

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
JANUARY 6, 2022
APPROVED: JANUARY 20, 2022**

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, Jim Burns (arrived at 7:27pm), Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Boards Administrator/Conservation Agent), Bruce Ringwall (GPR, Inc.), Valerie Hurley (Harvard Press), Matt Marro, Gail Henderson-King, Dan Wolfe (Ross Associates), Pat DeLuca, Chris Horne, Brian Cook (Planning Board Master Plan Liaison) and Kevin Ritchie (Civil Solutions)

Discuss Amendment to Site Plan – 175 Littleton County Road, DEP#177-694

Bruce Ringwall, of GPR, Inc., stated the recommendation from the electric company is to take a direct route to the house from the common driveway across the fire pond, as opposed to the proposed electrical lines being installed along the length of the new driveway. Mr. Ringwall explained a trench will need to be dug across the pond in order to complete this work; however, no trees will need to be cut. Mr. Ringwall requested that the Commission determine if the existing Order of Conditions can be amended, or if a new Order of Conditions should be filed for this work. Wendy Sisson made a motion to allow for the existing Order of Conditions to be amended permitting the activity of providing electricity to the site. Jaye Waldron 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.

Wendy Sisson asked if the mysterious water release she witnessed while on the Black Pond trail had been resolved. Liz Allard stated it had not. Mr. Ringwall thought it could be the release of the beaver dam from the pond along Littleton County Road. Questions arose about permitting received to breach a beaver dam and the installation of a beaver deceiver. Mr. Ringwall will discuss the issues with the owner and suggest a beaver deceiver be installed.

Appoint Representative to the Harvard Climate Initiative Committee

Joanne Ward made a motion to recommend Jaye Waldron as the Conservation Commission representative to the Harvard Climate Initiative Committee. Wendy Sisson 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.

Approve Minutes

Wendy Sisson made a motion to approve the minutes of September 2 and December 16, 2021, as amended. Mark Shaw 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.

2021 Annual Report

Liz Allard requested the Commission provide her with any items they would like included in the 2021 annual report. A draft will be prepared for the January 20th meeting.

Wetland Enforcement Update – 351 Ayer Road

Matt Marro, consultant for the property owner, reiterated the information provided in his evaluation of 351 Ayer Road, which concludes there are no jurisdictional wetlands on the site. Liz Allard detailed the properties on either side of 351 Ayer Road, each of which contains a wetland. The wetland at 349 Ayer

Road was shown on a site plan to be an isolated wetland, which would be consistent with the depth to ground water in the area. The site plan on file for 349 Ayer Road only details the wetland to the property line, but Ms. Allard believes it would have continued onto the property at 351 Ayer Road. The site plan for 355 Ayer Road details a wetland resource area with only the 100' wetland buffer encroaching onto 351 Ayer Road. Therefore, at a minimum Ms. Allard can conclude there is buffer zone on this site in which activity has occurred. Ms. Allard has repeatedly attempted to engage the Department of Environmental Protection (DEP) Central Region for assistance with this violation but has been unsuccessful in getting a response. It has been suggested she contact Harvard's State Representative to provide assistance with getting assistance from DEP.

Mr. Marro disagreed with the delineation completed for 349 Ayer Road, citing the information provided within his report. Mr. Marro believes his assessment of the site is correct and offered to file a Notice of Intent for the activity within the 100' wetland buffer zone from 355 Ayer Road.

The Commission was agreeable to contacting the State Representative for assistance. Mr. Marro will also try to make contact with DEP.

Request for Determination of Applicability Hearing - Regis M. Magnus Irrevocable Children's Trust, 17 Ann Lees Road, Harvard#1221-01. Opened at 7:38pm

Notice of Intent Hearing - Stanton Henderson, 265 Stow Road, Harvard#1221-02. Opened at 7:47pm

Pine Hill Village Update

Liz Allard asked if any of the members had any advice on maintaining the grass pavers used for the front walkways at each of the units, in particular during the snow season. Ms. Allard has found plenty of details for maintaining the grass pavers in general, but nothing specific to snowy conditions. Although the members had no advice to offer, they did recommend all permanent conditions under the Order of Conditions and the homeowner agreements be reviewed to be certain snow is not being placed into the constructed wetland or drainage swales.

Adjournment

Jaye Waldron made a motion to adjourn the meeting at 8:05pm. Jim Burns 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; 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 January 6, 2022
- Evaluation of 351 Ayer Road, Matthew Marro, December 20, 2021
- Sewage Disposal System Regis M. Magnus Irrevocable Children's Trust, #17 Ann Lees Road, Harvard, MA, Job No. 33662, Plan No. L-14453, December 2021
- Sewage Disposal System Plan, 265 Stow Road Harvard, Massachusetts, Job No. 21-077, DWG No. 21-077GM, Civil Solutions, Inc., 11/30/21

**Harvard Conservation Commission
Request for Determination of Applicability Hearing
Regis M. Magnus Irrevocable Children's Trust,
17 Ann Lees Road, Harvard#1221-01
January 6, 2022**

The public hearing was virtually opened at 7:38pm by Chair Don Ritchie, 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 the Code of the Town of Harvard Chapter 119 Wetland Protection Bylaw.

Members Present: Don Ritchie, 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 Dan Wolfe (Ross Associates)

This hearing is for a Request for Determination of Applicability filed on behalf of Regis M. Magnus Irrevocable Children's Trust for the removal of two existing leaching pits within the 100' wetland buffer zone at 17 Ann Lees Road, Harvard.

Dan Wolfe, of Ross Associates, detailed the site at which two existing leach pits are within the 100' wetland buffer zone. Both of these pits will be removed as part of the process of installing a new septic system at the front of the property, outside the 100' wetland buffer zone. Commission members reviewed the site earlier this week. Wendy Sisson requested a berm or woody vegetation be installed at the top of the slope to prevent direct runoff of storm water from the area proposed to be loamed and seeded after activity to remove the pits occurs. Mr. Wolfe explained there is no proposal to loam and seed the area, but to simply fill the existing leach pits. Ms. Sisson retracted her request.

Jim Burns made a motion to close the hearing and issue a Negative#2 Determination of Applicability. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing
Stanton Henderson, 265 Stow Road,
Harvard#1221-02
January 6, 2022**

The public hearing was opened at 7:47pm 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, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Eve Wittenberg (Associate Member)

Others Present: Liz Allard (Land Use Administrator/Conservation Agent), Kevin Ritchie (Civil Solutions) and Gail Henderson-King

This hearing is for a Notice of Intent filed on behalf of Stanton Henderson for the replacement of a failed sewage disposal system within the 100' wetland buffer zone at 265 Stow Road, Harvard.

Kevin Ritchie, of Civil Solutions, detailed the site which includes wetland resource areas on both sides of the property, leaving only a small area within the back yard outside of the 100' wetland buffer zone. Members of the Commission reviewed the site earlier this week. Mark Shaw asked about access to the site. Mr. Ritchie stated all access will be from the existing driveway.

Without a Department of Environmental Protection file number, the hearing had to be continued. Jaye Waldron made a motion to continue the hearing to January 20, 2022, at 7:30pm. 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; Jim Burns, aye; Mark Shaw, aye; and Don Ritchie, aye.

Respectfully submitted,

Liz Allard,
Land Use Administrator/Conservation Agent