as comments  
450 received from the Department of Environmental Protection (DEP) needed to be resolved first. With a lag  
451 in the process of obtaining the necessary answers the company hired to complete the project agreed to  
452 assist in moving this process forward; this included the hiring of Beals + Thomas (B+T) to complete the  
453 necessary 401 Water Quality application with the DEP. Ms. Allard has spoken with the representative  
454 from B+T who stated their proposal includes filing a new Notice of Intent. The Commission has two  
455 options, ask the Fire Department to withdraw the current application and refill under a new Notice of  
456 Intent or a revised Notice of Intent is submitted to DEP under current application. The first option would  
457 require the renotification of the abutters, along with new legal notices. Ms. Allard explained the re-  
458 opening of this hearing this evening included the notification of close to 300 abutters, along with the  
459 publishing of the appropriate legal notice. After a brief discussion the members agreed it made sense to  
460 continue this hearing to allow for a revised application to be submitted to DEP under the existing  
461 application.

462  
463 Pam Brown, an abutter to the fire pond at 183 Littleton Road, wondered why that pond was no longer  
464 part of this application. Chief Sicard explained that pond was the worst of all the ponds assessed, having  
465 265 cubic yards of material to be removed; the cost to reclaim this pond would be equivalent to cost to  
466 dredge seven additional ponds. Ms. Brown stated the Commission had an agreement with the owner of  
467 184 Littleton Road that the land would be donated as open space, but that has not occurred; what is the  
468 status. Ms. Allard explained the donation had not occurred and that it was not binding as the Commission  
469 could not require as a condition with an Order of Conditions for the development of a lot along Pinnacle  
470 Road. It is an unfortunate situation that the owners received what they need to develop the lot, but did  
471 not hold up their end of the deal. Ms. Allard stated there are several factors that contributed to this,  
472 however, she was not comfortable discussing them in a public meeting.

473

474 David Latham, of 140 Old Littleton Road, expressed concern for the construction of a 200-foot access road  
475 to the fire pond on his property; he wondered if the road is needed across his pasture. Chief Sicard  
476 explained the Town has a right-of-way to access the dry hydrant and there is no intent to create an access  
477 road. The only intent to dredge the fire pond to its original size. After reviewing the proposed plan, it  
478 appears the access road shown on the plan is for the temporary use during the actual dredging. This will  
479 be made clear during the permitting process.

480

481 With no further questions or comments this evening, Don Ritchie made a motion to continue the hearing  
482 to January 18, 2024 at 7:05pm. Jim Burns seconded the motion. The vote was unanimously in favor of  
483 the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Jim Burns, aye; and Mark Shaw, aye.

484

485

486 Respectfully submitted,

487

488

489 Liz Allard,  
490 Conservation Agent