

**HARVARD CONSERVATION COMMISSION  
MINUTES OF MEETING  
SEPTEMBER 5, 2019  
APPROVED: OCTOBER 17, 2019**

Chair 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, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate member)

**Others Present:** Liz Allard (Land Use Boards Administrator), Steven & Carolyn Fader, Neil Gorman (Ross Associates), Peter Deng, Luciano Manganella, Marty Green (Harvard Press), Matt Corbett, David Crossman (B&C Associates), Frank Carlson, Shelia Gates, Erica Chavez, Bruce Ringwall (GPR, Inc.), Bruce Leicher (Bare Hill Pond Watershed Management Committee) and Wendy Gendron (Aquatic Restoration Consulting)

**Informal Discussion with Steve Fader, 304 Ayer Road, in regards to proposed barn and shed**

Jim Burns detailed the site as one that is not suitable for horses, other than an area towards the back of the property, which is within area that is up hill from an existing well. Other Commission members who have also reviewed the site agree the site is not suitable for horses or other live stock due to the wetland resource areas on the property.

**Informal Discussion with Peter Deng RE: Lot 6 Littleton Road (Map 13 Parcel 28.6)**

Neil Gorman, of Ross Associates, was present along with the property owner, Peter Deng. Mr. Gorman stated at the August 15<sup>th</sup> meeting he discussed with the Commission the viable access to Lot 6 of a proposed common driveway for a four-lot subdivision which would need to cross a wetland at the roadway. In order to create the four-lot subdivision additional land area will be required from an abutting property (Corbett). The proposed crossing is at the smallest portion of the wetland and would be the only activity within the wetland resource area and its associated buffer zone for this development. A site walk was conducted on August 28<sup>th</sup>.

Mark Shaw attended the site walk and stated the site contains steep slope that will require a deep cut into those slopes to install a driveway. The area is a large tree forest with not much under growth. The location of the four-lots is relatively flat. The Commission is concerned with the control of water on the property since the majority of the development will be up hill from the resource area. An additional concern is maintaining the driveway especially in winter conditions. Mr. Gorman thanked the Commission for their feedback and will work with Mr. Deng to resolve the Commission's concerns.

**Maxant Conservation Restriction – Ayer Road**

Wendy Sisson reviewed her comments in regards to having a barn or storage shed for future use and maintenance. An additional allowed use should include the control of invasive species. These comments will be forwarded to the grantor's attorney for inclusion within the conservation restriction.

**Continuation of a Notice of Intent Hearing – Matthew Ellis, 62 South Shaker Road, Harvard#0619-02, Road, DEP#177-679 Harvard#0619-02.** Opened at 7:30pm

**Planning Board Request for Comments – Proposed Bylaw Chapter 125-58 Rural Life Preservation Special Permit**

Jim Burns volunteered to review the bylaw and report back to the Commission at the next meeting.

### **FY2021 Capital Planning & Investments and Community Preservation Applications**

After a brief discussion, Jim Burns made a motion to request \$200,000 from the Community Preservation Committee for fiscal year 2020 for the Conservation Fund. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

### **Continuation of a Request for Determination of Applicability Hearing – Luciano Manganello, 169 Littleton County Road, Harvard#0619-01. Opened at 8:15pm**

#### **Review Stable Permit – 211 Stow Road (8:00pm)**

Erica Chavez was present to discuss the stable permit she filed with the Board of Health for her property at 211 Stow Road. Ms. Chavez stated she recently purchased the property that included an existing barn and established pastures. The Commission conducted a site walk on the property yesterday. Although there are wetland resource areas beyond the pastures they are well beyond 100' and have significant buffers between the wetland and the pastures. The Commission requested the larger pasture be reduced in its size by squaring off the fencing at the north end of the pasture. The current stable permit states six horses, but Ms. Chavez is planning on two for the time being. The Commission requested the stable permit be updated to reflect that information.

#### **Request to allow Public Water Supply Well Radius on Dunlap Conservation Land**

Bruce Ringwall, of GPR, Inc, and Franklin Carlson, of Carlson Orchard, were present to discuss the easement onto conservation land that is necessary for a public water supply well Carlson Orchard is installing on their property as discussed at the July 19, 2018 meeting of the Commission.

Jim Burns made a motion to allow for the granting of a Zone 1 easement for public water supply purposes on the land known as Dunlap (Assessor's Map 18 Parcel 70), along Old Littleton Road. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

Joanne Ward made a motion to submit a warrant article to the Special Town Meeting for the required town approval of the above mentioned easement. Jim Burns seconded the motion. The vote was unanimously in favor of the motion.

#### **Bare Hill Pond Watershed Management Committee Annual Report and Request to Draw Down Bare Hill Pond, DEP#177-659**

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee (BHPWMC), and Wendy Gendron, of Aquatic Restoration Consulting, were present to report on the 2018/2019 draw down and monitoring of Bare Hill Pond. Mr. Leicher stated the targeted draw down depth was not achieved last fall due to wet weather conditions. Overall conditions of the pond were consistent with last year. Ms. Gendron reported more growth of plants this year than last in and outside the draw down zone, with an increase in native plants. Yellow Iris, an invasive plant, is not spreading or taking over in the areas in which it has been located. Ms. Gendron reported the diversity and density within the wetland plots was good. The purple loosestrife, an invasive plant, showed little evidence of grazing by the beetle released in the area between the dam and Still River Road a few years ago. BHPWMC continued its efforts to slow Phragmites, an invasive plant, by hand pulling. It is Ms. Gendron recommendation the annual draw downs continue as requested by the BHPWMC.

Paul Willard made a motion to allow for a six-foot draw down of Bare Hill Pond to commence on October 1, 2019. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

At 9:10pm Paul Willard and Derek Beard left the meeting.

**Discuss Maintenance at Thurston's Cove with Pradeep Khurana of 110 Warren Avenue**

The Commission discussed the matter of who decides what the standards are for maintaining the driveway. Wendy Sisson had previously suggested changes to the existing signage. The Commission wondered what the consequence are for the use of the driveway by unauthorized vehicles.

**Update Pine Hill Village**

Don Ritchie reported on the pre-construction meeting at which a performance bond was discussed. The conditions for the clearing of the site will need to be reviewed for compliance. The Commission will seek to have a weekly report on the activity for the follow week; this will assist in knowing when it would be appropriate to have the monitors on site.

**Accepting Precipitation Frequency Statistics prepared by the Northeast Regional Climate Center at Cornell University**

This item was passed over this evening.

**Select Board Request for Comments – Pond View Development, Shaker Road, Ayer**

The Commission agreed the proposed installation of utilities lines under Shaker Road will require a filing with the Commission for activity within 100' of a wetland resource area.

**Approve Minutes – July 18, 2019**

Jim Burns made a motion to approve the minutes of July 18, 2019 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion.

**Approve Invoice – Turner Lane Road maintenance, \$175.00**

Joanne Ward made a motion to approve the invoice from the Turner Lane Association for annual road maintenance in the amount of \$175.00. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion.

**ZBA Request for Comments – 5 Elm Street**

There are no wetland resource areas on the property or within 100' of the proposed activity; therefore the Commission has no comments for this application.

**Meeting with Community Preservation Committee – September 25<sup>th</sup> or October 16<sup>th</sup>**

Don Ritchie and Wendy Sisson will attend this meeting to represent the Commission.

**Adjournment**

Joanne Ward made a motion to adjourn the meeting at 9:05pm. 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  
Continuation of a Notice of Intent Hearing Minutes  
Matthew Ellis, 62 South Shaker Road  
DEP#177-679, Harvard#0619-02  
September 5, 2019**

The public hearing was opened at 7:30pm by Chair 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 Meeting Room, 13 Ayer Road, Harvard

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator)

This hearing was continued from August 1, 2019 for a Notice of Intent filed on behalf of Matthew Ellis for the construction of a garage within 100' of a wetland resource area at 62 South Shaker Road, Harvard.

At the request of the applicant's representative Jim Burns made a motion to continue the hearing to October 3, 2019 at 7:30pm in the Town Hall, 13 Ayer Road, Harvard. 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**  
**Continuation of a Request for Determination of Applicability Hearing Minutes**  
**B&C Associates, 169 Littleton County Road, Harvard#0619-01**  
**September 5, 2019**

The public hearing was opened at 8:15pm by Chair 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 Meeting Room, 13 Ayer Road, Harvard

**Members Present:** Don Ritchie, Paul Willard, Wendy Sisson, Jaye Waldron, Joanne Ward, Jim Burns, Mark Shaw and Derek Beard (Associate Member)

**Others Present:** Liz Allard (Land Use Boards Administrator), David Crossman (B&C Associates) and Luciano Manganella

This hearing was continued from August 15, 2019 for a Request for Determination of Applicability filed on behalf of B&C Associates for the removal of invasive plant species within the 100 wetland buffer zone at 169 Littleton County Road, Harvard.

David Crossman, of B&C Associates, detailed the proposed "Invasive Species Management Program" for the property. Minor revisions were made to the document by the Commission. With no further questions or comments, Wendy Sisson made a motion to close the hearing and issue a Negative #3 Determination with condition that all requirements within the "Invasive Species Management Program", dated August 22, 2019, shall be adhered to. Failure to do so may result in monetary fines as detailed in Chapter 119 section 11. 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 September 5, 2019**

#### **Informal Discussion with Peter Deng RE: Lot 6 Littleton Road (Map 13 Parcel 28.6)**

- Conceptual Plan, Peitao Deng, Littleton Road, Harvard, MA, Job No.: 32483, prepared by David E. Ross Associates, Inc. dated August, 2019

#### **Maxant Conservation Restriction – Ayer Road**

- Deed of Conservation Restriction to Town of Harvard, Grantor: Theodore W. Maxant and Valerie I. Delker, Trustees of the Zero Ayer Road Trust, Grantee: Town of Harvard, Address of Premises: 0 Ayer Road, Harvard, MA, Grantor's Title See: Worcester Registry of Deeds, Book 40180, Page 230, undated

#### **Continuation of a Request for Determination of Applicability Hearing – Luciano Manganella, 169 Littleton County Road, Harvard#0619-01**

- Invasive Species Management Program, Luciano Manganella, 169 Littleton County Road, HCC#0619-01, August 22, 2019
- Request for Determination of Applicability, Exhibit Plan, 169 Littleton County Road, Harvard, MA, Job 181080A, prepared by GPR, Inc., dated 6/09/2019

#### **Approve Minutes – July 18, 2019**

- DRAFT HARVARD CONSERVATION COMMISSION MINUTES OF MEETING, dated July 18, 2019, prepared by Liz Allard

#### **Approve Invoice – Turner Lane Road maintenance, \$175.00**

- Turner Lane Association, 2019 Road Assessment for Turner lane, Harvard, MA, dated August 9, 2019