

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
NOVEMBER 1, 2018  
APPROVED: DECEMBER 20, 2018**

Chairman Don Ritchie called the meeting to order at 7:00pm in the Town Hall, 13 Ayer Road, 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 (arrived at 7:13pm), Jaye Waldron, Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (LUB Admin), Peter Cricones (Pine Hill Village, LLC), Carla Page (Pine Hill Village, LLC), Dan Wolfe (Ross Assoc.), Jonathan & Amy Gothorpe, Robert Kody (Envision Homes), Jack Maloney (Ducharme & Dillis), Justin Baer and Peter Dorward

**Request to Extend the Order of Conditions, Pine Hill Village, Stow Road DEP#177-586**  
Peter Cricones and Carla Page, of Pine Hill Village, LLC, were present to request a two-year extension of the Order of Condition for the Pine Hill Village affordable housing project along Stow Road. Mr. Cricones explained there are a few outstanding items necessary to satisfy the ZBA consultant on the final plans for this development. The applications before the Board of Health are still under review; at this point there have been no questions in regards to the engineering of the septic systems, just the refining of the condominium documents.

After a brief discussion Jim Burns made a motion to extend the Order of Conditions for the development known as Pine Hill Village, along Stow Road, DEP#177-586 for one-year. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

**Approve Minutes**

This item was passed over

**Request for a Certificate of Compliance – 53 Turner Lane, DEP#177-164**

Jaye Waldron made a motion to issue the Certificate of Compliance for 53 Turner Lane, DEP#177-164. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

**Approve Invoices**

Jaye Waldron made a motion to approve the invoiced for Mark J. Lanza in the amount of \$1324.00. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Wendy Sisson made a motion to approve the invoice for Heritage Fields in the amount of \$4800. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

**Notice of Intent Hearing – Jonathan & Amy Gothorpe, 36 Lovers Lane, DEP#177-670, Harvard#1018-01.** Opened at 7:30pm

**Community Preservation Committee Application Review – 11/21 or 12/19**

After a brief discussion the members of the Commission agreed to meet with the Community Preservation Committee on December 19<sup>th</sup> to discuss the Commission's application for funding of \$200,000.

**High Ridge Initiative – 1<sup>st</sup> meeting November 7<sup>th</sup>**

Don Ritchie agreed to attend this meeting to represent the Harvard Conservation Commission.

**White Land Conservation Land Encroachment**

A site visit was conducted earlier this week by Don Ritchie, Mark Shaw and Liz Allard, at which the property boundaries were located. The abutting property owner, Eddie & Melinda Mitchell, have piled felled trees on the conservation land. There is evidence of erosion taking place due to the improvements made to the existing cart road and the removal of vegetation. In a large cleared area the Mitchell's have tilled the soil and covered the area with hay.

After a brief discussion Wendy Sisson made a motion to notify the Mitchell's that they are to cease and desist from any unauthorized activity on the property; install sediment control barriers to prevent further erosion onto the conservation land; and inform them the Commission is assessing the situation and will be in touch shortly to discuss further. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

**Notice of Intent Hearing - Benjamin Hill, 9 Warren Avenue, DEP#177-669, Harvard#1018-02.**  
Opened at 7:53pm

**Request for Determination of Applicability Hearing – Justin Baer, 9 Wilroy Avenue, Harvard#1018-04.** Opened at 8:00pm

#### **Comments for Still River Commons, Bolton**

After a brief discussion, Wendy Sisson made a motion to approve the letter to the Bolton Zoning Board of Appeals, in regards to Still River Commons, as revised this evening. Joanne Ward seconded the motion.

**Notice of Intent Hearing – Harvard Department of Public Works, Slough Road, Harvard#1018-03.** Opened at 8:21pm

#### **Management Plan for Smith Land**

Wendy Sisson should have the draft management plan wrapped by next week to send to Sudbury Valley Trustees and Town Counsel for review prior to the closing on the property on November 19<sup>th</sup>.

#### **Executive Session**

Wendy Sisson made a motion to go into Executive Session with members of the Harvard Conservation Trust to discuss the possible purchase of real property, the public discussion of which could have detrimental effects on the negotiating position, only to return to the public meeting once completed. Jim Burns seconded the motion. A roll call vote was taken: Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

At 9:31pm Wendy Sisson made a motion to exit executive session and return to the public meeting. Mark Shaw seconded the motion. A roll call vote was taken: Wendy Sisson, aye; Jaye Waldron, aye; Joanne Ward, aye; Mark Shaw, aye; Jim Burns, aye; and Don Ritchie, aye.

#### **Open Space Committee**

Minor revisions were made to the Open Space Committee Charter; Don Ritchie will incorporate those revisions for review at the meeting on December 6, 2018.

#### **Capital Planning & Improvement Committee Application Questions for 11/19 meeting**

Questions from the Capital Planning & Improvement Committee in regards to the potential purchase of the Capobianco land on Willard Lane will need to be completed. Don Ritchie will work on the answers to the questions for further discussion at the November 15, 2018 meeting.

#### **Revisions to the Erosion Control Bylaw**

Members had not had an opportunity to review for comment as of yet.

#### **Update on Municipal Vulnerability Preparedness Program**

Liz Allard stated the stakeholder meeting was held on October 25<sup>th</sup> with other boards and committees, along with Department heads, such as the Fire Chief and the Director of Public Works. At this meeting a large list of stakeholders was vetted for the workshops that are required as part of the program. These workshops will take place in the spring. The program will not only focus on determining hazards around town, but will have a primary focus on how weather related events are and will affect agriculture resources in Harvard. The Committee is planning three total outreach sessions, two in regards to agriculture and one for the State required Community Resilience Building (CRB) workshop. Attendance by a Commission member at the CBR workshop is strongly recommended in order to provide for guidance for the final plan.

**Requested Information Regarding Harvard CPA Projects**

Don Ritchie has completed the spreadsheet requested by the Community Preservation Coalition, which will be sent to the Coalition.

**Update on Pine Hill Village**

See “Request to Extend the Order of Conditions, Pine Hill Village, Stow Road DEP#177-586” above for update. Members discussed the need for Pine Hill Village, LLC to return to the Conservation Commission (ConCom) to amend the final plan approved by the Zoning Board of Appeals. During the amendment process the ConCom could determine revisions are substantial enough to require a new Notice of Intent be filed.

**The following items appeared on the agenda under “Pending Business” and nothing new to report at this time unless otherwise noted:**

- Discuss Potential Gift of Land – Brown Road
- Update from the State Service Forester – Cruft Lane
- Chapter 147 Wetland Protection Bylaw Regulations

**Adjournment**

Jaye Waldron made a motion to adjourn the meeting at 9:48pm. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
Jonathan & Amy Gothorpe, 36 Lovers Lane,  
DEP#177-670, Harvard#1018-01  
November 1, 2018**

The public hearing was opened at 7:30pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (LUB Admin), Dan Wolfe (Ross Assoc.), Jonathan & Amy Gothorpe and Robert Kody (Envision Homes)

This hearing is for a Notice of Intent filed on behalf of Jonathan & Amy Gothorpe for the demolition and reconstruction of an existing garage within 100' of a wetland resource area at 36 Lover's Lane, Harvard.

Dan Wolfe, of Ross Associates, was present to represent the applicant, Jonathan & Amy Gothorpe, who were also present. A site walk had been conducted earlier this week at which the Commission requested revisions to the proposed plan as it pertains to drainage off of the new garage and existing driveway. Mr. Wolfe explained recharge trenches have been added to the plan, but they may not be very effective as they would be close to existing ground water, however as noted by Don Ritchie at the site walk, any filtering is better than none.

Mr. Wolfe explained the plan also proposes the removal of the existing pine trees on the abutting property, which will be replaced with other vegetation. Since this activity is taking place on the abutting property at 38 Lover's Lane, the Department of Environmental Protection is requiring that the application be revised to include the property owner information for that address, as well as notifying abutters within 300' of that address. Since the abutter notification has not been completed for 38 Lover's Lane Mr. Wolfe respectfully requested a continuance of the hearing to the next available meeting.

Mark Shaw made a motion to continue the hearing to November 15, 2018 at 8:00pm in the Harvard Town Hall. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
Benjamin Hill, 9 Warren Avenue  
DEP#177-669, Harvard#1018-02  
November 1, 2018**

The public hearing was opened at 7:53pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (LUB Admin) Jack Maloney (Ducharme & Dillis)

This hearing is for a Notice of Intent filed on behalf of Benjamin Hill for the construction of a replacement septic system for an existing single-family house within 100' of a wetland resource area at 9 Warren Avenue, Harvard.

Jack Maloney, of Ducharme & Dillis, was present to represent the applicant. Mr. Mahoney explained the application is for the replacement of an existing septic system. Due to the size of the parcel the proposed septic system will be within 100' of the wetland resource area, with a small amount of grading within 50' of the wetland resource area. The proposed septic tanks and pump chamber will be outside the 100' wetland buffer zone.

Mr. Maloney explained that one abutter was not properly notified prior to the hearing this evening, therefore he respectfully request the hearing be continued to the next available meeting of the Commission. Joanne Ward made a motion to continue the hearing to November 15, 2018 at 8:10pm in the Harvard Town Hall. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Request for Determination of Applicability Hearing  
Justin Baer, 9 Wilroy Avenue, Harvard#1018-04  
November 1, 2018**

The public hearing was opened at 8:00pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (LUB Admin) and Justin Baer

This hearing is for a Notice of Intent filed on behalf of Justin Baer the demolition and reconstruction of an existing porch and new foundation for the entire structure within 200' of Bare Hill Pond at 9 Wilroy Avenue, Harvard.

Justin Baer was present to discuss his proposal to renovate an existing hunting cabin at 9 Wilroy Avenue. The current structure does not have a proper foundation. Mr. Baer proposes lifting the structure in order to construct a proper foundation. The existing enclosed porch will be removed and reconstructed within the same foot print, but will open up to additional space within the structure by way of a cathedral ceiling. The site was reviewed by Don Ritchie and Liz Allard earlier this week. Mr. Ritchie feels there will be no adverse impact to Bare Hill Pond as the property is a significant distance from the pond, and on the far side of the roadway from the pond. Mr. Ritchie suggested sediment control barriers be available on site to contain any unforeseen erosion during the process.

With no further questions or comments Jaye Waldron made a motion to close the hearing and issue a Negative#3 Determination of Applicability with the conditions of sediment controls onsite to contain any unforeseen erosion that may occur during the activity. Mark Shaw seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

**Harvard Conservation Commission  
Notice of Intent Hearing  
Harvard Department of Public Works,  
Slough Road, Harvard#1018-03  
November 1, 2018**

The public hearing was opened at 8:21pm by Chairman Don Ritchie under MGL Chapter 131 §40 Wetland Protection Act and Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw in the Town Hall, 13 Ayer Road, Harvard

**Members Present:** Don Ritchie, Wendy Sisson, Jaye Waldron Joanne Ward, Jim Burns and Mark Shaw

**Others Present:** Liz Allard (LUB Admin)

This hearing is for a Notice of Intent filed on behalf of Harvard Department of Public Works for the replacement of an existing culvert with concrete headwall and hooded catch basin within 100' of a wetland resource area between 88 and 118 Slough Road, Harvard.

After a brief discussion of the representatives request to continue the hearing and the need to have this application reviewed by an outside consultant, Wendy Sisson made a motion to engage Hamwey Engineering to review the application and the associated Stormwater Report and to continue the hearing to November 15, 2018 at 8:20pm in the Harvard Town Hall. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard  
Land Use Administrator/  
Conservation Agent

## **EXHIBITS & OTHER DOCUMENTS**

**Conservation Commission Agenda, dated October 18, 2018**  
**Approve Invoices**

**Notice of Intent Hearing – Jonathan & Amy Gothorpe, 36 Lovers Lane, DEP#177-670, Harvard#1018-01**

**Notice of Intent Hearing - Benjamin Hill, 9 Warren Avenue, DEP#177-669, Harvard#1018-02**

- Sewage Disposal System Design, 9 warren Avenue (M: 22B, PCL: 36), Harvard, Massachusetts, Job No. 5791, prepared for Benjamin Hill, prepared by Ducharme & Dillis Civil Design Group, Inc., dated 10/18/18

**Request for Determination of Applicability Hearing – Justin Baer, 9 Wilroy Avenue, Harvard#1018-04**

**Comments for Still River Commons, Bolton**

**Open Space Committee**

**Capital Planning & Improvement Committee Application Questions for 11/19 meeting**

- CPIC FY 20 Capital Request Questions, Conservation Commission: Land Purchase, undated