

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
FEBRUARY 1, 2024
APPROVED: February 15, 2024**

Chair Eve Wittenberg called the meeting to order at 7:00pm, 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, Joanne Ward (departed the meeting at 7:54pm), Mark Shaw, Jessie Panek, and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Walter Eriksen (Juno Development), Bruce Ringwall (GPR, Inc.), Alison Dery, Bruce Leicher (Bare Hill Pond Watershed Management Committee), Dan Wolfe (Ross Associates, Inc.), Kerry Shrives (Bare Hill Pond Watershed Management Committee), Jim Patierno, Robert Marhefka and Mark O'Hagan (Craftsman Village Harvard)

Request to Amend the Order of Conditions Hearing - Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03. Opened at 7:04pm

Act on Bare Hill Pond Watershed Management Committee Community Preservation Committee Application - VFD Drive Capital Purchase

This application has been withdrawn as the Select Board has obtained another funding source, therefore there was no need to discuss this item.

Act on Harvard Conservation Trust Request for New Moon Walk at Barba's Point, February 9, 2024

Mark Shaw made a motion to approve the use of Barba's Point by the Harvard Conservation Trust on February 9th for a new moon walk, including the use a small portable fire pit. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Notice of Intent Hearing – Shakers' Quarry Property Owner's Association, Inc., Stonecutters Path and Quarry Lane, Harvard#0124-01. Opened at 7:10pm.

Allocation of Funding for the MACC Annual Environmental Conference, March 2, 2024

Don Ritchie made a motion to approve the allocation of up to \$700 for members to attend the 2024 MACC Annual Environmental Conference. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Request for Judges for the 2024 Science Fair, March 24, 2024 1:30pm – 3:30pm

John Lee and Joanne Ward volunteered to participate in the judging of this event.

Zoning Board of Appeal Peer Review of Craftsman Village Harvard – Review & Comment

After a review of the status of the site at Craftsman Village Harvard the members agreed a letter would be sent to the Zoning Board of Appeals outlining the outstanding items associated with the Order of Conditions, that would be addressed as weather permits, and request funds be held in escrow to cover the cost of those items should the applicant fail to be compliant, and recommend the release of the final unit on the property.

Continuation of a Request to Amend the Order of Conditions Hearing - Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03. Opened at 7:33pm

Continuation of a Notice of Intent Hearing – Travis Dery, 62 Old Littleton Road, DEP#177-729, Harvard#1023-01. Opened at 7:40pm

Approve Minutes

Jaye Waldron made a motion to approve the minutes of October 5, 2023 as amended. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Approve Invoice

There were no invoices for approval.

Review Craftsman Village Harvard Plan to Manage Invasive Plants

After concerns with the plan as shown and the activity to be conducted, Jessie Panek made a motion to accept the Invasive Control Plan for Craftsman Village Harvard LLC prepared by Oxbow Associate, Inc., dated October 13, 2023. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Mark Shaw, aye; and Jessie Panek, aye.

Continuation of a Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), DEP#177-733, Harvard#0923-01. Opened at 8:00pm

Update on Wetland Violation at 351 Ayer Road

The Commission reviewed the following time line of events on the property:

- October 5, 2021 Enforcement Order issued for removal of natural vegetation and the addition of fill; file restoration plan by November 5, 2021
- November 9, 2021 Follow up letter on Enforcement Order violation for not complying by November 5, 2021
- December 20, 2021 Evaluation from Matt Marro
- January 6, 2022 Meet with Matt Marro who agreed to file an NOI
- January 27, 2022 Follow up letter sent to the property owner pertaining to the filing of an NOI no later than March 3, 2022

After a brief discussion, Don Ritchie made a motion requesting the Conservation Agent issue another Enforcement Order, post a Cease & Desist Order at the site on Monday, and have a constable deliver the Enforcement Order to the property owner's address. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Mark Shaw, aye; and Jessie Panek, aye.

Status Report Pine Hill Village, DEP#177-586

Four of the six foundations have been installed with three of the houses underway. Muddy water is accumulating at the toe of the slope, but not making its way past the siltation barrier. Snow storage was observed in the area between units 1 and 3 in the Pine Bank neighborhood, which is not allowed. Peter Cricones was notified and sent he apology to the Commission, citing a new snow removal contractor is being utilized this season. Mr. Cricones will follow up with the contractor.

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

The activity at this location continues to be mainly focused on the structure itself. Activity to install the bridge will begin once the weather warms.

Updates from Representatives & Liaison

Community Preservation Committee – The Committee is considering re-opening the request for FY2025 funding as there are funds still available. However, the timing to meet all of the requirements to do so

may not work out because of the deadline for warrant articles' submission for Annual Town Meeting. It is recommended that the Commission reapply for additional funding should the applications be re-opened.

Land Stewardship Subcommittee (LSS) – No update was available.

Open Space Committee – Will be meeting on February 8th with the intent of finalizing the Open Space & Recreation Plan.

Deer Management Subcommittee (DMS) – The report for the 2023 season is being drafted with a tentative date of March 7th to report out to the Commission.

Harvard Climate Initiative Committee – A grant application from the Nashua River Wild & Scenic Stewardship Council is being drafted to obtain funding for invasive plant public outreach, which is an action item assigned to the Commission under the Climate Action Plan. The draft application will be acted on by the Commission at the March 7th meeting.

Adjournment

Mark Shaw made a motion to adjourn the meeting at 9:00pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a show of hands by those present.
Respectfully submitted,

Liz Allard,
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated February 1, 2024
- As-built Review "Craftsman Village Harvard" 361 Ayer Road, Harvard, MA prepared for the Harvard Zoning Board of Appeals, prepared by Dillis & Roy Civil Design Group, January 12, 2024
- 2021 Orthophotograph Craftsman Village Invasive Control Ayer Road Harvard, MA, prepared by Oxbow Associates, Inc., December 28, 2023
- Draft Order of Conditions The Village at Robin Lane Harvard, DEP#177-733, Harvard#0923-01

**Harvard Conservation Commission
Request to Amend the Order of Conditions Hearing Meeting Minutes
Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03
February 1, 2024**

The public hearing was opened at 7:04pm 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, Joanne Ward, Mark Shaw, and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent)

This hearing is a Request to Amend the Order of Conditions filed by Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03 to limit the Order to three years and set the start date of the annual draw down of Bare Hill Pond as October 1st.

At the request of the applicant, Bruce Leicher, Jaye Waldron made a motion continue this hearing to 7:35pm this evening. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Shakers' Quarry Property Owner's Association, Inc.,
Stonecutters Path and Quarry Lane, Harvard#0124-01
February 1, 2024**

The public hearing was opened at 7:10pm 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, Joanne Ward, Mark Shaw, Jessie Panek and John Lee (Associate Member)

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

This hearing is for a Notice of Intent filed on behalf of Shakers' Quarry Property Owner's Association, Inc., Harvard#0124-01, for the grinding and removal of existing asphalt, repairs to gravel base, and resurfacing the roadways, and the replacement of an 18" culvert and reforming portions of the existing open channel drainage system within the 100' wetland buffer zone on Stonecutters Path and Quarry Lane, Harvard.

Dan Wolfe, of Ross Associates, representing the homeowner's association (HOA), stated the application encompasses work on both Quarry Lane and Stonecutters Path. The HOA is responsible for the maintenance and upkeep of the roadways as they are private roads in the Town of Harvard. Work associated with the grinding, removal of the existing roadway, and repairs to base where appropriate, are within portions of the 100' wetland buffer zone. There are open drains along roadways that need touch up and reforming. In addition, the existing culvert across Stonecutter's Path is in need of replacement, which is a one-day job. The grinding and paving is a much bigger job and will be subject to the contractor's schedule. As discussed on the site visit, Mr. Wolfe has added rip rap on the inlet of the culvert that crosses Quarry Lane.

Without a Department of Environmental Protection File Number, Jessie Panek made a motion to continue this hearing to February 15, 2024 at 7:02pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

Harvard Conservation Commission
Continuation of a Request to Amend the Order of Conditions Hearing Meeting Minutes
Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03
February 1, 2024

The public hearing was opened at 7:33pm 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, Joanne Ward, Mark Shaw, and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Bruce Leicher (Bare Hill Pond Watershed Management Committee), and Kerry Shrives (Bare Hill Pond Watershed Management Committee)

This hearing was continued from 7:04pm this evening on a Request to Amend the Order of Conditions filed by Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03 to limit the Order to three years and set the start date of the annual draw down of Bare Hill Pond as October 1st.

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee (BHPWMC), updated the Commission on a recent meeting with Judith Schmitz, from the Department of Environmental Protection, pertaining to her appeal of the Order of Conditions issued by the Commission last September. After reviewing extensive material provided by BHPWMC and visiting Bare Hill Pond, which included a tour of the pond with Wendy Gendron, of Aquatic Control Restoration, Inc., Ms. Schmitz has indicated she would withdraw her appeal if the Order of Conditions was amended to reflect an October 1st start date of the draw down and the Order itself was limited to three years only. The thinking of limiting the Order to three years is that within that time the Division of Fish & Wildlife (DFW) will have an opportunity to provide better clarification to their position on drawdowns across the State and provide BHPWMC time to pursue different methods of conducting the drawdowns that would align with the goals of DFW.

Don Ritchie made a motion approve the amendment to the Order of Conditions as requested. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Travis Dery, 62 Old Littleton Road, DEP#177-729, Harvard#1023-01
February 1, 2024**

The public hearing was opened at 7:40pm 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, Joanne Ward, Mark Shaw, Jessie Panek, and John Lee (Associate Member)

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

This hearing was continued from January 18, 2024 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.

Bruce Ringwall, of GPR, Inc., was able to work with applicant and pool designers to shift everything over to move everything outside the 75' wetland buffer zone. By doing so, grading has shifted into the hillside and the down-gradient slope has been adjusted slightly. With all other concerns with the plan addressed at the previous meeting, Eve Wittenberg called for a motion.

Don Ritchie made a motion to close the hearing and issue an Order of Conditions with the standard special conditions. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53),
DEP#177-733, Harvard#0923-01
February 1, 2024

The public hearing was opened at 8:00pm 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, Mark Shaw, Jessie Panek, and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Walter Eriksen (Juno Development), and Bruce Ringwall (GPR, Inc.)

This hearing was continued from January 18, 2024 for a Notice of Intent filed on behalf of Juno Construction LLC 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 on Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard.

The Commission, Bruce Ringwall, of GPR, Inc., and Walter Ericksen, from Juno Development, reviewed the final outstanding items within the special conditions for the Order of Conditions, including agreeing upon the final number of plants to installed on the slope of the detention basin, that being 45 plants.

Don Ritchie made a motion to close the hearing and issue an Order of Conditions to include the Special Conditions, page 8a -8i, as revised this evening. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent