

HARVARD CONSERVATION COMMISSION
MINUTES OF MEETING
October 2, 20008
APPROVED: March 5, 2009

Vice Chair Wendy Sisson called the meeting to order at 7:02pm in the Town Hall Meeting Room

Members Present: Charlie Gorss, Wendy Sisson, Don Ritchie, Jim Breslauer, George Watkins and Joshua Gould (Associate Member)

Others Present: Liz Allard (LUB Admin), Richard Breyer (Harvard Hillside), Bob Blanck (BHPWMC), Paul & Hillary Kavanagh, Bruce Ringwall (GPR, Inc.), Nick Browse (BHPWMC) and Jeff Ritter (BHPWMC)

Potential Order of Condition Violation – Kavanagh, 339 Stow Road, DEP#177-522

The Commission conducted a site walk of 339 Stow Road on September 22, 2008 to review the addition of fencing on the property. Charlie Gorss made a motion to issue an Enforcement Order that instructs the property owners to file a Notice of Intent (NOI) for the additional work within the buffer zone. Jim Breslauer seconded the motion. The reasoning for the NOI would be required because the addition of the fencing took place beyond the hay bale line, which in the Order of Conditions, DEP#177-522, is the limit of all work. Bruce Ringwall, of GPR, Inc., was present to represent the owners, Paul and Hillary Kavanagh. Mr. Ringwall asked what are the activities beyond the limit of work that will be required to be within the NOI. Wendy Sisson stated the fencing, tree cutting and mowing. Jim Breslauer asked about the anti tick canisters seen on the site walk. Hillary Kavanagh stated it is a product similar to heart guard for dog, but for mice who are tick carriers. Mr. Breslauer stated that product did not concern him. Ms. Sisson stated there is a pesticide involved that is effecting the environment. Ms. Sisson wanted to know what the other members had to say in regards as to what needs to be filed.

Mr. Ringwall stated the former use of the property was a tree farm and the area was mowed constantly. Mr. Ringwall explained some of the exemptions under 310 CMR 10.00 which allow mowing, fences and such. Mr. Ringwall explained the fence is not dug into the ground, it is at a height that will not allow the dogs to jump out, and there are a number of holes cut into the fence to allow for wildlife traffic to come through. Mr. Ringwall added wildlife movement is not being prohibitive. An issue Don Ritchie has with the installation of the fence is that it is expanding the area of use into the buffer zone. Mr. Gorss asked if a fence can be that close to the property line and that close to the wetland. George Watkins stated as the grass grows up around the fence the areas where the wildlife can get through will be limited. Mr. Breslauer has the same concern with the fence is the same as Mr. Watkins. Ms. Sisson is concerned with deer getting in and not be able to get back out. Ms. Sisson believes there are solutions to keeping the Kavanagh's dogs in and not impeding wildlife traffic as the same time. Mr. Gorss was concerned the discussion was reaching a point in which a public hearing would be

required. Mr. Breslauer agreed that a public hearing and that an amendment of some sort is needed.

Jim Breslauer made a motion to require the filing of an amendment to the existing Order of Conditions, DEP#177-522. Don Ritchie seconded the motion. The vote was 4-0, with George Watkins abstaining.

Wetland Violation Remediation 12 Peninsula Road

A site walk was conducted on September 29, 2008. Charlie Gorss stated considering all this activity should have been done under a Notice of Intent (NOI), he made a motion that an Enforcement Order is to be issued requiring a NOI after the fact, be filed for the work that has been done, and any additional work is intended to be done. Jim Breslauer seconded the motion. The vote was 4-0, with George Watkins abstaining.

Jim Breslauer recommended inviting the tree cutter to the hearing as well.

Review Amendments to Chapter 147 Wetland Protection Bylaw Rules

Members have still not submitted any comments to Jim Breslauer in regards to the amendments he has made to the regulations. The discussion will be taken up at the next meeting on October 16, 2008.

Certificate of Compliance – Bare Hill Pond Watershed Management Committee, DEP#177-494, Pump Station

The Conservation Agent informed the members that the work permit at the pond in regards to the construction of a pump station has been completed. Charlie Gorss made a motion to issue a Certificate of Compliance to the Bare Hill Watershed Management Committee, DEP#177-494. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Minutes

Wendy Sisson made a motion to accept the minutes of September 18, 2008. Jim Breslauer seconded the motion. The vote was unanimously in favor of the motion.

Adjournment

Jim Breslauer made a motion to adjourn the meeting at 8:55pm. Don Ritchie seconded the motion. The vote was unanimously in favor of the motion.

Respectfully submitted,

Liz Allard
Land Use Administrator/
Conservation Agent