

**TOWN OF HARVARD
CONSERVATION COMMISSION AGENDA
THURSDAY DECEMBER 15, 2022 @7:00PM**

Pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on July 14, 2022, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

THVolGovt Pro is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/81517640060?pwd=d29RZDFIRjhXbFFwa0pkRDN4Qk82QT09>

Meeting ID: 815 1764 0060

Passcode: 447826

One tap mobile

+16469313860,,81517640060# US

+19294362866,,81517640060# US (New York)

Dial by your location

+1 646 931 3860 US

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 815 1764 0060

Find your local number: <https://us02web.zoom.us/j/81517640060>

New Business:

1. Harvard Conservation Trust Request to use Prospect Hill Management Area for the annual New Year's Day Walk
2. Discuss Bare Hill Pond Drawdown Status, DEP#177-659
3. Deer Management Subcommittee Update on Hunter Information
4. ZBA Request for Comments – 90 Warren Avenue
5. Planning Board Request for Comments- 184 Ayer Road
6. Annual Town Report
7. Approve Minutes

Old Business:

1. Review Ann Lees Field Memorandum of Understanding
2. Pine Hill Village Update – Request to Extend Order of Conditions, DEP#177-586

Public Hearings:

7:30pm **Notice of Intent Hearing – Mary Maxwell, 90 Warren Avenue, Harvard#1122-02**, the demolition of an existing cottage and the reconstruction of a new single-family home, driveway, bridge, wells and septic system with portions within the 100' wetland buffer zone and the 200' of Bare Hill Pond – ***Waiver Requested***

8:00pm **Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01**, for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone – ***Waiver Request***

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.

8:01pm **Continuation of a Notice of Intent Hearing - Sean & Diandra Bilodeau, 134 Old Littleton Road, DEP#177-718, Harvard#1122-01**, for a proposed in-ground swimming pool, patio area, pool house and security fence within the 100' wetland buffer zone

**NEXT MEETING:
JANUARY 5, 2023**

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.

New Year's Day: Request to Use Conservation Land

Marc Sevigny <marc.sevigny@gmail.com>

Tue 12/06/22 7:52 PM

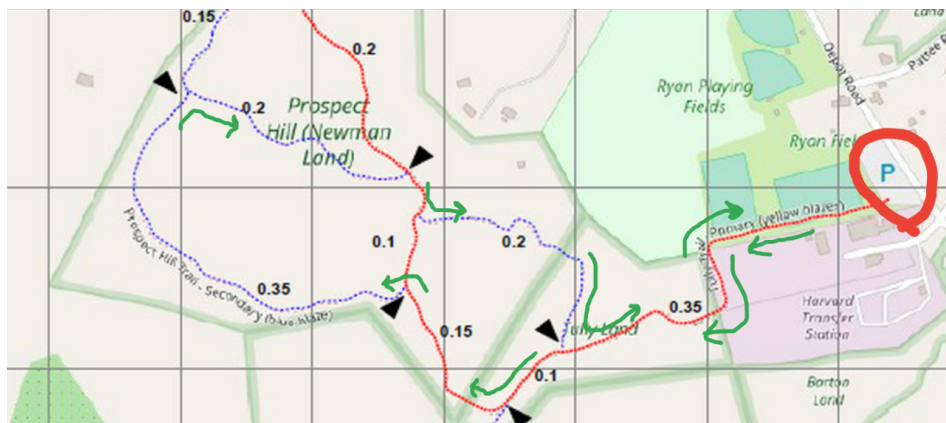
To: Liz Allard <lallard@harvard-ma.gov>

Cc: Don Ritchie <dsritchie@aol.com>

Hello Liz and Don,

Each year, the Harvard Conservation Trust holds a New Year's Day walk on Town Conservation Land or HCT land to celebrate our land protection efforts.

This year, we would like to hold the walk on the Prospect Hill land, parking at the playing fields on Depot Road, and walking the trail from the Tully Land to the Newman Land all in the Prospect Hill area. See the proposed route below:



Could you please let us know if there is any issue with this soon? We would like to get the message out in advance.

Thanks so much!

Marc Sevigny
HCT Outreach

Pond Height.

bruceleicher@aol.com <bruceleicher@aol.com>

Mon 11/28/22 11:30 AM

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

Cc: Bruce A. Leicher <bruceleicher@aol.com>

Liz I initially turned the pump speed down when I emailed you last week to hold the Pond level at what I thought was 6.5 feet but by late Tuesday it appeared to be lower than 6.5 feet and I turned the pump off. I think it went another half foot in error. The markers were not sticking up and I thought it had one more marker on the pipe to go. Now it is clear that it is past the last marker. I expect it will be back at 6.5 feet in a few days.

I have to say I am surprised by this as the pump historically pumped no faster than 1.5 inches per day and at the end of October we were at 3 feet and going down at a gradual pumped rate in Nov. On Tuesday, after 22 days it should have been at about 6.5 feet based on the historical pumping rate.

I have been monitoring it daily to confirm the wetlands are above the point they no longer are draining down stream. In the past the wetlands continued to flow down stream when they were about about 80" from the top of the dam. They are now, as of today, at 64" so we are good. We will turn the pump on as needed to keep them above that lower level and run the pump to hold the pond at the 6.5 feet (when needed).

Sorry for the mishap.

Bruce

Bruce Leicher

Pond status

Bruce Leicher <bruceleicher@aol.com>

Sat 12/10/22 11:46 AM

To: Liz Allard <lallard@harvard-ma.gov>; Tim Kilhart <tkilhart@harvard-ma.gov>; Ron Gilbert <rgilbert@harvard-ma.gov>; Pablo Carbonell <pfcarbonell@gmail.com>

Hi Liz and Tim

I walked out the pipe today. to see what was happening with the depth markers.

Previously I reattached the first maker at 4.5 feet which Tim had noticed as having fallen. That one was visible from shore so it did not impact the measurements. We have markers at each half foot starting at 4.5 feet.

I found the marker at 5' and 6' had fallen into the mud and were not visible. I reattached them.

I had been counting the markers and with those missing had not stopped the pump based on days of pumping and that we had not reached the 6.5 marker. It now appears we passed the 7' marker when I stopped the pump.

The pond has refilled about halfway from its low point (hard to know for sure) toward 6.5ft marker.

The silver lining is we exposed a manhole cover fixture next to the pipe at about 6.5 feet so it will be easy to use that as a back up if the markers fail in the future

Bruce A. Leicher

Re: Email Address

Diane Rayla <drrayla@gmail.com>

Tue 12/13/22 11:01 AM

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

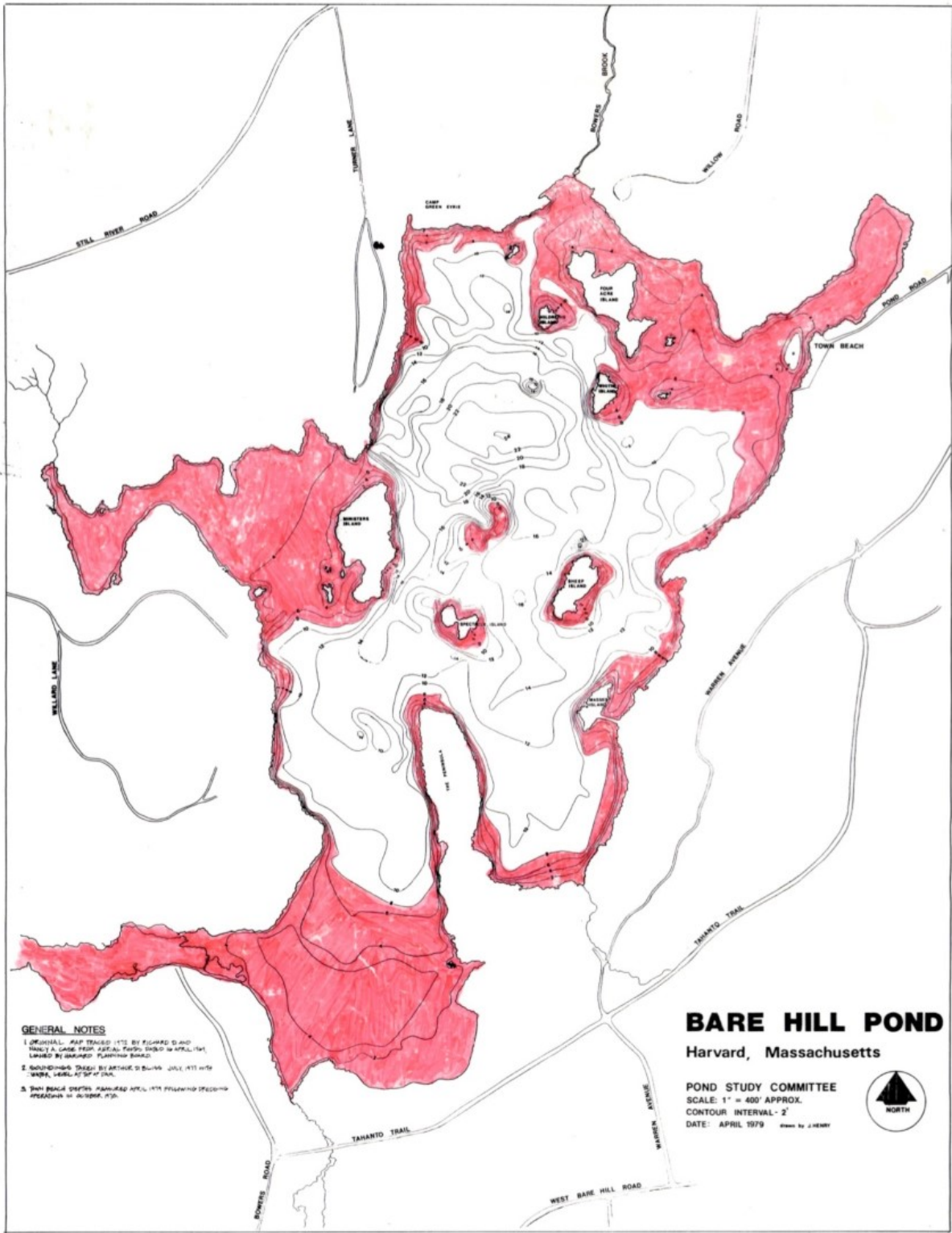
Thanks for the address.

I have attached information in pictures of the drawdown 2022.

Left me know if you have any questions.

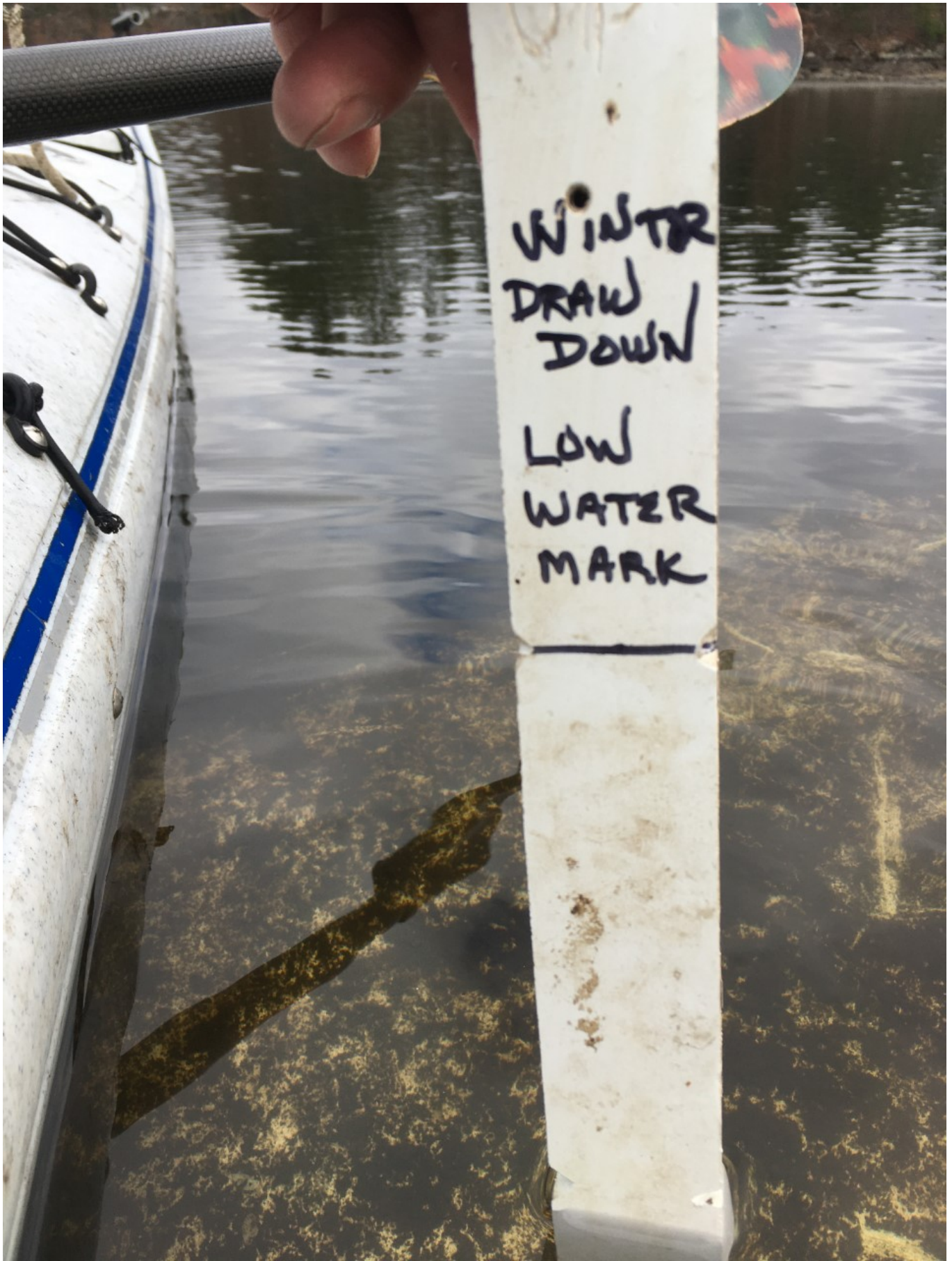
Thanks,

Diane Rayla













Sent from my iPad

On Dec 8, 2022, at 4:50 PM, Liz Allard <lallard@harvard-ma.gov> wrote:

Have a good day!

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.



MEMORANDUM

TO: All Departments & Boards/Committees/Commissions

FROM: Julie Doucet

DATE: November 18, 2022

SUBJECT: 2022 Annual Town Report

As we approach the end of the year, I want to remind everyone to begin working on your Department, Board, Committee or Commission's submission for the annual town report.

Submission specifications/requests:

- Email report as a word document
- Two column format (under page layout tab)
- Font: 12pt Calibri
- Include pictures (jpegs) with your submission as separate attachments. Pictures can be specific to happenings in your department or by your board/committee/commission, simply a nice landscape photo or one from an event you may have attended here in town. In addition, I will reach out to the community as a whole seeking photos residents may be willing to share for publishing in the report.
- Include graphs and/or charts as a better way to visually share your data.
- Submissions will be due by Monday, January 23rd.

As always please reach out to me with any questions you may have.

Warm wishes for a healthy, happy and relaxing Thanksgiving!

DRAFT
HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
DECEMBER 1, 2022

Chair Don Ritchie called the meeting to order at 7:01pm, virtually, pursuant to Chapter 22 of the Acts of 2022, An Act Relative to Extending Certain COVID-19 Measures Adopted during the State of Emergency, and signed into law on February 15, 2022, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

Members Present: Don Ritchie, Eve Wittenberg, Paul Willard (departed at 7:44pm), Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw (arrived at 7:11pm)

Others Present: Liz Allard (Conservation Agent), Marty Green (Harvard Press), Valerie Hurley (Harvard Press and Diandra Bilodeau

Review Ann Lees Field Memorandum of Understanding (MOU)

Eve Wittenberg has spoken with Wendy Sisson, chair of the Land Stewardship Subcommittee, who had some suggestions to the MOU now that it is her understanding that the Parks & Recreation (P&R) Commission intended to use the field for more than just the school's softball team. Ms. Wittenberg stated the need for an annual check-in with P&R is not unlike that of the Harvard Snowmobile Club, and would allow the Commission to check in on the condition of the field and not so much the activities of the P&R. Ms. Wittenberg reviewed the proposed revisions including striking the words "as a grandfathered use" from the third paragraph; strike the words "without interference or yearly ConCom approval" from item #3; adding in language within item #3 that expresses annual review by the ConCom, not of the actual activities but of the amount of usage and how it relates to the condition of the field. It was noted that item #2 may need amending as well.

After some discussion the Commission agreed the use of the field they interested in annually reviewing are those conducted by organized sporting groups and not those who use the field for such things as a neighborhood pick up game. Ms. Wittenberg will provide a revised version of the MOU for review by the Commission at the next meeting. Once agreed upon by the ConCom the revisions will be shared with P&R along with an invitation to attend the next available Commission meeting for discussion.

Ayer Road Meadow Access Improvements Update – Review Proposal to improve access

Don Richie and Liz Allard met on site with Ray Lyons, one of the owners of 206 Ayer, James Pickard, who mows the field, and Gary Smith, the site contractor the has provided a proposal to complete the necessary improvements to the access into the Ayer Road Meadow. Mr. Smith will remove the split rail fence along the property line at 206 Ayer Road, level the area behind the septic mound at 204 Ayer Road and beyond, and will widen and level about a 13' wide area near the septic tanks for 204 Ayer in order for Mr. Pickard to re-gain access into the Ayer Road Meadow. Mr. Pickard will remove a hard wood that is causing a pinch point along the cart path just before it opens up into the meadow. The cut tree will either be left or taken away by Mr. Pickard. Jim Burns made a motion to accept the proposal prepared by G.T. Smith Jr. Inc in the amount of \$950.00 to complete the above-described work and to allow James Pickard to remove the hard wood tree leaning over the cart path in order to gain access into the Ayer Road Meadow for the purpose of mowing the field. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, unavailable; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Update on the Approval to Transfer of Wetland Protection Bylaw Fees to the Conservation Fund

The ability to transfer funds from one account to another goes back to what the parameters were for establishing those funds. The establishment of the bylaw fee account should have been a vote of town meeting allowing the Commission to allocate them for specific uses. Since the bylaw and its regulation

54 were established well over 20-years ago, it is recommended that the Commission consider a warrant
55 article for the Spring Town Meeting detailing the uses of those funds, along with establishing them as a
56 revolving account. The Commission was in agreement with this recommendation and will prepare an
57 article request at the appropriate time.

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59 **Potential Hunting and Trapping Bylaw**

60 The Code of Harvard contains no language pertaining to hunting or trapping. Other communities' bylaws
61 will be researched to assist in drafting one for Harvard. Once a draft is available this item will be placed
62 back on the agenda.

63
64 **Discuss Policy for Issuing Waivers to Chapter 147 Wetland Protection Bylaw Regulations**

65 Members have reviewed §147-3 Waivers from rules and regulations and agree that clearer language
66 needs to be included as it pertains to each waiver being based on its own merits, but that waiver request
67 can be filed with the Commission in advance of filing an application. Other communities' regulations on
68 waivers will be reviewed to determine if any have developed matrixes by which waivers are approved.
69 Once this information and suggested revisions are made to §147-3 this item will be placed back on the
70 agenda.

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72 **Pine Hill Village Update – Invasive Plant Management Update**

73 An update from Ruby Environmental has been received but requires additional review and consultation
74 with the Commission's invasive expert, Wendy Sisson, to determine if the process being taken is the
75 effective.

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77 **Continuation of a Notice of Intent Hearing – Yvonne Chern, 203 Ayer Road, DEP#177-711,
78 Harvard#0322-01. Opened at 7:31pm**

79
80 **Notice of Intent Hearing - Sean & Diandra Bilodeau, 134 Old Littleton Road, DEP#177-718,
81 Harvard#1122-01. Opened at 8:00pm**

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83 **Approve Minutes**

84 Eve Wittenberg made a motion to accept the minutes of November 17, 2022 as amended. Joanne Ward
85 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye
86 Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie,
87 aye.

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89 **Approve Invoice**

90 Joanne Ward made a motion to approve the invoice for Add-A-Sign LLC in the amount of \$533.51. Jaye
91 Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns,
92 aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and
93 Don Ritchie, aye.

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95 **Adjournment**

96 Eve Wittenberg made a motion to adjourn the meeting at 8:34 pm. Jim Burns seconded the motion. The
97 vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne
98 Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

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101 Respectfully submitted,

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104 Liz Allard,
105 Land Use Administrator/
106 Conservation Agent

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EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated December 1, 2022
- Memorandum of Understanding between the Harvard Conservation Commission and Harvard Parks and Recreation Commission for Anne Lee’s Field, November 19, 2020
- Bilodeau Residence, 134 Old Littleton Road, L-1 Pool Layout Plan, prepared by James K. Emmanuel Associates, Landscape Architects, September 23, 2022

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Harvard Conservation Commission
Continuation of a Notice of Intent Hearing
Yvonne Chern, 203 Ayer Road, DEP#177-711, Harvard#0322-01
December 1, 2022

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

Members Present: Don Ritchie, Eve Wittenberg, Paul Willard, Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

Others Present: Liz Allard (Conservation Agent)

This hearing was continued from November 3, 2022 for a Notice of Intent filed on behalf of Yvonne Chern for the construction of commercial structures with associated parking, grading and drainage within the 100' wetland buffer zone at 203 Ayer Road, Harvard

As requested by the applicant's representative, Jim Burns made a motion to continue the hearing to December 15, 2022 at 8:00pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Paul Willard, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

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Harvard Conservation Commission
Notice of Intent Hearing
Sean & Diandra Bilodeau, 134 Old Littleton Road,
DEP#177-718, Harvard#1122-01
December 1, 2022

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

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

Others Present: Liz Allard (Conservation Agent) and Diandra Bilodeau

This hearing is for a Notice of Intent filed on behalf of Sean & Diandra Bilodeau for a proposed in-ground swimming pool, patio area, pool house and security fence within the 100' wetland buffer zone at 134 Old Littleton Road, Harvard

Diandra Bilodeau stated a portion of the pool house and security fence, along with a retaining wall and landscaping will be within the 100' buffer zone. The pool itself is outside the 100' buffer zone. The pool house is outside the 75' buffer zone as well. Joanne Ward asked why the pool house was so large. Ms. Bilodeau explained the pool equipment will be located on one side of the structure with the other being used as a shed for the storage of a ride-on mower. When requested Ms. Bilodeau provided information on the retaining wall, including that it may not be necessary if the area can be gently sloped. Eve Wittenberg thought the retaining wall was a useful element and would prefer it be kept as part of the plan. The Commission discussed adjusting the location of the pergola closer to the pool in order to be able to move the pool house outside the 100' buffer zone. Ms. Bilodeau explained for safety reasons it is best to have a 16' walk area at that end of the pool as people generally congregate around the stairs of a pool. Questions about perimeter drains for roof runoff were discussed and agreed that gutters could be used for this purpose and should be shown on the plan along with the 75' buffer zone.

Ms. Bilodeau is also requesting the 36" oak shown on the plan be removed as it is split and it leaning over the back yard area. The tree location along the edge of the wetland and its usefulness as habitat made some question whether or not the entire tree should be removed or just the leader that is splitting away from the tree. With human safety a concern and the tree already compromised it may be best to remove the leader in question and then reassess if the entire tree should be removed.

With revisions to the plan necessary for the Commission to make a decision Mark Shaw made a motion to continue the hearing to December 15, 2022 at 8:01pm. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jim Burns, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Eve Wittenberg, aye and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Memorandum of Understanding between the Harvard Conservation
Commission and Harvard Parks and Recreation Commission
for Anne Lee's Field**

November 19, 2020—proposed updates for Con Com review, 12-12-22, E
Wittenberg

This inter-board Memorandum of Understanding (MOU) is entered into by the Harvard Conservation Commission (ConCom) and the Harvard Parks and Recreation Commission (P&R), collectively referred to as the "Parties."

Whereas the Anne Lees playing field (3.08 acres, Harvard Assessor's Map 5, Parcel 104) is on Town conservation land, and;

Whereas the Harvard Conservation Commission authorizes P&R to conduct Harvard school-based (i.e., Hildreth and Bromfield) recreation programs and activities on this site and confers management of the playing field itself to the Harvard Parks and Recreation Commission;

NOW, THEREFORE, the Parties agree as follows:

1. Term and Termination - the MOU will continue in effect from year to year unless either of the Parties chooses to withdraw or both parties agree to amend,
2. P&R will discuss with Con Com all activities planned for the upcoming season in Spring of each year prior to the start of the recreation season. Any changes from the agreed-upon activities in any year will be approved by the Conservation Agent.
3. The MOU will be reviewed annually by P&R and ConCom and updated as needed and agreed to by both parties,
4. ConCom allows P&R to conduct Harvard school-based (i.e., Hildreth and Bromfield) recreation programs and activities on the existing Ann Lees recreation field with annual ConCom review and approval,
5. The playing field is defined as the area from and including the backstop fence to the outfield fence line extending 200' from the back of home plate (see Diagram 1).
6. The outfield will be bound by temporary fencing (200' from home plate) that will be removed when the field is not in regular use,
7. P&R will maintain a mowed swath outside the outfield fence up to 215' from the back of home plate,
8. P&R agrees to manage operation and routine maintenance of the playing field and the contiguous area from the field to the main parking lot (see

Diagram 1).

9. Work done on the field and in this contiguous area that is proposed, funded or donated by any private group or Town department, board or committee must be approved by P&R. Changes to the field or contiguous area will require approval by ConCom,
10. The land outside the playing field plus the mowed outfield swath and outside the contiguous area up to the parking lot is managed by ConCom,
11. Storage or disposal of equipment, construction materials (including soils), or litter is not permitted on the surrounding land managed by ConCom,
12. Operation and maintenance activities for the playing field are documented in a Mass DEP Notice of Intent (NOI) approved by ConCom to permit itemized activities in the wetland buffer,
13. Any projects/activities that are not covered in the NOI will be presented to ConCom for approval with possible modification to the NOI or this MOU.

Signed and dated by:

Harvard Conservation Commission



*tlJL*__,

3/10/21

Harvard Parks and Recreation Commission

Robert O'Shea

3/10/21

Pine Hill Village LLC
PO Box 468
Tyngsboro, MA 01879
978-509-3235
easthomestrust@yahoo.com

To: Town of Harvard Zoning Board of Appeals
13 Ayer Road
Harvard, MA 01451

RECEIVED
DEC 17 2022

Via Email: lallard@harvard.ma.us

Re: Request to Extend the Comprehensive Permit for Pine Hill Village

December 7, 2022

Dear Members of the Board:

Please accept this as our formal request for an extension to the date to complete construction as stated under conditions 3.34 and 3.35 of the Comprehensive Permit, dated October 29, 2008 for the affordable housing project known as "Pine Hill Village", Stow Road, Harvard (Map 36 Parcels 85 & 86.1).

The current date of completion for this Comprehensive Permit is December 31, 2022 and we are hereby requesting that the Comprehensive Permit be extended to December 31, 2023.

Thank you,

Peter Gricones, Manager

203 Ayer Rd, DEP#177-0711

Bruce D. Ringwall <BRingwall@gpr-inc.com>

Tue 12/13/22 9:42 AM

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

Good morning Liz,

Please continue the HCC hearing for the above referenced site to the Commission's meeting in January. This will give the DRB a chance to review and respond to the HPB.

Thank you,

Bruce

Bruce D. Ringwall, President

Goldsmith, Prest & Ringwall, Inc.

39 Main Street, Suite 301

Ayer, MA 01432

P 978-772-1590 F 978-772-1591

<mailto:bringwall@gpr-inc.com>

www.gpr-inc.com



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Goldsmith, Prest & Ringwall, Inc.