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TOWN OF HARWICH

732 Main Street

Harwich, MA 02645

HARWICH CONSERVATION COMMISSION - MINUTES

PHONE (508)-430-7538 FAX (508)430-7531

THURSDAY, JANUARY 18TH, 2024, 6:30PM

TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION

Commissioners and Staff Present: Mark Coleman, Wayne Coulson, Alan Hall, Sophia Pilling, James Atkinson, Bradford Chase, and Conservation Administrator Amy Usowski

Commissioners Absent: Chairman John Ketchum

Audience and Representatives Present: Paul Reedy, Bob Weiser

Call to Order

Chairman James Atkinson called the meeting to order at 6:30PM and the Pledge of Allegiance was recited.

The following applicants have requested a Change of Plan:

Andrew Wang, 4 Quason Lane, Map 7, Parcel A49, SE32-2367. Demolish and rebuild house with pool and patio, replace septic.

Ms. Usowski described the project as approved and explained that the applicants wish to add a sunroom where a patio was originally planned. She recommended approval for the change.

Mr. Atkinson asked if the applicants may need an extension since their permit expires in May. Ms. Usowski said she would let the applicants know that their permit expires in May and inquire about an extension.

No further discussion from the Commission.

Mr. Coleman moved to approve the Change of Plan. Seconded by Mr. Coulson.

Vote: 6:0 Motion carried; Change of Plan approved.

The following applicants have filed a Notice of Intent:

Daniel Corey & David Mogan, 9 & 11 Herring Run, Map 3, Parcels X3-2 & X3-3, SE32-2546. Construction of new shared dock with float and dredging. *(Continued from 12/6/23)*

Ms. Usowski explained that the applicants are requesting a continuance because their plans were created based on a discrepancy in the Town regulations and they would like time to correct the plans. She recommended continuing.

Mr. Atkinson asked if the application should be continued indefinitely, and Ms. Usowski recommended continuance to 2.7.24.

No further discussion from the Commission.

Mr. Coleman moved to continue the application. Seconded by Mr. Coulson. Mr. Atkinson requested that the motion be amended to include a continuance date. Mr. Coleman revised his motion to continue the application to the meeting of 2.7.24. Seconded by Mr. Coulson.

Vote: 6:0 Motion carried; application continued to 2.7.24.

Minutes

4.20.23

Mr. Coleman moved to approve the minutes from 4.20.23. Seconded by Mr. Hall.

Vote: 6:0 Motion carried; minutes approved.

1.3.24

Mr. Coleman moved to approve the minutes from 1.3.24. Seconded by Mr. Coulson.

Vote: 6:0 Motion carried; minutes approved.

Discussion and Possible Vote

1. Discussion on alteration of groin at end of Quason Lane with the Ayer Lane Beach Association. Ed Daugherty, President of the Ayer Beach Association, was present as a representative and described the beach at Quason Lane, noting that grade has been lost and that people struggle to get over the rocks, which is a liability and safety risk. He said that the Association would like to create a 4-to-five-foot-wide gap in the groin and reset the rocks after they are moved to address the issues.

Ms. Usowski described the request and explained that the groin is connected to the revetment, which has exacerbated erosion at the beach. She noted that a gap has been allowed once before, but it was less than 4 feet wide. She asked Mr. Daugherty if the work would be mostly above the high tide line and Mr. Daugherty said yes. Ms. Usowski recommended filing an Administrative Review or a Request for Determination.

Mr. Hall suggested staggering the stones to make an angled path. Mr. Coulson asked if the State had originally built the jetties, and Mr. Daugherty said yes, but that it seems as if the ownership has been relinquished. Mr. Coulson noted that the same elevation should be maintained for the resetting of the stones. Mr. Chase said that he would like to see the entire groin removed since groins disrupt natural sand movement, but that the project was logical, though the machine for moving rocks may not be able to make it down the existing beach access path. Ms. Usowski said that she thought a 4-foot mini could use the path, but Mr. Chase recommended the use of a 6-foot mini since the stones are large. Ms. Usowski asked Mr. Daugherty to speak with an engineer and get an idea of the needs of the project. Ms. Usowski explained the process for Request for Determination of Applicability. Mr. Coleman asked how long the beach access path is, and Ms. Usowski estimated 100-feet. The Commissioners and Mr. Daugherty discussed how to help get the machine down to the beach.

Mr. Chase asked if Pilgrim Road could be used for access, but Mr. Daugherty said that Pilgrim Road is private. Ms. Usowski suggested using Sea Street for access and offered to provide a request for authorization form.

Mr. Atkinson asked Mr. Daugherty to elaborate on the necessity of the project. Mr. Daugherty explained that older residents have trouble getting over the rocks. Mr. Atkinson asked why it was necessary to get to the other portion of the beach. Mr. Daugherty said it was sometimes necessary because of crowding or the tide and noted that the Association did not want to face a lawsuit since there is a liability policy in place. Mr. Atkinson commented that the project did not seem necessary, and that he would like to see a Request for Determination of Applicability to properly discuss the project.

2. Discussion on fencing to enclose all community garden plots at 50 Sisson Rd.

Bob Weiser, resident of 6 Birch Drive, was present. Mr. Weiser explained that informal conversations have been held regarding fencing in the garden area because deer frequently damage crops. He added that crop theft, vandalism, and dog walking in the garden area could also be reduced by a tall fence and offered to explore resources for fencing materials.

Ms. Usowski explained that the parcel must be left open to the public since the land is designated for conservation, and that she had reached out to the Conservation Agents in other towns for guidance but received minimal information. She noted that the fence would be within the 100-foot buffer zone and within the 50-foot no disturb zone in some areas, and that any fence higher than 6 feet tall would also require permitting from the Building Department. She explained that a fence would certainly help reduce vandalism, theft, contain trash, and still allow for wildlife passage if it was lifted a few inches off of the ground.

Ms. Pilling expressed a desire to allow for wildlife passage. Mr. Coleman asked Mr. Weiser if he had an estimate for linear feet of fence, and he approximated 1500 feet. Mr. Coleman asked if the fence would be an issue for tilling. Ms. Usowski explained that there will be no more tilling in the plots. Mr. Coleman stated that he would like to see the fence secured. Mr. Chase commented that a fence should not be placed in the 50-foot no disturb zone and that it would be very expensive. Mr. Coulson agreed and commented that he would be more in favor of using funding for wells at the Community Garden. Mr. Hall commented that the fence may not be the best solution but that the property could be a part of a larger agricultural project. Mr. Atkinson suggested getting a legal opinion on how a fence would restrict access.

Mr. Weiser offered to explore ways to raise funds for the fence with the community.

Mr. Paul Reedy commented that a plastic mesh fence could work well and suggested reaching out to the Family Pantry for information.

3. Discussion of Bells Neck Conservation Area Land Management Plan.

Ms. Usowski informed the Commission that she needed more time to organize materials before providing an update.

Mr. Hall commented that he would like to see the Commission put together a capital plan and improve access. Mr. Coulson asked Ms. Usowski if the Highway Department had removed their t-base from the area. Ms. Usowski said most t-base has been removed except for areas where removal would have destabilized the ground, and that the Highway Department will now be consulting her about their materials. Mr. Chase commented that he would like to see a climate change layer in the towns ArcGIS Pro mapping software and the total nitrogen daily limit. Mr. Coleman asked if the road system in the area would be reconfigured. Ms. Usowski said that the drainage has been discussed. Mr. Coleman suggested

reexamining the possibility of replacing the pedestrian bridge and Ms. Usowski said that vehicular access or an ADA compliant boardwalk could be considered. Ms. Pilling offered to send pictures of native plants from the area.

4. Discussion of Hinkley Pond monitoring reports.

Ms. Usowski informed the Commissioners that she met with Don Yanuzzi, Director of Natural Resources, and gave him guidance on the situation. She added that she is waiting to hear whether there is funding available for the continued monitoring, and reviewed Long Pond and Skinnequit monitoring, noting that Long Pond was only monitored for 5 years after an alum treatment.

Mr. Coleman commented that he would like to see the full monitoring cycle completed for Hinkley Pond. Mr. Chase agreed but acknowledged that 10 years is a long cycle and asked if the Order of Conditions could be changed to a different monitoring period. Ms. Usowski said that she could ask for the opinion of legal counsel, mentioning that an enforcement order could also be used.

5. Other business not reasonably anticipated by the Commission.

Mr. Coulson asked if the Commission is tasked specifically with maintaining public water supply, and Ms. Usowski explained that it is not, but that consideration is made when a proposed project may have an adverse impact on water supply. Mr. Coulson explained that he is concerned about pure rock salt being used on roadways instead of a salt-sand mixture. Mr. Usowski offered to ask the Department of Public Works.

Mr. Chase asked if the dock and pier regulations specified that 3 feet of depth at mean low water had to be achieved without dredging. Ms. Usowski said no that language was never formally adopted.

Mr. Hall announced that he is departing the board but will strive to stay involved in the Town and work to improve it.

Mr. Atkinson asked Ms. Usowski if there are any updates on the Herring River study. Ms. Usowski said that available plans and literature are being reviewed and that a letter to homeowners was being drafted.

Mr. Atkinson offered his thanks to Mr. Hall on the behalf of the Commission.

Adjournment

Mr. Hall moved to adjourn the meeting at 7:51pm. Seconded by Mr. Coleman.
Vote 6-0. Motion carried; meeting adjourned.

Minutes respectfully submitted by Kalea Trudeau, Conservation Department Executive Assistant.