

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
DECEMBER 14, 2023  
APPROVED: JANUARY 18, 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, Mark Shaw, Jessie Panek and John Lee (Associate Member) (arrived at 7:59pm)

**Others Present:** Liz Allard (Conservation Agent), Walter Eriksen (Juno Development), Bruce Ringwall (GPR, Inc.), Peter Dorward (Open Space Committee), Seth Donaho, and Valerie Into

**Approve Minutes**

Joanne Ward made a motion to approve the minutes of December 7, 2023 as amended. 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; Jessie Panek, aye; and Mark Shaw, aye.

**Approve Invoice**

Jessie Panek made a motion to approve the two invoices from Beals + Thomas in the amount of \$5,850.00 for the peer review of the Village at Robin Lane application. 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; Jessie Panek, aye; and Mark Shaw, 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 7:05pm

**Continuation of a Notice of Intent Hearing - Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03.** Opened at 8:11pm

**Executive Session with Harvard Conservation Trust pursuant to Massachusetts General Law Chapter 30A, Section 21(a)(6) to consider the purchase, exchange, lease, or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position only to return to the open session of the public meeting**

On a motion made by Don Ritchie and seconded by Jaye Waldron the Conservation went into executive session with a member of the Open Space Committee, Peter Dorward, and a member of the Harvard Conservation Trust, John Lee, to discuss the purchase, exchange, lease, or value of real property because a public discussion of this matter could have detrimental effects on the negotiating position, only to return to the open session of the public meeting. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.

At the end of the executive session a motion was made by Jessie Panek and seconded by Mark Shaw to return to the open session of the public meeting. The vote was unanimously in favor of the motion by a roll call, Don Ritchie, aye; Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Mark Shaw, aye.

**Request to Extend the Order of Conditions, Pine Hill Village, Pin Hill Way, DEP# 177-586**

Don Ritchie made a motion to extend the Order of Conditions for Pine Hill Village, DEP#177-586 until December 31, 2024. 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; Jessie Panek, aye; and Mark Shaw, aye.

**Request for Certificates of Compliance – 204 Ayer Road, DEP#177-699 and 10 Ann Lees Road, DEP#177-565**

After discussing the deficiencies on the site with the Order of Conditions, Don Ritchie made a motion to issue and release a Certificate of Compliance on the condition the applicant provides a check in the amount of \$500.00 to be held in escrow until a fence is reinstalled and the outfalls for the perimeter drains are reinforced with rip rap. 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; Jessie Panek, aye; and Mark Shaw, aye.

**Adjournment**

Mark Shaw made a motion to adjourn the meeting at 9:08pm. 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

**EXHIBITS & OTHER DOCUMENTS**

- Conservation Commission Agenda, dated December 14, 2023
- As-Built Plan 10 Ann Lees Road Harvard, Massachusetts, Valerie Into, Job No. 4336, prepared by Dillis & Roy Civil Design Group 12/12/23
- Chapter 40B Residential Development The Village at Robin Lane Harvard, MA prepared for Juno Development, JOB 21140, prepared by GPR, Inc., June 2023
- Residential Development Notice of Intent Site Plan 119 Clinton Shore Drive Harvard, MA Baer Construction, JOB 231081, prepared by GPR, Inc., November 2023

**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**  
**December 14, 2023**

The public hearing was opened at 7:05pm 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 (arrived at 7:59pm)

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

This hearing was continued from November 30, 2023 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.

Bruce Ringwall, of GPR, Inc., explained the septic system is designed for an excessive amount of treatment due to the Public Water Supply (PWS) (drinking water wells) on the property. An innovated alternative (IA) system treats the effluent to almost drinking water quality, lowers nitrogen outputs and is discharged to a full-size leaching facility. There is not going to be any impact on groundwater, the adjacent wells, or the wetlands. The entire system is designed within the upland area on the property. Mr. Ringwall further explained the area needed for an IA system and the need to increase the amount of stormwater being treated on the site.

Mr. Ringwall explained that during construction erosion control methods under a Stormwater Prevention Pollution Plan will be utilized. The infiltration basin will not be constructed to its lowest grades until all is established on the site. Don Ritchie questioned the test pits, which indicate water could be sitting in the basin after large rain events. Mr. Ringwall stated that was incorrect, as design the bottom of the basin is 2 feet above high groundwater mark. Mr. Ritchie further contended the plan shows groundwater at an elevation higher than that of the bottom of the basin. Mr. Ringwall thought that was incorrect and will look into it. Mr. Ringwall noted the stormwater calculations were done using a greater intensity in rainfall than the Town's regulations require.

The stabilization of the slope for the infiltration basin was discussed and agreed woody vegetation recommendations will be provided for review by GPR. With an operation and maintenance plan has been submitted for the stormwater facilities, Liz Allard requested the ability to edit that document to make it more user-friendly for the home owners by adding information that explains the purpose of the facilities and how to maintain them.

The gravel-based access roadway to the PWS will be allowed to revegetate naturally. With concerns over the removal of vegetation for any type of maintenance to the PWS, Mr. Ringwall offered a condition that requires approval from the Agent to remove vegetation prior to any maintenance. In addition, wetland signage will be included on the gate to the access road to alert someone to the resource area.

Additional items discussed included reducing the 3:1 slope behind Unit 11 to move activity further from the 50-foot buffer zone line. Mr. Ringwall agreed to a condition to use boulders found during construction

to retain the area as opposed to the slope. More wetland signs to be installed along the 50-foot wetland line to avoid dumping in those areas was agreed upon by Mr. Ringwall. And finally, the existing trail to remain open to the public was discussed. Next meeting the overall site will be discussed including the installation of rain gardens.

Jessie Panek made a motion to continue the hearing to January 4, 2024 at 8:10pm. 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; Jessie Panek, aye; and Mark Shaw, aye.

Respectfully submitted,

Liz Allard,  
Conservation Agent

**Harvard Conservation Commission**  
**Continuation of a Notice of Intent Hearing Meeting Minutes**  
**Baer Construction, 119 Clinton Shore Drive, Harvard#1123-03**  
**December 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, Don Ritchie, Jaye Waldron, Joanne Ward, Mark Shaw, Jessie Panek and John Lee (Associate Member)

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

This hearing is for a Notice of Intent filed on behalf of Baer Construction, for the removal and replacement of an existing deck within the 200' buffer zone of Bare Hill Pond at 119 Clinton Shore Drive, Harvard.

Bruce Ringwall, of GPR, Inc, explained the proposed deck will be replace the existing deck within the same footprint, including the stairs associated with the deck. In addition, new footings will be installed. The Harvard erosion control barrier is shown on the plan. Due to limited access to the area, all work will be done by hand. There were no questions from the Commission members.

With a Department of Environmental Protection file number received with no comments, Joanne Ward made a motion close the hearing and issue an Order of Conditions to include the standard special conditions and an additional condition that no heavy equipment shall be used. 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