

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 2, 2021
APPROVED: JANUARY 6, 2022**

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 pumed 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 riverine 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.

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

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

Request for a Certificate of Compliance – 5 Haskell Lane, DEP#177-441

Wendy Sisson made a motion to issue a Certificate of Compliance for 5 Haskell Lane, DEP#177-441. 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.

Request to Approve David Crossman as the Botanist for the Wetland Restoration at 175 Littleton County Road, DEP#177-694

Jim Burns made a motion to approve David Crossman as the botanist for the wetland restoration at 175 Littleton County Road. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

ZBA Request for Comments – 13 Old Littleton Road

The Commission had no comments in regards to this application.

Approve Minutes

Jim Burns made a motion to approve the minutes of May 6, 2021 as amended. Wendy Sisson 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.

Approve Invoice – Harvard Press \$144.00

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

Approve Reimbursement – Wendy Sisson \$55.00 (workshop)

Joanne ward made a motion to approve the reimbursement of Wendy Sisson in the amount of \$55.00. Jim Burns seconded the motion. The vote was unanimously in favor of the motion, by roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

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

Election of Officers for Fiscal Year 2022

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

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

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

Request for Determination of Applicability Hearing, Ted Stefanik, 44 Old Littleton Road, Harvard#0821-03. Opened at 8:52pm

Request to Amend Approved Plan – 204 Ayer Road, DEP#177-699

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

Wendy Sisson made a motion to approve the revised plan as *De Minimus* change. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion, by roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Deer Management Subcommittee (DMS) – Distribution of Hunters

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

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

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

After briefly discussing the Commission agreed to the following:

- 1) Approval of the proposed Land Use Boards organizational chart for FY 2023 that creates a full-time Director of Conservation responsible for the Conservation Commission, Open Space Committee and Bare Hill Pond Watershed Management Committee, and supervision of Board of Health staff;
- 2) Developing a mechanism or procedure to address cross-committee or commission coordination for topics relevant to conservation that are currently beyond the Commission's capacity to address (e.g., issues that overlap Conservation and Parks and Recreation Commission); and
- 3) Address need for additional capacity within the Commission to participate in planning and proactive activities on issues related to mission that are otherwise overshadowed by necessary focus on administration of the Wetland Protection Act/Harvard Wetland Protection Bylaw.

Approve Use of Stone Land, Old Mill Road, for Bromfield Cross-Country Events

Wendy Sisson made a motion to approve the use of the Stone land for Bromfield Cross-Country events this fall. Jim Burns seconded the motion. The vote was unanimously in favor of the motion, by roll call, Paul Willard, aye; Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

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

This item was passed over.

Discuss Proposed Land Use Boards Matrix for FY2023

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

Wetland Violations:

- 30 Jacob Gate Road – Jaye Waldron made a motion to issue a fine to the installer for violating the requirements within the Determination of Applicability. Jim Burns 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.
- 96 Ayer Road – Enforcement Order Issued last week with deadline to file by September 23, 2021
- 232 Still River Road – No new information; recommend a letter be sent
- Peninsula Road – Letter to be sent to the owners of 10 Peninsula Road
- 37 Pine Ridge Way – Requested a copy of the septic plan for review

Pine Hill Village & Craftsman Village Update

There was no update available this evening

Adjournment

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

Respectfully submitted,

Liz Allard,
Land Use Administrator/
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

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

**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 provided on the slope's 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

**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**

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 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 William's land along Stow Road (Map 28 Parcel 14), Harvard.

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

Joanne Ward a motion to close the hearing and issue a Negative#2 Determination of Applicability. Paul Willard 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
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 made 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 (GPR, 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 concern 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 to be issued 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 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 locate 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 made 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

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

The public hearing was opened at 8:45pm 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 Chief Rick Sicard (Harvard Fire Department)

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

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

Jaye Waldron made a motion to close the hearing and issue an Order of Conditions. Joanne Ward 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

**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 Stefanik 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