

**HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
AUGUST 17, 2023
APPROVED: OCTOBER 5, 2023**

Vice 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*, Mark Shaw*, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Claire Chiang, Wendy Gendron (ARC), Kerry Shrives (Bare Hill Pond Watershed Management Committee), Dan Wolfe (Ross Associates), Sean & Diandrea Bilodeau, Jack Maloney (Dillis & Roy Civil Design Group), Matt Marro, Jon Mechlin, John & Laura Hunt, Seth Donahue (Dillis & Roy) and David Latham

Planning Board Request for Comment – Scenic Road Consent, 60 Old Shirley Road

The Commission had no comments pertaining to this application.

ZBA Request for Comments – 61 Stow Road, and 43 & 11 Mass Ave

The Commission had no comments pertaining to 11 & 43 Mass Ave. As for 61 Stow Road, there is an application for a Notice of Intent for the proposed activity on the agenda this evening. The Commission will request the ZBA include a condition stating the applicant is to comply with the Order of Conditions issued by the Commission.

Approve Minutes

Jaye Waldron made a motion to approve the minutes of August 3, 2023 as amended. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Allocation of Funding

- DEP Reporter \$270
- MACC eHandbook \$135
- MACC Fundamentals Unit 102 (Panek) \$65

Joanne Ward made a motion to approve the above allocation of funding. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Discuss Land Stewardship Subcommittee Recommendations for Additional Deer Management Program Lands: Tripp Land, Old Mill Land, Abbot-Reed-Powell Land, Clapp-Scorgie-Smith-Tufts Land, Gravel Pit and Warilla Land

At the request of the Deer Management Subcommittee chair, Bob Douglas, this discussion was postponed to September 7, 2023.

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

Liz Allard is working on a draft response to the requested exemptions to the Wetland Protection Bylaw (WPB), with the intention of having the draft available for the next meeting. Don Ritchie had questioned Ms. Allard's previous recommendation to allow a portion of the fees under the WPB be exempt. With Mr. Ritchie absent this evening he felt this could be further discussed at the next meeting.

Update on Enforcement Order – 320 Ayer Road

Liz Allard stated GPR, Inc. has been working with the applicant and has requested a site walk be scheduled prior to the September 7, 2023 meeting of the Commission so that members and the applicant's representative can discuss remediation for the site at that meeting. Members felt there was no need for a site walk as they have all seen the site at least once.

Pine Hill Village Status Update

Liz Allard reviewed the site this week at which the roadway and septic system area are being graded out. The siltation barrier is in good working order; however, Ms. Allard did observe small cut trees that have been placed on the wetland side of the barrier; she has asked they be removed. Ms. Allard also questioned what appeared to be a small swale within the same area; Mr. Cricones was not aware of this and would investigate it. Finally, Ms. Allard observed what she had thought was Japanese Knotweed emerging in the lower areas of this phase, but it turns out to be pokeweed, not an invasive but a nuisance plant.

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

Liz Allard stated phase one is down to the backfill, daylighting of the perimeter drains, boulder retaining walls and rough grading. The site itself is in compliance with the Order of Conditions.

Continuation of a Notice of Intent Hearing – Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03. Opened at 7:25pm**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 7:31pm****Request to Amend the Order of Conditions Hearing - Nicola Cavicchio, 53 Turner Lane, DEP#177-697, Harvard#1220-03. Opened at 7:58pm****Notice of Intent Hearing – David Caponera, 38 Lovers Lane, DEP#177-727, Harvard#0723-01. Opened at 8:09pm****Notice of Intent Hearing - John & Laura Hunt, 61 Stow Road, Harvard#0823-04. Opened at 8:30pm****Notice of Intent Hearing - Rachel Broadhurst, 41 Pinnacle Road, Harvard#0823-03. Opened at 8:54pm****Adjournment**

Jaye Waldron made a motion to adjourn the meeting at 9:39pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg; aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

*At the time of meeting Jim Burns and Mark Shaw had not yet been sworn in by the Town Clerk for their new term on the Conservation Commission, therefore they were unable to vote on any of the items or hearings on the agenda this evening.

EXHIBITS & OTHER DOCUMENTS

- Conservation Commission Agenda, dated August 7, 2023
- Site Plan Nicola Cavicchio 53 Turner Lane Harvard, MA Job No.: 33465, Plan No.: L-14145, prepared by David E. Ross Associates, Inc, dated 8/17/23
- Sewage Disposal System Design 38 Lovers Lane (M:17C P:27) Harvard, Massachusetts 01451 Job No. 659, Drawing No. 659-SDS, prepared by Dillis & Roy Civil Design Group, dated 8/17/2023
- Topographic Plan of land in Harvard, MA at 41 Pinnacle Road Prepared for Rachel Broadhurst, 22-0147, prepared by Summit Surveying Inc., dated 7-31-23
- NOI Site Plan 61 Stow Road Harvard, Massachusetts, Job No. 4608, Drawing No. 4608-ZBA SP, prepared by Dillis & Roy Civil Design Group, dated 7/17/2023

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Bare Hill Pond Watershed Management Committee, DEP#177-726, Harvard#0523-03
August 17, 2023

The public hearing was opened at 7:25pm by Vice 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*, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent) and Bruce Leicher (Bare Hill Pond Watershed Management Committee), Wendy Gendron (Aquatic Restoration Consulting) and Kerry Shrives (Bare Hill Pond Watershed Management Committee)

This hearing was continued from August 3, 2023 for a Notice of Intent filed by Bare Hill Pond Watershed Management Committee for the drawdown of Bare Hill Pond in accordance with the Massachusetts Lake & Pond General Environmental Impact Report to control phosphorus and invasive plant species.

Bruce Leicher, chair of the Bare Hill Pond Watershed Management Committee, stated the Department of Environmental Protection (DEP) file number has been received with comments. The comments include the need to submit Appendix A: Ecological Restoration Limited Project Checklist, documentation that the project qualifies as an Ecological Restoration Limited Project under 310 CMR 10.53(4) and proof of publication in the Environmental Monitor. In addition, as a deep drawdown, Massachusetts Division of Fish and Wildlife should be contacted for assistance in evaluating the proposed depths. Wendy Gendron, from Aquatic Restoration Consulting, stated these are standard questions when submitting a Notice of Intent for a drawdown. Ms. Gendron also stated DEP is unaware a drawdown of Bare Hill Pond has been occurring for several years and most of the comments have been addressed previously in one form or another.

With additional information necessary, Jessie Panek made a motion to continue the hearing to September 7, 2023 at 7:30pm. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, 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
August 17, 2023**

The public hearing was opened at 7:31pm by Vice 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*, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent) and Wendy Sisson (Land Stewardship Subcommittee)

This hearing is 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

Wendy Sisson, chair of the Land Stewardship Subcommittee, stated the material submitted with the application has been seen before by the Commission with previously submitted grant for this activity. Vegetative Control Services (VCS), Inc., in Athol, will be conducting the work, using an aquatic version of the herbicide rodeo. Timing is important when it comes to the treatment of Japanese Knotweed, therefore VCS is scheduled to complete the work in late August/early September. Due to the dense vegetation the herbicide will be applied directly by a backpack sprayer. Ms. Sisson explained these locations are part of a demonstration to the officials in Town of what can be done to manage invasives on the Town road sides.

Jaye Waldron believes this is the same company used by the State on projects; they are very competent and do a good job. Mark Shaw asked if this the same herbicide used on Ayer Road across from Poor Farm Road, which took a lot of applications to knock that down. Ms. Sisson explained in that situation there was a lack of coordination with Department of Public Works and that is one of the reasons it took so long. Ms. Sisson explained is generally takes two more years of follow up to have the plant under control.

Jaye Waldron made a motion to close the hearing and issue a standard Order of Conditions. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

Harvard Conservation Commission
Continuation of a Notice of Intent Hearing Meeting Minutes
Request to Amend the Order of Conditions Hearing
Nicola Cavicchio, 53 Turner Lane, DEP#177-697, Harvard#1220-03
August 17, 2023

The public hearing was opened at 7:58pm by Vice 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*, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Dan Wolfe (Ross Associates) and John Mechlin

This hearing is for Request to Amend the Order of Conditions filed on behalf of Nicola Cavicchio to include parking improvements, pervious walkway and stepping stones, brick paver patio, fieldstone retaining walls and granite steps within 200' of Bare Hill Pond at 53 Turner Lane, Harvard.

Dan Wolfe, of Ross Associates, Inc., stated the amendments to the plan include landscape features and improvements to the driveway, including a brick patio at the rear of the house, retaining walls along the side and front of the house. The covered deck shown on the original plan will not be built, therefore the re-charge trench will not be installed and gutters will be added to the south side of house that will flow to a dry well as shown on the plan. The contractor has been asked to reinforce the erosion control barrier prior to the start of this work.

With no questions or comments from the members or others in attendance, Jaye Waldron made a motion to accept the amendments as shown on the plan revised the plan dated August 17, 2023. Joanne Ward seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
David Caponera, 38 Lovers Lane, DEP#177-727, Harvard#0723-01
August 17, 2023

The public hearing was opened at 8:09pm by Vice 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*, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent) and Jack Maloney (Dillis & Roy Civil Design Group)

This hearing is for a Notice of Intent filed on behalf of David Caponera for the installation of a 1,500-gallon septic tank, 1,000-gallon pump chamber, leaching facility and associated grading within the 100' wetland buffer zone at 38 Lovers Lane, Harvard

Jack Maloney, of Dillis & Roy Civil Design Group, explained the existing septic tank and pump chamber is within the front lawn area within the 100' wetland buffer zone. A few large trees outside the 100' wetland buffer zone will need to be removed. The proposed plan shows the force main for the system within the boundary of the existing driveway. In addition, the plan proposes working around other utilities and existing gardens. Mr. Maloney stated the wetland runs along the side of the property and the only work in the buffer zone is septic tank and pump chamber replacement, and force main. The abutter who was previously on the meeting wanted to be assured there would be no damage to her property or the wetlands; Mr. Maloney had previously spoken with her.

Jessie Panek made a motion to close this hearing and issue an Order of Conditions with the standard conditions. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Notice of Intent Hearing - John & Laura Hunt, 61 Stow Road, Harvard#0823-04
August 17, 2023

The public hearing was opened at 8:30pm by Vice 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*, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Seth Donahue (Dillis & Roy Civil Design Group) and John & Laura Hunt

This hearing is 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.

Seth Donahue, of Dillis & Roy Civil Design, explained the plan proposes to replace the existing terrace area which is within the 200' riparian zone only. Along with the replacement of the terrace a small landscape hedge is proposed. In addition, a screen porch and deck are proposed on either side of the existing structure within the 200' riparian zone. The proposed activity is entirely within an already disturbed area and comprises 0.9% of the entire property; the remaining 4.4 acres will remain in its natural state. An erosion control barrier is proposed as well.

As noted on the site walk, Liz Allard asked if the applicant would be willing to allow the vegetated buffer along the stream to naturally revegetate beyond the 2 -4 feet that is there now. Mr. Donahue explained the site contains approximately 3 acres of scrub-shrub habitat that the applicant is willing to maintain, but to have a large portion of the historically maintained lawn and field be returned to a natural state is a big ask of the applicant. Mr. Donahue noted the application does not request any altering within the buffer zone.

John Hunt has concerns with the request, however Mr. Hunt is willing to work with the Commission. Mr. Hunt's concern is if the area is not maintained it will encroach into the lawn area. Mr. Hunt notices the Commission does not maintain their abutting land of invasives that have caused trees to come down on their land. The activity of mowing is not new. Mr. Hunt noted the Commission keeps its fields mowed close to the ponds on the abutting land. The pond on the abutting conservation land is all choked up because the Commission does not keep it up. Mr. Hunt does not want the area to become big swamp and would like to hear what Commission would suggest to keep the stream a flowing course of water. Laura Hunt is concerned with safety of their children and dog with existing wildlife in the area that must be monitored consistently.

Jaye Waldron explained the Commission is not asking to get rid of a large portion of the lawn area, but provide additional buffer to the stream, as a big expansive lawn is not natural and what the Commission is asking for is about ten feet be allowed to go back to natural conditions. The Commission does not want to see invasives take over either, therefore maintaining a lawn or a vegetated buffer is still work either way. Mr. Hunt explained lawn mowing is a weekly activity and then there is field mowing that is done periodically to keep the openness of the space. Mr. Hunt asked what the 10-foot barrier means, because if the area is left unmaintained it will choke out the stream; periodically running a big field mower is the

only thing he can do. Mr. Hunt further explained they have riparian rights to the pond on the Williams land and they would lose those rights if the pond was to get choked up; these rights extend to the Williams Pond at the corner of Murray Lane.

Jessie Panek said we were not asking to abandon any area and let anything and everything grow up but to allow it to be more of a field for that section that would periodically be mowed. Ms. Panek further explained that by simply letting the field to grow up allows wildlife to live there and provides a buffer for their habitat. The Commission is requesting the regular mowing stop and the area be mowed only once in the fall. This would filter water better to help prevent things from clogging the stream. Mr. Hunt stated some of the areas are already that way in the north and south areas of the property; is the Commission talking about one specific section about 75' of frontage along the stream? Ms. Panek agreed. Mr. Hunt explained there is a bridge in that area that would need to be maintained as an open path to the bridge. Ms. Panek did not see a problem with that. The distance being requested by the Commission to be periodically mowed in the fall would be an area ten feet from the stream's edge as confirmed by the Conservation Agent.

Mr. Donahue explained the stream is the divide line between deciduous forest and the field and lawn area. Mr. Donohue further explained that at times invasives have caused trees to come down and block the stream and that is what Mr. Hunt is primarily worried about – dead fall into the stream. Mr. Donahue summarized what the Commission is seeking - minimal mow areas to enhance the area, let that become a fringe area that is allowed to become a field in the summertime and the cut back in late summer early fall so that it does not become overgrown with undesirable vegetation.

Jim Burns suggested members of the Commission return to the site to review it again as not everyone looked at the area near the stream during the site walk; this will eliminate any confusion as to what is being asked by the Commission. The Hunts will be in touch with the Conservation Agent to arrange a date and time for this visit.

Jaye Waldron made a motion to continue the hearing to September 7, 2023 at 7:45pm. Jesie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent

**Harvard Conservation Commission
Notice of Intent Hearing Meeting Minutes
Rachel Broadhurst, 41 Pinnacle Road, Harvard#0823-03
August 17, 2023**

The public hearing was opened at 8:54pm by Vice 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*, Jessie Panek and John Lee (Associate Member)

Others Present: Liz Allard (Conservation Agent), Matt Marro, Sean & Diandra Bilodeau and David Latham

This hearing is for a Notice of Intent filed on behalf of Rachel Broadhurst for the construction of a paddock within 100' of a wetland resource area and the restoration of the resource area after enforcement at 41 Pinnacle Road, Harvard.

Matt Marro stated there are additional circumstances he was unaware of that will need to be addressed, therefore he was going to keep his presentation brief because he knows there are other issues to discuss. Mr. Marro explained he had flagged the bordering vegetated wetland (BVW) on the property after an enforcement order was issued for the removal of trees within that BVW. The applicant desires to have a paddock on the property, therefore the Notice of Intent (NOI) has been filed to remediate the tree removal and request the addition of a fence at or about the 50' wetland buffer zone line. Mr. Marro noted the herbaceous layer has grown back in within the area of disturbance and the plan proposes the planting of maple trees to restore the canopy. Mr. Marro acknowledged the unauthorized installation of the fence that has caused additional disturbance within the wetland resource area; this fence is not located in the area shown on the plan. Mr. Marro will need to re-write the narrative for this application.

Jim Burns wanted to clarify that the proposed fence is at the toe of the slope. Mr. Marro indicated that was correct. Mr. Marro further explained the reason for the location of the fence was that area had historically been used as a paddock and his client was requesting to re-establish area for that purpose. Although this was the desire of his client, Mr. Marro knew this was going to be a discussion with the Commission.

Jaye Waldron asked why the plan does not show the proposed fence at the 100' wetland buffer zone line as previously discussed with the applicant and required by the Wetland Protection Bylaw Regulations. Mr. Marro explained the historical use of the area that had been mowed within proximity to the wetland and used as a paddock. Mr. Marro acknowledged that he will also need to revise his planting plan within the resource area due to the installation of the fence in that area.

Eve Wittenberg pointed out the property is under an Enforcement Order which requires no activity on the site until the proper NOI was filed, however the mowing and installing a fence within the wetland are in violation of that Order. Mr. Marro stated the recent activities were unknown to him, but feels his client had not completely understood the process and he took the blame for that. Liz Allard explained that the applicant had been previously before the Commission when the original violation occurred, at which time it was explained to her that nothing was to occur on the property until the proper filing process was completed. Ms. Allard noted the application does not include a request to waive the 100' setback for the paddock and the fact that the area had been previously used as a paddock does not grandfather it in to be used as a paddock at this time. Ms. Allard explained in other situations in which a paddock had been

abandon for several years, the Commission has requested the area be reduced in size to move it further from a wetland resource area.

Ms. Waldron suggested the Commission deal with the most recent violation this evening and all other issues to be dealt within the existing NOI. Ms. Wittenberg agreed the Commission address the violation of the Enforcement Order and issue fines for the recent violation of the installation of a fence within the wetland resource area. Jessie Panek stated there seems to be a flagrant violation here with someone who knew about the wetlands and the installation of a fence in an area that has you up to your knees in mud. Ms. Waldron agreed. Mr. Burns stated the original violation for which the applicant is before the Commission seems almost trivial compared to the most recent violation and needs to be dealt with properly.

David Latham, 140 Old Littleton, was surprised to see the fence in the wetland and would like to be kept aware of these discussions.

Diandrea Bilodeau, 134 Old Littleton Road, wants to know if the owner can be required to flag the property line. Ms. Bilodeau is concerned with horse manure and the steep slope, as the stable permit indicates manure will be contained in an area further up on the property. Ms. Wittenberg stated she is not sure the Commission can require the property boundary be demarcated as part of the Order of Conditions.

Mr. Marro offered to share revised plans with both abutters. Ms. Wittenberg stated all applications are posted on the Town website.

Ms. Wittenberg asked what action the Commission wanted to take pertaining to the Enforcement Order. Mark Shaw stated the fence in the wetland is a clear problem, however the mowing is typical land maintenance, so he is not stuck on that. Ms. Waldron stated she hears what Mr. Shaw is saying about the mowing; however, it is in fact in violation of the Enforcement Order which required all activity cease and desist. Mr. Burns stated the two things here are mowing and fence installation; the property owner may not have any idea what has been going on and perhaps the Enforcement Order was so long ago they have forgotten about it or thought it had run out.

Jessie Panek made a motion assessing a fine of \$300 for the violation of the Enforcement Order and the installation of a fence within the wetland. Jaye Waldron seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; :Jessie Panek, aye and Eve Wittenberg, aye.

Jaye Waldron made a motion to continue the hearing to September 7, 2023 at 8:00pm. Jessie Panek seconded the motion. The vote was unanimously in favor of the motion by a roll call, Jaye Waldron, aye; Joanne Ward, aye; Jessie Panek, aye; and Eve Wittenberg, aye.

Respectfully submitted,

Liz Allard,
Conservation Agent