

**TOWN OF HARVARD  
CONSERVATION COMMISSION AGENDA  
THURSDAY JANUARY 6, 2022 @7:00PM**

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Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, this meeting will be conducted via remote participation. Interested individuals can listen in and participate by phone and/or online by following the link and phone number below.

UpperTH ProWebinar is inviting you to a scheduled Zoom meeting.

**Join Zoom Meeting**

<https://us02web.zoom.us/j/81508092895?pwd=UTZuR0FRaFNZNGFWWnRlRlRm4TTFpQT09>

**Meeting ID: 815 0809 2895**

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

**New Business:**

1. Discuss Amendment to Site – 175 Littleton County Road, DEP#177-694
2. Appoint Representative to the Harvard Climate Initiative Committee
3. Approve Minutes
4. 2021 Annual Report

**Old Business:**

1. Wetland Enforcement Update – 351 Ayer Road
2. Pine Hill Village Update

**Public Hearings:**

7:30pm **Request for Determination of Applicability Hearing - Regis M. Magnus Irrevocable Children's Trust, 17 Ann Lees Road, Harvard#1221-01**, for the removal of two existing leaching pits within the 100' wetland buffer zone

7:45pm **Notice of Intent Hearing - Stanton Henderson, 265 Stow Road, Harvard#1221-02**, for the replacement of a failed sewage disposal system within the 100' wetland buffer zone at

**NEXT MEETING:  
JANUARY 20, 2022**

## **Harvard Climate Initiative Committee**

In accordance with the Climate Resolution (Article 18 of the October 16, 2021 Town Meeting), submitted by the Climate Resiliency Working Group and the Energy Advisory Committee and passed by Town Meeting, the Select Board endorses the need to address climate issues and takes the following action to start that process. The Harvard Select Board, in an effort to establish the means by which this resolution will be achieved hereby creates the Harvard Climate Initiative Committee (HCIC) and affirms that this group will be responsible for the following:

- Creating a baseline, to be approved by the Select Board, by which the Town can track its actions and determine where it needs to do additional work;
- Assist the Board and Town in developing a Climate Action Plan that will help guide the Town in assisting the Commonwealth of Massachusetts in meeting greenhouse gas emissions goals by 2050;
- Develop an environmental assessment process, with input from Departments, Boards, and Committees, to be discussed and approved by the Select Board, for Departments, Boards, and Committees to use in evaluating and mitigating the potential negative impacts of climate change associated with purchases, public projects, planning processes, and policies;
- Work with Departments, Boards, and Committees to recommend changes to Town practices, policies, and procedures in order to mitigate and/or adapt to the impacts of climate change;
- Provide guidance for entities seeking input on climate initiatives they wish to undertake.
- Identify private, State, and Federal funding sources that could be used to support proposed climate initiatives programs;
- Provide a means through which the Town can coordinate the work of Town boards, committees, commissions, and other entities to plan and respond to climate change issues
- Provide semi-annual updates to the Select Board on the Committee's activities to accomplish the climate goals and initiatives;
- Annually evaluate the success of this initiative and make recommendations for needed changes.

### **Mission Statement:**

To advise all town boards, departments and institutions on a full range of ways to reduce their impact on climate change, to adapt to the effects of climate change and to improve processes through which the Town can act in meaningful ways to achieve its climate goals. The committee will focus its efforts on a wide range of climate initiatives that will have an impact on built environment, vehicles, equipment, land use, and natural resources.

### **The Committee:**

The HCIC will consist of nine members to mirror the current Community Resiliency Working Group including two additional members from the Harvard Energy Advisory Committee and a public safety member who are appointed initially to 3-year, 2-year, and 1-year staggered terms and then appointed to three- year terms after the initial appointment. There will be 2 additional Associate Members who will be appointed to 1-year terms annually. The associate members may participate in meeting discussions but will not have voting rights unless they are needed to make a quorum.

DRAFT  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**SEPTEMBER 2, 2021**

Chair Don Ritchie called the meeting to order at 7:06pm, virtually, pursuant to Chapter 20 of the Acts of 2021, an Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Paul Willard (departed at 9:49pm), Wendy Sisson, Jaye Waldron, Joanne Ward (departed at 9:50pm), Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Jim & Lorelei Galeski, Bruce Ringwall (GRP, Inc.), Lou Russo, Martin Feehan (State Wildlife Biologist), Bob Douglas (Deer Management Subcommittee), Dan Tracey, Tom Cotton (Deer Management Subcommittee), Don Osmer, Stu Sklar, Jen Sundeen, Matt Marro, MaryAnn DiPinto (Three Oaks Environmental), Dan Wolfe (Ross Associates, Inc.), Jack Maloney (Dillis & Roy Civil Design Group), Bruce Leicher (Bare Hill Pond Watershed Management Committee), Wendy Gendron (Aquatic Restoration Consulting, LLC) and Chief Rick Sicard (Harvard Fire Department)

**Bare Hill Pond Watershed Management Committee Annual Update & Draw Down Request**

Bruce Leicher, Chair of the Bare Hill Pond Watershed Management Committee stated the pond received a lot of attention this year, effectively because the pump went down in November last year which resulted in an increase in invasive plants, as well as high temperatures this summer that effected the recent algal blooms. Wendy Gendron, from Aquatic Restoration Consulting, detailed the average temperatures, explaining what you want to see are consecutive days below freezing to allow the root mass to freeze and desiccate. Temperatures between 2019 and 2020 were about average, however precipitation during the draw down period was high, preventing freezing. This coupled with the issues with the pump, made for a bad draw down year. Plant cover showed three locations with an increase in and seven areas with a decrease in plant cover, with fanwort, milfoil, pond weed and bladderwort all increasing. In terms of the phosphorus, it has remained below the threshold established by the State for the most part. Slow increases over the summer are a sign of phosphorus accumulating in the pond over time. The dissolved oxygen results showed a loss of oxygen below eight feet this year. Additional testing will be conducted to continue to monitor the loss of oxygen. As far as the draw down goes there has been no adverse impacts to the aquatic wildlife, and although the algal blooms are not desirable, Ms. Gendron sees no link from the draw down to the blooms, therefore she would respectfully suggest the continuation of the draw down for this year. Mr. Leicher stated the request is for a 6.5' draw down this year. Mr. Leicher noted they have engaged Ms. Gendron to look into ways to address the algal blooms.

Comments were made pertaining to dredging the pond and the expense of doing so would most likely not be something approved by Town. The draw down is a proven solution and helps with the weeds. Pumping the water from the bottom of the pond during the draw down helps remove phosphorus from the pond. Paul Willard asked with all of the phosphorus being pond out of the pond, should we be concerned with the down stream environment. Ms. Gendron stated there is not concern when you are in a riverain environment, but there is concern when you get a lot of epiphytes, but in this particular case there is not another impoundment to affect.

Joanne Ward a motion to allow Bare Hill Pond Watershed Management Committee to conduct a 6.5' draw down to start at the end of September. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

54 **Continuation of a Notice of Intent Hearing – James Galeski, 28 Shaker Road, Harvard#0721-01.** Opened  
55 at 7:35pm

56  
57 **Request Determination of Applicability Hearing – Harvard Conservation Commission, William’s Land,**  
58 **Stow Road (Map 28 Parcel 14), Harvard#0821-01.** Opened at 8:00pm

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60 **Request for a Certificate of Compliance – 5 Haskell Lane, DEP#177-441**  
61 Wendy Sisson made a motion to issue a Certificate of Compliance for 5 Haskell Lane, DEP#177-441. Jaye  
62 Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul  
63 Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye;  
64 and Don Ritchie, aye.

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66 **Request to Approve David Crossman as the Botanist for the Wetland Restoration at 175 Littleton**  
67 **County Road, DEP#177-694**  
68 Jim Burns made a motion to approve David Crossman as the botanist for the wetland restoration at 175  
69 Littleton County Road. Joanne Ward seconded the motion. The vote was unanimously in favor of the  
70 motion by roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns,  
71 aye; Mark Shaw, aye; and Don Ritchie, aye.

72  
73 **ZBA Request for Comments – 13 Old Littleton Road**  
74 The Commission had no comments in regards to this application.

75  
76 **Approve Minutes**  
77 Jim Burns made a motion to approve the minutes of May 6, 2021 as amended. Wendy Sisson seconded  
78 the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy  
79 Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

80  
81 **Approve Invoice – Harvard Press \$144.00**  
82 Joanne Ward made a motion to approve the invoice from the Harvard Press in the amount of \$144.00.  
83 Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul  
84 Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye;  
85 and Don Ritchie, aye.

86  
87 **Approve Reimbursement – Wendy Sisson \$55.00 (workshop)**  
88 Joanne ward made a motion to approve the reimbursement of Wendy Sisson in the amount of \$55.00.  
89 Jim Burns seconded the motion. The vote was unanimously in favor of the motion, by roll call, Paul  
90 Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye;  
91 and Don Ritchie, aye.

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93 **Request Determination of Applicability Hearing – Harvard Conservation Commission, Powell Land, East**  
94 **Bare Hill Road (Map 31 Parcel 35), Harvard#0821-02.** Open at 8:10pm

95  
96 **Election of Officers for Fiscal Year 2022**  
97 Joanne Ward made a motion to continue with the existing officers, Don Ritchie, chair and Paul Willard,  
98 vice chair, for Fiscal Year 2022. Jim Burns seconded the motion. The vote was unanimously in favor of the  
99 motion, by roll call vote, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim  
100 Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

101  
102 **Continuation of a Notice of Intent Hearing – Wheeler Realty Trust, 203 Ayer Road, Harvard#0721-02.**  
103 Opened at 8:17pm

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105 **Notice of Intent Hearing – Harvard Fire Department, Fire Ponds located at 266 Stow Rd, 21 Scott Rd, 2**  
106 **Lancaster County Rd, 74 Poor Farm Rd, 3 Cliffside Drive and 5 Sholan Circle, Harvard#0821-04.** Opened  
107 at 8:45pm  
108

109 **Request for Determination of Applicability Hearing, Ted Stefanik, 44 Old Littleton Road, Harvard#0821-**  
110 **03.** Opened at 8:52pm  
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112 **Request to Amend Approved Plan – 204 Ayer Road, DEP#177-699**

113 Dan Wolfe, of Ross Associates, explained at the time the Commission issued an Order of Conditions for  
114 204 Ayer Road the parcel was still for sale; therefore, the use of building was undetermined. The building  
115 has since been purchased and will remain a bowling alley, however a public water supply well will need to  
116 be installed. This installation will require the septic tank and pump chamber to be relocated. The revised  
117 plan details these revisions. Mr. Wolfe stated the revised plan reduces the amount of alteration within the  
118 100' wetland buffer zone by 2,000 square feet.  
119

120 Wendy Sisson made a motion to approve the revised plan as *De Minimus* change. Joanne Ward seconded  
121 the motion. The vote was unanimously in favor of the motion, by roll call, Paul Willard, aye; Wendy  
122 Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.  
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124 **Deer Management Subcommittee (DMS) – Distribution of Hunters**

125 The Commission had previously received the “2021 Harvard Hunters Assessment,  
126 Assignment/Distribution, & Coordination Plan” from the DMS, which details the process for determining  
127 the number of hunters assigned to the individual properties. It also details the selection of hunters for  
128 the program, including the Tier0 and Tier1 hunters (Tier0: 2020 Active Hunters Harvard/Out-of-town;  
129 Tier1: 2020 Harvard resident/Town employee qualified hunters) not being required to re-qualify for the  
130 2021 hunting season.  
131

132 Eve Wittenberg stated all hunters should qualify annual regardless of previous years status with the DMS.  
133 Wendy Sisson suggested perhaps the hunters that have previously qualified should re-qualify every other  
134 year. Ms. Sisson wondered what other communities are doing for qualification. Bob Douglas stated North  
135 Andover does not require annual qualification of previously qualified hunters. Joanne Ward would like the  
136 hunters to qualify annually. After discussing a bit further, Wendy Sisson made a motion to accept the  
137 2021 Harvard Hunters Assessment, Assignment/Distribution, & Coordination Plan and chosen hunters for  
138 the 2021 season, only to discuss qualification requirements at a later date. Paul Willard seconded the  
139 motion. The vote was unanimously in favor of the motion, by roll call, Paul Willard, aye; Wendy Sisson,  
140 aye; Jaye Waldron, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye. Joanne Ward abstained  
141 from voting.  
142

143 **Top Three Action Items for All-Boards Meeting September 21, 2021**

144 After briefly discussing the Commission agreed to the following:

- 145 1) Approval of the proposed Land Use Boards organizational chart for FY 2023 that creates a full-  
146 time Director of Conservation responsible for the Conservation Commission, Open Space  
147 Committee and Bare Hill Pond Watershed Management Committee, and supervision of Board of  
148 Health staff;
- 149 2) Developing a mechanism or procedure to address cross-committee or commission coordination  
150 for topics relevant to conservation that are currently beyond the Commission’s capacity to  
151 address (e.g., issues that overlap Conservation and Parks and Recreation Commission); and
- 152 3) Address need for additional capacity within the Commission to participate in planning and  
153 proactive activities on issues related to mission that are otherwise overshadowed by necessary  
154 focus on administration of the Wetland Protection Act/Harvard Wetland Protection Bylaw.  
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158 **Approve Use of Stone Land, Old Mill Road, for Bromfield Cross-Country Events**  
159 Wendy Sisson made a motion to approve the use of the Stone land for Bromfield Cross-Country events  
160 this fall. Jim Burns seconded the motion. The vote was unanimously in favor of the motion, by roll call,  
161 Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw,  
162 aye; and Don Ritchie, aye.

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164 **The Commission's Position on the Stone land, Old Mill Road**

165 This item was passed over.  
166

167 **Discuss Proposed Land Use Boards Matrix for FY2023**

168 After briefly discussing the proposed Land Use Boards matrix, Joanne Ward made a motion to approve  
169 said matrix. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion, by  
170 roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark  
171 Shaw, aye; and Don Ritchie, aye.

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173 **Wetland Violations:**

- 174 • 30 Jacob Gate Road – Jaye Waldron made a motion to issue a fine to the installer for violating the  
175 requirements within the Determination of Applicability. Jim Burns seconded the motion. The vote  
176 was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye  
177 Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.
- 178 • 96 Ayer Road – Enforcement Order Issued last week with deadline to file by
- 179 • 232 Still River Road – No new information; recommend a letter be sent
- 180 • Peninsula Road – Letter to be sent to the owners of 10 Peninsula Road
- 181 • 37 Pine Ridge Way – Requested a copy of the septic plan for review

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183 **Pine Hill Village & Craftsman Village Update**

184 There was no update available this evening  
185

186 **Adjournment**

187 Jim Burns made a motion to adjourn the meeting at 10:02pm. Jaye Waldron seconded the motion. The  
188 vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Jim  
189 Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

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191 Respectfully submitted,

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193 Liz Allard,  
194 Land Use Administrator/  
195 Conservation Agent  
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197 **EXHIBITS & OTHER DOCUMENTS**

- 198 • Conservation Commission Agenda, dated September 2, 2021
- 199 • Bare Hill Pond In-Lake Water Quality and Plan Survey – 2021, prepared by Aquatic Restoration  
200 Consulting, LLC, August 2021
- 201 • Site Plan For: Land at 28 Shaker Road, Harvard, MA for James & Lorelei Galeski, Job No. 1039,  
202 Plan 4385, prepared by Harvard Engineering Services, June 25, 2021
- 203 • Commercial Development Wetland Alteration & Replication Plan, 203 Ayer Road, Harvard, MA  
204 Job No. 211009A, prepared by GPR, Inc, 8/30/21
- 205 • Sewage Disposal System Design, 44 Old Littleton Road, Harvard, Massachusetts, Job No. 5567,  
206 Drawing No. 5567-SDS, prepared by Dillis & Roy Civil Design Group, 8/2/2021
- 207 • Sewage Disposal System, Scott Patterson, 204 Ayer Road, Job No. 33788, Plan No. L-14179,  
208 prepared by David E. Ross Associates, Inc. 8/18/2021
- 209 • Town of Harvard, MA Proposed Land Use Boards Reorganization Version 3.0, August 2021

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**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing**  
**James Galeski, 28 Shaker Road**  
**DEP#177-706, Harvard#0721-01**  
**September 2, 2021**

The public hearing was opened at 7:35pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Jim & Lorelei Galeski and MaryAnn DiPinto (Three Oaks Environmental)

This hearing was continued from August 5, 2021 for a Notice of Intent filed on behalf of James & Lorelei Galeski for the restoration of the 100' wetland buffer zone and wetland resource area with loam and seeding, plantings and stormwater control at 28 Shaker Road, Harvard.

Wendy Sisson provided an update from the additional site walk that included Liz Allard, the applicant and his representative, MaryAnn DiPinto. Ms. Sisson provided recommended amendments to the notes on the plan. Jim Galeski asked for an alternative to the berm at the edge of the slope, such as plantings. Ms. Sisson wants to avoid the fertilized lawn from draining down to the wetland below. Mr. Galeski stated he does not intend to fertilize the lawn area behind the existing garage. Note #6 on the plan was amended to make it clear of the plantings to be provide on the slopes edge. Ms. Sisson stated the isolated wetland did not need additional plantings as the natural vegetation has already filled in the area. An additional note was added to the plan pertaining to the invasive plant management.

Wendy Sisson made a motion to close the hearing and issue an Order of Conditions. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

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**Harvard Conservation Commission**  
**Request for Determination of Applicability Hearing**  
**Harvard Conservation Commission**  
**William's Land, Stow Road (Map 28 Parcel 14)**  
**Harvard#0821-01**  
**September 2, 2021**

271 The public hearing was opened at 8:00pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland  
272 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
273 pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures  
274 Adopted During the State of Emergency and signed into law on June 16, 2021.  
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276 **Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark  
277 Shaw and Eve Wittenberg (Associate Member)  
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279 **Others Present:** Liz Allard (Land Use Administrator/Conservation Agent)  
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281 This hearing is for a Request for Determination of Applicability filed by the Harvard Conservation  
282 Commission for the control of invasive plant species within 100' of a resource area on the William's land  
283 along Stow Road (Map 28 Parcel 14), Harvard.  
284

285 Wendy Sisson explained the details of the activity which includes the control of multi-flora rose, glossy  
286 buckthorn, Japanese or border privet and Asian bittersweet. A licensed applicator will use a triclopyr  
287 herbicide product with a hand-pump backpack sprayer with a wand for foliar spraying of individual plants  
288 and with a spray bottle or foam applicator for treatments using the cut-stem method. Some of the plants  
289 are within the 100' wetland buffer zone of a stream or within 200' of a pond, but none are within the  
290 wetland resource area.  
291

292 Joanne Ward a motion to close the hearing and issue a Negative#2 Determination of Applicability. Paul  
293 Willard seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard,  
294 aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don  
295 Ritchie, aye.  
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297 Respectfully submitted,  
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300 Liz Allard  
301 Land Use Administrator/  
302 Conservation Agent  
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**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Harvard Conservation Commission  
Powell Land, East Bare Hill Road (Map 31 Parcel 35)  
Harvard#0821-02  
September 2, 2021**

The public hearing was opened at 8:10pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

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

This hearing is for a Request for Determination of Applicability filed by the Harvard Conservation Commission for the control of invasive plant species within 100' of a resource area on the Powell land along East Bare Hill Road (Map 31 Parcel 35), Harvard.

Wendy Sisson explained the details of the activity which includes the control of primarily glossy buckthorn using the cut-stem treatment. A licensed applicator will use a spray bottle or foam nib to apply herbicide to the cut stems. Asian bittersweet will also be treated with focused foliar spray technique. Some of the buckthorn to be treated is within 200' of a small pond considered to be a vernal pool. Ms. Sisson will work with the Turnhiem's at 106 East Bare Hill Road for the hand pulling of the buckthorn on their abutting property.

Joanne Ward a motion to close the hearing and issue a Negative#2 Determination of Applicability. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

Harvard Conservation Commission  
Continuation of a Notice of Intent Hearing  
Wheeler Realty Trust, 203 Ayer Road,  
Harvard#0721-02, DEP#177-707  
September 2, 2021

The public hearing was opened at 8:17pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent), Bruce Ringwall (GRP, Inc.) and Lou Russo

This hearing was continued from August 5, 2021 for a Notice of Intent filed on behalf of Wheeler Realty Trust for the filling of a freshwater wetland with proposed replication adjacent to an existing bordering vegetated wetland located on the site at 203 Ayer Road, Harvard.

Bruce Ringwall, of GPR, Inc., stated the revised plan details the replicated wetland in two locations; 17,347 square feet along Ayer Road and 6,400 square feet at the back of the property, both adjacent to existing wetland areas. Wendy Sisson questioned the two different replication areas. Mr. Ringwall explained locating the replicated wetland in one location would limit the area available for development and require more components of the development to be within the buffer zone. Ms. Sisson was not in agreement with separate replication areas. Jaye Waldron expressed the same pertaining to the wetland replication areas, and added the Commission is already being flexible by allowing a 1:1 replication ratio. Mr. Ringwall explained under the Town's Protective (Zoning) Bylaw the maximum floor area ratio is 20% of the total site, with open space on the site being close to 75%, which does not include the building or parking areas.

Ms. Waldron asked about a condition that would not allow for a building permit until the replication area was complete, as suggested by the Department of Environmental Protection. Mr. Ringwall stated the applicant was hoping to get the replication completed started this fall so it can be done by Spring for the ability to get moving on the development plans and approvals.

Further discussion included the need to comply with Federal water quality requirements, conditions within the Order, the control of the invasive Japanese Knotweed, and the feasibility of having all of the replication area in one location. Lou Russo, the applicant, agreed to locating the entire replication area to the wetland along Ayer Road.

With the need to revise the plans to reflect the discussion this evening, Wendy Sisson a motion to continue the hearing to September 16, 2021 at 7:45pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

421 **Harvard Conservation Commission**  
422 **Notice of Intent Hearing**  
423 **Harvard Fire Department, Fire Ponds**  
424 **Located at 266 Stow Rd, 21 Scott Rd, 2 Lancaster County Rd,**  
425 **74 Poor Farm Rd, 3 Cliffside Drive and 5 Sholan Circle, Harvard#0821-04**  
426 **September 2, 2021**  
427

428 The public hearing was opened at 8:45pm by Chair Don Ritchie under MGL Chapter 131 §40 Wetland  
429 Protection Act and the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw virtually,  
430 pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures  
431 Adopted During the State of Emergency and signed into law on June 16, 2021.  
432

433 **Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark  
434 Shaw and Eve Wittenberg (Associate Member)  
435

436 **Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Chief Rick Sicard (Harvard  
437 Fire Department)  
438

439 This hearing is for a Notice of Intent filed by the Harvard Fire Department for the for the dredging of  
440 existing fire ponds and the replacement of appliances associated with those ponds within the wetland  
441 resource area and the 200' wetland buffer zones at 21 Scott Rd, 2 Lancaster County Rd,  
442 74 Poor Farm Rd, 3 Cliffside Drive and 5 Sholan Circle, Harvard.  
443

444 Liz Allard explained the Commission had previously provided feedback on the process of dredging the  
445 above-mentioned fire ponds. The application detailed the amount of material to be removed from each  
446 site along with additional information regarding how the wetland resource areas will be protected and  
447 the dewatering of the removed material. Wendy Sisson stated many of these ponds contain phragmites,  
448 therefore care should be taken when removing the dredge material as to not further spread this invasive  
449 plant. Dredged material will be dewatered and transported to the gravel pit on Stow Road. An area within  
450 the gravel pit has been designated for this material and will need to be cleared prior to activity.  
451

452 Jaye Waldron made a motion to close the hearing and issue an Order of Conditions. Joanne Ward  
453 seconded the motion. Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim  
454 Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.  
455

456 Respectfully submitted,  
457

458  
459 Liz Allard  
460 Land Use Administrator/  
461 Conservation Agent  
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**Harvard Conservation Commission**  
**Request for Determination of Applicability Hearing**  
**Ted Stefanik, 44 Old Littleton Road, Harvard#0821-03**  
**September 2, 2021**

The public hearing was opened at 8:52pm 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 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021.

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Administrator/Conservation Agent) and Jack Maloney (Dillis & Roy Civil Design Group)

This hearing is for a Request for Determination of Applicability filed on behalf of Ted Stefanick for the installation of a 1,000-gallon septic tank and leaching facility within the 100' wetland buffer zone 44 Old Littleton Road, Harvard.

Jack Maloney, of Dillis & Roy, stated the application before the Commission is the same design that was approved in 2017, however that Order of Conditions has expired. Mr. Maloney explained the system would be located in an already disturbed lawn area, with the closest edge of the system within 55' of the wetland resource area. Although the site will need to be accessed from the rear of the house there are no other resource areas within these limits that would be affected.

Paul Willard made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the condition that activity shall not commence until the siltation barrier is inspected by the Conservation Agent or a member of the Conservation Commission. Jim Burns seconded the motion. Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

DRAFT  
**HARVARD CONSERVATION COMMISSION**  
**MINUTES OF MEETING**  
**DECEMBER 16, 2021**

Chair Don Ritchie called the meeting to order at 7:03pm, virtually, pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency and signed into law on June 16, 2021, under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron, Joanne Ward, Mark Shaw and Eve Wittenberg (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator/Conservation Agent), Jim Lee (Harvard Conservation Trust), Ben Urquhart (Deer Management Subcommittee), Joe Pulido (Deer Management Subcommittee) and Daniel Tracey

**Update from Deer Management Subcommittee**

Ben Urquhart, a member of the Deer Management Subcommittee (DMS), stated one deer has been taken from the Blomfelt land; participation has been light, with two weeks left in the season; and the two illegal stands on the Herman Orchard have been removed. Joe Pulido, a member of the DMS, stated the deer count is now up to two, as he took one today on the Herman Orchard. Joanne Ward asked if the warm weather has had an impact on deer movement. Mr. Pulido stated in the warmer weather the deer do not tend to move as much. The two deer taken have been does. Wendy Sisson stated Bob Douglas, chair of the DMS, has been approached to write an article for the Harvard Press. As a busy time of year, Ms. Sisson would like to revisit this and review the season by the end of January while it is fresh in our minds. Mr. Urquhart will share that message with Mr. Douglas.

**Harvard Conservation Trust Request for Support on the Preservation Elkinson Land, Still River Road**

Jim Lee, from Harvard Conservation Trust (HCT), was present to discuss the preservation of the Elkinson property on Still River Road. The site is 2.5 acres that abuts other HCT land. HCT is willing to accept the land for open space purposes with the contingency of a \$2500.00 endowment to assist in maintaining the land. The property owner is willing to provide an endowment of \$1250.00. Wendy Sisson had suggested the Commission provide the additional \$1250.00 in order to allow it to be preserved and maintained by HCT.

Wendy Sisson made a motion to allocate \$1250.00 to assist the HCT in the preservation of the Elkinson land along Still River Road. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.

**Land Stewardship Subcommittee Request to Allocate Funding for Trail Improvements on Holy Hill**

Wendy Sisson, chair of the Land Stewardship Subcommittee, explained an area after the causeway on Holy Hill is muddy, but on a slope, therefore a boardwalk would not work. Ms. Sisson has suggested gravel be added in this location, along with a few other areas. Ms. Sisson estimates 10 yards of three-quarter stone at a cost of \$550.00, with rental equipment at \$600.00. Ms. Sisson explained an abutter to Holy Hill has given permission to access the area through their property. Ms. Sisson added there is also cutting and clearing that is in needed in this area as well. Ms. Sisson has located an individual interested in conducting the work at an estimated total cost of \$2600.00. After discussing ways to reduce the cost, Don Ritchie and Tom MacMullin, volunteered their time and equipment to get the job done.

52 Mark Shaw made a motion to allocate \$600.00 for trail improvements on Holy Hill. Jaye Waldron  
53 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye;  
54 Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.  
55

56 **Planning Board Request for Comments – 56 Stow Road**

57 The Commission has no comments to the above-mentioned application.  
58

59 **Request to Extend the Order of Conditions – Pine Hill Village, Pine Hill Village Road, DEP#177-586**

60 Wendy Sisson made a motion to extend the Order of Conditions for Pine Hill Village, DEP#177-586 to  
61 December 31, 2022. Jaye Waldron seconded the motion. The vote was unanimously in favor of the  
62 motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don  
63 Ritchie, aye.  
64

65 **Ratify Emergency Certificate of Compliance – 204 West Bare Hill Road, DEP#177-560**

66 Joanne Ward made a motion to approve the Certificate of Compliance for 204 West Bare Hill Road,  
67 DEP#177-560. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a  
68 roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.  
69

70 **Approve Invoice**

71 Joanne Ward made a motion to approve the invoices for Oxbow Associates in the amount of \$3929.28  
72 and Heritage Field in the amount of \$3600.00. Jaye Waldron seconded the motion. The vote was  
73 unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward,  
74 aye; Mark Shaw, aye; and Don Ritchie, aye.  
75

76 **Approve Minutes**

77 Jay Waldron made a motion to approve the minutes of December 2, 2021 as amended. Mark Shaw  
78 seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye;  
79 Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.  
80

81 **Land Use Boards Staffing Organization Update**

82 After briefly discussing the meeting this week with Tim Bragan and Erin McBee, Wendy Sisson made a  
83 motion to accept the list of tasks to be completed by the full-time conservation agent, with the final  
84 version of the job description to be sent to the Commission before approval by the Personnel Board. Jaye  
85 Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Wendy  
86 Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.  
87

88 **Pine Hill Village Update**

89 Liz Allard will remind the developer that “No Salt Area” sign shall be install as soon as possible.  
90

91 **Adjournment**

92 Mark Shaw made a motion to adjourn the meeting at 8:04pm. Joanne Ward seconded the motion. The  
93 vote was unanimously in favor of the motion by a roll call, Wendy Sisson, aye; Jaye Waldron, aye; Joanne  
94 Ward, aye; Mark Shaw, aye; and Don Ritchie, aye.  
95

96 Respectfully submitted,  
97  
98

99 Liz Allard,

100 Land Use Administrator/Conservation Agent  
101

102 **EXHIBITS & OTHER DOCUMENTS**

- 103
- 104 • Conservation Commission Agenda, dated December 16, 2021



# MEMORANDUM

**TO:** All Departments & Boards/Committees/Commissions

**FROM:** Julie Doucet

**DATE:** November 15, 2021

**SUBJECT:** 2021 Annual Town Report

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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 page set up (under page layout tab)
- Font: 12pt Calibri
- Include pictures (jpegs) as separate attachments. Pictures can be specific to work done in your department or by your board/committee/commission or simply a nice landscape photo or one from an event you may have attended here in town. In addition, I have reached out to the community as a whole seeking photos resident 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 31<sup>st</sup>.

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

**Warm wishes for a healthy, happy and relaxing Thanksgiving!**



# Evaluation of 351 Ayer Road

Matthew Marro | December 20, 2021



# MATTHEW S. MARRO ENVIRONMENTAL CONSULTING

45 Lisa Drive  
Leominster, Ma  
Phone (978) 314-7858  
Fax (888) 435-5999

December 20, 2021

Mr. Brian Michalczyk  
190 East Main Street  
Ayer, MA 01432

Re: Evaluation of single family lot at 351 Ayer Road ,Harvard, MA

Dear Sir,

Matthew S. Marro Environmental Consulting has performed an evaluation of a single family lot and adjacent areas identified by the Conservation Commission potentially as wetland on your property to determine if the areas on the lot either qualified as a vegetated wetland either bordering or isolated (refer to *310 CMR 10.55(2)(c)(1-3 and 310 CMR 10.04 definitions)*).

There is a pre-existing drain line on your property at the southern rear edge of the property as noted on the exhibit (labeled area 1). The source of the water that intermittently feeds the rear is likely ground water originating from Ayer Road. It is not draining any other wetland resource area and appears to be fed by street and town drainage flow during wet weather events. There are neither stream channels nor culverts that empty into this line. Since 1983, interpretation of the definition of a stream determined that if a drainage channel or drain line did not have a wetland connection upstream of it, it (or in this case, the land area it discharges to) was not considered a jurisdictional stream or other wetland resource area.

The vegetation at the southerly edge of the lot the drain emptied into consisted of Garlic Mustard, Queen Ann's Lace, Golden Rod, Sugar Maple, Red Oak, Bracken Fern, and the beginnings of an intrusion of Bittersweet. There were no wetland indicator plants present nor were there wetland herbaceous plants on the ground such as ferns and mosses except for one Cattail plant. This in and of itself is an indicator that the flows here are very sporadic, a stream based or ground water-based wetland normally does not allow for this pattern of growth. It is also quite common to see cattail in some form establish in an aggressive manner in bio swales and storm water basins as well as runoff channels that are not jurisdictional simply due to the presence of water on a steady basis (i.e., reliable water source from rain events through the storm water structure).

Evaluation of the soils in this section took place at five locations with 3 bore holes each evenly spread along the back area of the lot in a 30-foot circular sampling area. The soils were Walpole Sandy Loom Series, typical of outwash soils along mild slopes soils in this area of Massachusetts. In all borings the soils in the B layer were a consistent sandy 10YR 5/4 or 2/5 Y (6/3) (after an Ap layer of no greater than 6 inches) with no evidence of either anaerobic condition with some limited mottling in not all of the samples which did not exceed 5% of the soil layer.

Features that are normally found in hydric soils that would indicate a wetland resource area were not present. It is my finding the soils are upland and I would note that the soils of the same type and color appear through your property, as you may recall, the evaluation of the currently excavated area for your septic system placement exhibited the same bright soil. This area and the adjacent area at the lot line are labeled as areas 2 and 3 on the enclosed exhibit.

Noted on the exhibit map enclosed is an area at the mid-section of the lot along the southerly lot line labeled as area 4. I noted a very small section of area on the abutters' lot that appeared to hold water for a small period likely springtime. I noted that there were Spruce, Hemlock, White Pine, Sugar Maple and Red Oak present with very little to almost no understory. There were 2 Royal Fern Plants indicating potential wetland hydrology. However, on close examination, the Royal Fern was not a dominant species; the Hemlock present in this area did not have shallow roots (Hemlock is not considered to be within a wetland system unless the root system is shallow. Buttressed roots are not considered indication of wetland hydrology for Hemlock.)

Examination of the soil in this area showed an O layer that averaged three inches leading to an E Layer that varied in areas from an inch deep to three inches prior to subsurface resistance. The color at the E layer was more of a gray to white bleached mineral soil. The eluvial horizon (E horizon) is typically light gray, clay-depleted, contains little organic matter and has a high concentration of silt and sand particles composed of quartz and other resistant minerals. Its color is formed not by anaerobic conditions as is typical of wetland resource areas; rather it is formed by acidification. The presence of the evergreen over story in this area would contribute heavily to this acidity, which also accounts for the organic layer commonly found above an E horizon. This area is not a wetland resource area, either local or state.

I also found the following:

1. I found no ACEC designation in the subject area.
2. I found no estimated or priority habitat in subject area.
3. There are no vernal pools, certified or potential on subject lot
4. Flood Plain is not present on the subject lot

**CONCLUSION:** The subject lot in question does not contain any jurisdictional wetland resource area local, state nor federal.

Please call me if you have any further questions at 978-314-7858.

Respectfully Submitted,



Matthew S. Marro,

Consulting Agent/Principle

Cc : File

## **Exhibit One- Subject Property**



# 351 Ayer Road Exhibit



## Areas of Critical Environmental Concern ACECs



## Q3 Flood Zones (from Paper FIRMs, All Available Areas)

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

## FEMA National Flood Hazard Layer Polygons

- A: 1% Annual Chance of Flooding, no BFE
- AE: 1% Annual Chance of Flooding, with BFE
- AE: Regulatory Floodway
- AH: 1% Annual Chance of 1-3ft Ponding, with BFE
- AO: 1% Annual Chance of 1-3ft Sheet Flow Flooding, with BFE
- VE: High Risk Coastal Area
- D: Possible But Undetermined Hazard
- X: 0.2% Annual Chance of Flooding
- X: 1% Drainage Area < 1 Sq. Mi.
- X: Reduced Flood Risk due to Levee
- Area Not Included
- Area with no DFIRM - Paper FIRMs in Effect

## Q3 Flood Zones (from Paper FIRMs, where NFHL Unavailable)

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

## NHESP Ecoregions



## NHESP Certified Vernal Pools



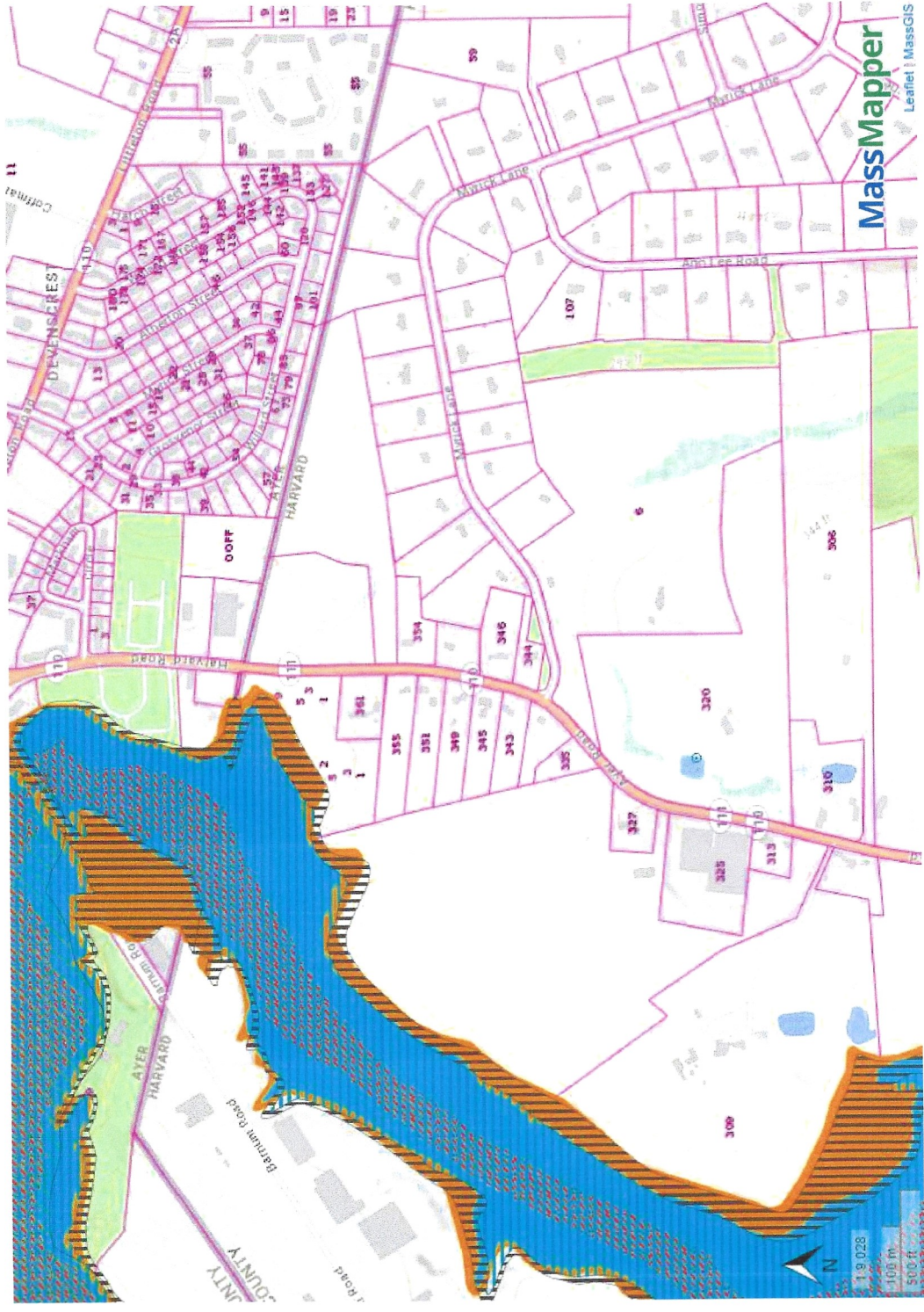
## NHESP Estimated Habitats of Rare Wildlife



## **Exhibit Two- MASS GIS OVERLAY**



# MASS GIS EXHIBIT



Areas of Critical Environmental Concern  
ACECS

Q3 Flood Zones (from Paper FIRMs, All Available Areas)

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

FEMA National Flood Hazard Layer  
Polygons

- A: 1% Annual Chance of Flooding, no BFE
- AE: 1% Annual Chance of Flooding, with BFE
- AE: Regulatory Floodway
- AH: 1% Annual Chance of 1-3ft. Ponding, with BFE
- AO: 1% Annual Chance of 1-3ft. Sheet Flow Flooding, with BFE
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- X: Reduced Flood Risk due to Levee
- Area Not Included
- Area with no DFIRM - Paper FIRMs in Effect

Q3 Flood Zones (from Paper FIRMs, where NFHL Unavailable)

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

NHESP Ecoregions

NHESP Certified Vernal Pools

NHESP Estimated Habitats of Rare Wildlife