

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
SEPTEMBER 14, 2023
APPROVED: DECEMBER 7, 2023**

Chair Eve Wittenberg called the meeting to order at 7:02pm, 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, Jaye Waldron, Joanne Ward, Jim Burns (7:10pm), Mark Shaw and Jessie Panek

Others Present: Liz Allard (Conservation Agent), Bob Douglas (Deer Management Subcommittee), Don Osmer, Joseph Portuando, Tom Cotton (Deer Management Subcommittee), John Hunt, Bruce Leicher (Transportation Advisory Committee), Maureen Hearld (Norse Environmental), Bruce Ringwall (GPR, Inc.), Limhout Tiv (GPR, Inc.), and Grant Maclean (Chestnut Tree & Landscape)

Discuss Deer Management Subcommittee Feedback on Requalification of Hunters

The Deer Management Subcommittee (DMS) recommends only those hunters who had previously qualified for the Deer Management Program and then leaves the program for requalification. It was noted the only policy DMS could find was Sudbury Valley Trustees who requires requalification every five years.

After briefly discussing the need for requalification, Jessie Panek made a motion to require re-qualification of participants of the Deer Management Program every 5-years from initial date of their qualification season. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; and Jessie Panek, aye.

Finalize Deer Management Annual Process and Procedures

Although the Deer Management Subcommittee has not had an opportunity to review the proposed amendments from the September 7, 2022 meeting of the Commission, Eve Wittenberg felt it is important to have the Process and Procedures in place before start of Deer Management Program to avoid a repeat of last year. Ms. Wittenberg suggested it be approved as edited at the last meeting; the Commission is amenable to edits during this season; and the ability to revise at the end of the season. Both Joanne Ward and Jaye Waldron agreed with having the Process and Procedures in place before the season starts. Jessie Panek stated the only concerns she is hearing is the concern from participants that are either part of the military or Public Safety of their personal information being released.

After a brief discussion of what is and what not considered Personally Identifiable Information, Jim Burns made a motion to accept the Deer Management Annual Process and Procedures as amended at the September 7, 2023 meeting, with the ability to make additional amendments later as necessary. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; and Jessie Panek, aye.

Discuss Select Board Policy on the Appointment of Non-Resident Members

Eve Wittenberg provided an overview of the new policy, noting that the Conservation Commission (ConCom) members are appointed by the Select Board, whereas the sub-committees of the ConCom are appointed by the ConCom. Therefore, it would be up to the ConCom as to whether to have non-residents serve on those subcommittees.

Notice of Intent Hearing – Juno Construction LLC, Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard#0923-01. Opened at 7:34pm

Continuation of a Notice of Intent Hearing - John & Laura Hunt, 61 Stow Road, Harvard#0823-04.
Opened at 8:11pm

Abbreviated Notices of Intent Hearing – Harvard Conservation Commission, Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55), Harvard#0823-01 & 02. Opened at 8:15pm

Discuss Community Preservation Committee (CPC) FY2025 Applications – Due September 22,2023

The Transportation Advisory Committee (TAC) is seeking an endorsement from the Commission for connecting trail signage as part of the Nashoba Regional Greenway Network. TAC is applying for a grant that will fund 80% of the project, which will be used primarily for directional signage around Town. With no budget available for the 20% match, TAC is seeking \$10,000 in funding from CPC. Liz Allard asked if there is any in-kind match for volunteer time. Bruce Leicher, a member of TAC, stated it could be possible and would reduce amount spent. Ms. Allard wondered how this relates to open space projects, which would be the basis for the Commission’s endorsement of the application to CPC.

After briefly discussing the purpose of the signage, Jim Burns made a motion to provide a letter of support of the Transportation Advisory Committee’s CPC application for Nashoba Regional Greenway Network, but not to endorse the application. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; and Jessie Panek, aye.

Jim Buns made a motion approving the Commission’s application for the ongoing Invasive Plant Management on Conservation Lands. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; and Jessie Panek, aye.

Jessie Panek made a motion approving the Commission’s application in the amount of \$200,000 for the Conservation Fund. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; and Jessie Panek, aye.

Approve Minutes

Minutes were not available for approval.

Approve Invoice

None

Update on Enforcement Order – 320 Ayer Road

With a conflict of interest, Eve Wittenberg handed this item over to Jaye Waldron. Bruce Ringwall, from GPR, Inc., detailed the wetland line that was delineated by GPR, Inc. several years ago and it was using this line that a plan was put together by Chestnut Tree & Landscape, or someone for them, when the application was made to the Planning Board for the landscape business on the property. A new wetland line completed by LEC is depicted on the plan in the required colors of the Commission. The wetland line has moved causing the landscape company activity on the site to be within the buffer zone and the resource area. Grant MacLean, the owner of Chestnut Tree & Landscape, has been cleaning up the area, including removing the debris along the access driveway. The stock pile of logs has not been removed yet. Nor have the plantings, as suggested by EcoTec, been installed. Mr. Ringwall stated he is here this evening to determine what the Commission would like done at this point. After brief discussion, the Commission agreed that an additional site walk will be necessary now that a true wetland delineation has been added to a plan. A site walk was scheduled for September 18, 2023 at 5:15pm.

Discuss Wetland Violation – 19 Warren Ave

After an update of the recent activity on the site, Jessie Panek made a motion instructing the Conservation Agent to communicate with S&K Logging that the work completed removes the pending fine and that all equipment shall be removed from the site in order for it to be properly evaluated for remediation. Jim Burns seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; and Jessie Panek, aye.

The property owner, Joseph Portuando, was given permission to remove the remaining debris by hand.

Assign Timeframes to assigned tasks from Strategic Planning Session

Members of the Commission were asked to provide timeframes for discussion at the next meeting.

Harvard Climate Initiative Committee (HCIC) 2023/2024 Collaboration and Liaison

Eve Wittenberg has spoken with Ellen Leicher, chair of the HCIC, about the overlapping goals with the Commission and a liaison to the HCIC from the Commission. Ms. Wittenberg reiterated she is interested in working to develop the education library as part of the Climate Action Plan goals. Jaye Waldron, the current liaison to HCIC stated the division of tasks on the Committee is a sticking point for her, as she feels they are not evenly shared. Ms. Wittenberg will ask Ms. Leicher if it is necessary that the Commission has a representation on the HCIC.

ZBA Request for Comments – Village at Robin Lane (corner of Ayer & Old Mill Road)

The request to waive the filing fee under the Wetland Protection Bylaw (WPB) was discussed. The applicant will be providing the fee schedule for the Commission have a better understanding of what the fee would be had this project not been permitted under a Comprehensive Permit. There were no comments from the members on the memo drafted to the Zoning Board of Appeals as it pertains to the requested waivers to the WPB.

Pine Hill Village Status Update

Phase 3 has been slightly delayed due to weather, with the site contractor hoping to start grading the roadway soon. The silt barrier is in good working order.

Update on 90 Warren Ave, DEP#177-719, Harvard#1122-02

Liz Allard will resend to the members the updated construction phases. Ms. Allard noted a small amount of silt is making its way under the siltation barrier where the perimeter drain daylight; this issue will be corrected by the site contractor.

MEPA Site Walk and Remote Meeting Aug 30- Park at Beaver Brook

Joanne Ward did not have an update for the Commission this evening.

Adjournment

Jim Burns made a motion to adjourn the meeting at 9:53pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated September 14, 2023
- Chapter 40B Residential Development The Village at Robin Lane Harvard, MA prepared for Juno Development, JOB 21140, prepared by GPR, Inc., June 2023

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Juno Construction LLC, Ayer & Old Mill Roads,
(Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard#0923-01
September 14, 2023**

The public hearing was opened at 7:34pm 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, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Jessie Panek

Others Present: Liz Allard (Conservation Agent), Bruce Ringwall (GPR, Inc.) and Maureen Herald (Norse Environmental)

This hearing is 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 at Ayer & Old Mill Roads, (Map 4 Parcels 52, 52.1, 52.2 & 53), Harvard

Maureen Herald, of Norse Environmental, explained as an affordable housing project under Massachusetts General Law Chapter 40B, the application to the Conservation Commission is not subject to the local Wetland Protection Bylaw, however the applicant has made every effort to comply with that Bylaw and its associated regulations. Ms. Herald explained the resource areas consist of the bank of Bowers Brook and its associated bordering vegetated wetland. The activity within the buffer zone and/or riverfront area (RFA) consists of a portion of one of the 24 units, its associated deck, tree clearing, drainage, Public Water Supply wells and associated access drive to those wells. Ms. Herald noted that the Order Resource Area Delineation issued by the Commission verified the resource areas on the site in May of this year. Ms. Herald stated the total disturbance within the RFA calculates to be 1.58% of the overall site, which mainly consists of the gravel access road and the Public Water Supply wells. The proposed septic system is outside the buffer zone. Bruce Ringwall, of GPR, Inc., stated the Zoning Board of Appeals (ZBA) has engaged Beals + Thomas for peer review of the Comprehensive Permit, which includes proposed drainage on the site.

Jaye Waldron asked about extent and phasing of tree clearing. Ms. Herald stated a new tree line will be created by the clearing of all the trees with the proposed development areas. Mr. Ringwall explained the ZBA is requiring the roadway and infrastructure be installed prior to the application for a building permit; with the installation of the wells necessary for that permit, the bulk of the necessary areas will be cleared except for above the area between the fore bay and the septic system. Ms. Herald add that a National Pollutant Discharge Elimination System permit will be required. Jessie Panek is concerned with the steep slope down to the 50' buffer zone. Mr. Ringwall explained the slope will be a 3:1. Ms. Panek asked for details on the dotted area to the west of the proposed infiltration basin. Mr. Ringwall explained that is a loamed and seeded area that is required for the ability to conduct maintenance on the infiltration basin. In describing the need for the proposed shed, Mr. Ringwall explained due to the PWS wells a nitrogen reducing innovative alternative system is proposed which has extra treatment above and beyond the standard innovative alternative treatment system. Essentially, it is a small package treatment system that treats the effluent before it goes out to the leaching field, reducing the nitrogen levels dramatically before it goes into the ground.

The erosion control and sediment plan proposed by GPR, Inc. was discussed, including erosion control blankets for stabilizing the slope and a gravel construction entrance to prevent sediment out in the roadway. The cut material from the site will be reused onsite, therefore it is anticipated it will not be necessary for a lot of fill to be brought on the site. Gravel brought into the site will be necessary for the roadway and foundations. Excavation and fill procedures are detailed on the plan. An erosion control barrier is shown on the plan that encapsulates the western portion of the site. With the clearing of over an acre of land a Stormwater Pollution Prevention Plan (SWPPP) will be required.

When Liz Allard suggested peer review of the Notice of Intent by Beals + Thomas, Mr. Ringwall agreed and will provide the necessary documents to Beals + Thomas. The total fee under the Wetland Protection Bylaw (WPB) will be calculated for the Commission to make a recommendation to the Zoning Board of Appeals on the requested waivers under the Comprehensive Permit.

Mr. Ringwall explained the proposed PWS wells are similar to those at Craftsman Village Harvard and require radii around them in which there can be no activity. Once these wells are installed, they will not require a lot of access, therefore the area around them will revegetate naturally. Mr. Ringwall stated if the wells were located outside the 75' no structure zone under the WPB there would not be enough land area to construct the dwellings. Mr. Ringwall stated they worked hard to meet the WPB requirements for stormwater management, but the rates of runoff from the site are so low preconstruction it is impossible to reduce them further post construction. All other requirements under the WPB for stormwater are being met.

Jessie Panek made a motion to continue to October 5, 2023 at 7:45pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, 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
John & Laura Hunt, 61 Stow Road, Harvard#0823-04
September 14, 2023

The public hearing was opened at 8:11pm 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, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Jessie Panek

Others Present: Liz Allard (Conservation Agent) and John Hunt

This hearing was continued from September 7, 2023 for a Notice of Intent filed on behalf of John & Laura Hunt for the addition of deck, porch, and patio to an existing single-family dwelling within the 200' riverfront area at 61 Stow Road, Harvard.

John Hunt stated timing was not ideal for a site visit with the Commission and is willing to reschedule that visit for next week. After scheduling an additional site walk and lacking a Department of Environmental Protection file number, Jim Burns made a motion to continue the hearing to October 5, 2023 at 8:00pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye; Mark Shaw, aye; and Jessie Panek, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Abbreviated Notices of Intent Hearing
Harvard Conservation Commission,
Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55)
Harvard#0823-01 & 02
September 7, 2023**

The public hearing was opened at 8:15pm 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, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Jessie Panek

Others Present: Liz Allard (Conservation Agent)

This hearing was continued from September 7, 2023 for two Abbreviated Notices of Intent filed by the Harvard Conservation Commission for the management of invasive plant species within wetland resource areas and their associated buffer zone on Mass Ave (Map 23 Parcel 35) and Stow Road (Map 32 Parcel 55), Harvard

The hearing was previously continued due to the lack of a comments and file numbers from the Department of Environmental Protection, which still has not been received. Jessie Panek made a motion to continue the hearing to October 5, 2023 at 8:15pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jim Burns, aye, Mark Shaw, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent