**TOWN OF  HARWICH**

***732 Main Street***

***Harwich, MA 02645***

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**HARWICH CONSERVATION COMMISSION – MINUTES**

**WEDNESDAY, DECEMBER 18, 2019--6:30 P.M.**

**SMALL HEARING ROOM, HARWICH TOWN HALL**

**Commissioners and Staff Present:** Brad Chase, James Donovan, John Ketchum, Stanley Pastuszak, Carolyn O’Leary and Conservation Administrator Amy Usowski.

**Audience:** Beth Winmill,John Rendon, Kevin Buruchian,Don Munroe, David Riquinha,Dan Croteau, Rick Vayo, Philip Cheney, Stephanie Sequin, Seth Wilkinson, and Bill Ganshirt

**Call to Order**

By Chairman Brad Chase

**HEARINGS**

**Requests for Determination of Applicability**

**Ted Damico & Yvette Cozier, 11 Nehoiden Street, Map 12 Parcel 3X-3A.** Replace a screened-in porch and car port on a slab foundation with an addition on a crawl-space foundation. **Applicant has requested to withdraw application without prejudice.**

Mr. Chase moved to approve the applicant’s request. Seconded by Mr. Donovan. Motion carried unanimously.

**Donna Smith, 296 Rt 28, Map 12 Parcel H1.** Site reconfiguration with new snack shack and septic system.

The applicant had requested a continuance to the January 8, 2020 meeting.

Mr. Chase moved to approve the applicant’s request. Seconded by Mr. Pastuszak. Motion carried unanimously.

**Beth Winmill, Common area of Daisy St and Sequattom Rd, No Map or Parcel.** Rebuild beach stairs.

Ms. Beth Winmill was present as representative for the project. She explained that since their last hearing they had submitted the after-the-fact application for this work. Ms. Usowski explained that the other person who had presented at the last meeting was no longer involved, and that there had been preexisting inlaid concrete steps on the site. Ms. Usowski added that Ms. Winmill had submitted copies of a proposed planting plan, and gave more detail on the stairs that had been constructed. She stated that requiring the stairs to meet the 18 inch above-ground requirement may cause more disturbance than allowing the stairs that had been installed to remain. Ms. Usowski recommended that the Commission require the removal of the concrete pieces that had been laid along the shore, but was not ready to give a recommendation for approval of the project.

The Commission expressed concern that this work was done without proper permits or review by the Commission, that the retaining wall that was shown on the proposed planting plan would need to be installed in the near future, that the plantings would not establish well due to the steep slope, that more erosion would be caused by the way the stairs were constructed, and that the items in the water should be removed as soon as possible (including the sign, chairs, and concrete pieces). The Commission asked questions regarding ownership, expressing concern that the stairs did not meet building code so the liability of constructing the stairs without permits would not fall on any owner(s), that future prohibited activities would not be prevented, and that they would have trouble raising funds for an application if the retaining wall was needed. Ms. Usowski stated that she would speak to the Building Commissioner about the potential building code implications and look into the ownership of the property more. The Commission stated that they would like to wait to vote on the project until they had that information. Ms. Winmill requested a continuance to the January 8, 2020 meeting.

Mr. Chase moved to continue the hearing to January 8, 2020. Seconded by Mr. Pastuszak. Motion carried unanimously.

**Notices of Intent**

**Town of Harwich, 0 Cove Landing Rd, Map 115 Parcel P2.** Reconstruction of boat ramp.

Mr. John Rendon, Harbormaster, and Mr. Kevin Buruchian, GEI Consultants, presented the project, which would include the reconstruction of the heavily used boat ramp at Round Cove. Mr. Rendon explained that the salt marsh had started to be impacted because the boat ramp had not been properly constructed. Mr. Buruchian gave detail on the proposed construction, which would take place largely within the footprint of the existing boat ramp, and would limit disturbance as much as possible. The Pleasant Bay Alliance had given their support for the project. Mr. Rendon commented that the Town was looking to have this project done before the next boating season, and requested that they only be required to keep the siltation curtain in place during construction. Ms. Usowski stated that she recommended that the Commission acknowledge the DMF’s request for a time of year restriction for the installation of the siltation curtain, but consider instead requiring that they have a monitor present when installing the curtain. Ms. Usowski stated that there was no plan to dredge at this time, but that things were expected to settle and redistribute on their own. Mr. Rendon stated that this was part of a two part project, and that he would be applying for a permit to reconstruct the bulkhead in a few years, but due to funding that part of the project could not be included with the boat ramp reconstruction. Ms. Usowski recommended approval of the project, with the consideration regarding the time of year restriction for installing the siltation curtain.

The Commission expressed concern for the winter flounder, and Mr. Buruchian stated that the concrete ramp itself was not breeding grounds. The Commission questioned how they would avoid dredging, and Mr. Buruchian explained that there was a large scour pocket beyond the ramp, which was the depth they were looking to match with the new grade for the ramp. Mr. Chase stated that, in his experience, there should not be an issue with installing the siltation curtain later in the year at this location. Mr. Rendon stated that, if the DMF did not give a waiver on the time of year restriction, they could put the siltation curtain in for the duration of the winter, but expressed that winter storms and access made it very difficult to maintain over a long period of time. The Commission agreed, stating that they would condition that the siltation curtain was involved prior to the start of the project.

Mr. Donovan moved to approve the Notice of Intent. Seconded by Ms. O’Leary. Motion carried unanimously.

**Mary Judge, 6 & 10 Neel Rd, Map 9 Parcel A7-1 & 2.** Shorefront protection.

Mr. Don Munroe, Coastal Engineering, and Mr. David Riquinha, contractor, presented the project, explaining that, at this time, they are not looking to do any work on the groins, so this approval would only be for nourishment, extension of the stairs, and installation of the previously discussed fencing. Ms. Usowski stated that, from the last meeting, the Commission had requested input from NHESP and that the NHESP had since submitted comments. These comments stated that this work would not result in a taking of Endangered Species Habitat, nor was the area ideal for nesting shorebirds. Ms. Usowski recommended approval of this project, with the understanding that any work on the groins would return to the Commission for approval.

The Commission expressed concern that the fence would become exposed and allowed to wash into the water, and requested that annual monitoring conditions be included so that the Commission could ensure that any repairs and nourishment were being done as needed. Mr. Chase asked whether they could pull the stairs back from the water further, as they would likely degrade very quickly with winter storms and spring tides. The applicant responded that they planned to take the furthest section of stairs out seasonally.

Ms. O’Leary moved to approve the Notice of Intent. Seconded by Mr. Pastuszak. Motion carried unanimously.

**Rick & Linda Vayo, 0 Sequattom Rd, Map 101 Parcel W4-1.** Dock.

Mr. Dan Croteau, Moran Engineering, and Mr. Rick Vayo, owner, presented the project, explaining that this would be a seasonal, freshwater dock, which had received approval from the Waterways Committee. Ms. Usowski stated that this project would not interfere at all with the previous project that the Commission had approved for this property. Ms. Usowski explained that they had not heard back yet from NHESP, but that she would anticipate that the same conditions would be put on the project that the past project had from NHESP. Besides waiting for NHESP comments, Ms. Usowski recommended approval of the project.

The Commission asked how this project corresponded with the timeline for the bulkhead project that was previously approved, and Mr. Vayo responded that they hoped to start the bulkhead project soon, and that the dock would not be put in the water until sometime in June. The Commission asked where the dock would be stored in the off-season, and Mr. Vayo stated that it would be in the sandy area shown on the plan. Ms. Usowski stated that docks were normally not permitted to be stored within 50ft of the pond, unless they are on top of existing decks or hard surfaces, so the Commission could choose to condition that it be stored further away, but that the Commission could choose to allow it since the sandy area was on top of the bulkhead. Mr. Donovan asked for clarification on where the path would be versus the BVW replication, which was provided by Mr. Croteau and Ms. Usowski. Mr. Chase stated that he was not against allowing storage in the middle of the sandy area because it was separated from the pond by the bulkhead, but that he would want them elevated at least 12 inches and would want a condition that they be in the center of the sandy area to prevent disturbance to any vegetation. Mr. Croteau requested a continuance to the January 8, 2020 meeting so that NHESP could submit their comments.

Mr. Chase moved to continue the hearing to January 8, 2020. Seconded by Mr. Pastuszak. Motion carried unanimously.

**Sheila & Alfred Quirk, 11 Prince Charles Dr, Map 110 Parcel S26.** Addition, move outdoor shower, construct window well and plantings.

Mr. Croteau presented the project alongside Philip Cheney, landscape designer. Mr. Croteau gave coverage calculations for the addition and proposed outdoor shower and window well which was broken down on the Site Plan. Mr. Cheney gave detail on the mitigation plan, which proposed a little over the required square footage for mitigation. Ms. Usowski stated that the proposed additions would be in a pre-disturbed area, and toward the edge of the 50-100ft buffer zone, so she would recommend approval of the project with some small changes in species on the planting plan.

The Commission expressed that they would like a condition included on the project prohibiting the use of fertilizers and chemicals within the buffer zone.

Ms. O’Leary moved to approve the Notice of Intent. Seconded by Mr. Donovan. Motion carried unanimously.

**Aaron & Barbara Thall, 10 Chase St, Map 4 Parcel N3A.** Pier, ramp, float, vista pruning.

The applicant had requested a continuance to the January 8, 2020 meeting.

Mr. Chase moved to approve the applicant’s request. Seconded by Mr. Donovan. Motion carried unanimously.

**Michael & Jennifer Monteiro, 11 Braddock St, Map 7 Parcel F19.** Demo and rebuild dwelling.

Stephanie Sequin, Ryder and Wilcox, explained that they had reduced the scale of the proposed project, which included reducing the size of the proposed dwelling and associated pool and hardscape in order to pull the project further from the resource area, and increasing the proposed mitigation square footage. These changes were reflected in the revised Site and Planting Plans. These changes would reduce the coverage within the 0-50ft buffer by 310sqft, but increase the coverage within the 50-100ft buffer by 1733sqft, so 2846sqft of mitigation would be required for the project. The revised Planting Plan proposed about 4200sqft of plantings, which was well over the required amount. Ms. Sequin explained that they could not move the proposed construction further from the resource area because it would then fall within Flood Plain. Ms. Usowski commented that the proposed construction would be 6ft further from dune than existing hardscape which was a small change but would be a large improvement, and that the proposed mitigation was substantially more than what was required. Ms. Usowski recommended some slight changes to the species on the Planting Plan, and that the Commission allow only one access path through the dunes to the beach.

The Commission asked whether there was a plan to prevent established invasives from moving into the proposed planting plans, and Ms. Usowski stated that it would likely require ongoing maintenance, and the Commission could require monitoring reports for the invasive management and plantings. Mr. Ketchum asked if they had calculations for how much of the 4200sqft of proposed mitigation was invasive removal versus planting. Ms. Sequin responded that she did not, but that they had only counted half of the invasive management square footage toward the total mitigation square footage. The Commission requested that there not be a full layer of topsoil over the entire planting area near the dune in order to prevent the creation of a barrier to the movement of the dune. The Commission requested an additional condition for three years of required monitoring, and a condition that invasive removal outside of the area shown on the plan be allowed.

Mr. Ketchum moved to approve the Notice of Intent. Seconded by Mr. Donovan. Motion carried unanimously.

**Orders of Conditions**

**Jim Palermo, 27 Strandway, Map 1 Parcel J1-34.** Hardscaping and planting.

Ms. O’Leary requested that a condition be added requiring that the patio not become habitable space. Ms. Usowski asked that the Commission allow her to work with the applicant on spacing of plantings, which the Commission agreed to. Mr. Donovan asked that they add language that would make it clear that mitigation areas should be left to naturalize once they are established. Ms. Usowski stated that she would add that but also include a statement that invasive removal would still be permitted.

Mr. Chase moved to approve the Order of Conditions. Seconded by Mr. Donovan. Motion carried unanimously.

**Certificate of Compliance**

**James & Anne Tompkins, 4 Novotny Ln, Map 29 Parcel N1-2.** Reissue certificate of compliance.

Ms. Usowski stated that the project included the construction of a dwelling, deck, driveway, and septic, and that the original Certificate had been issued in 1996 but was never recorded at the Registry of Deeds. She stated that no vote was needed, but the Commission members did need to sign the reissued Certificate as the 1996 version was too old to be recorded, and the owners needed a true attested copy of the Certificate to close out the project on their deed. The reissued Certificate was signed by all members present.

**Minutes – vote shall be taken**

**May 1, 2019**

The Commission made a few typo corrections, but no substantive changes to this set of minutes.

Mr. Chase moved to approve the minutes. Seconded by Mr. Ketchum. Motion carried unanimously.

**Discussion and Possible Vote**

**Update on status of replanting at 141 Riverside Drive and revegetation plan for 422 Main St**

Ms. Usowski explained that Mr. Mark Burgess was handling the planting plans for 141 Riverside Drive and 422 Main Street, but could not be present at this evenings meeting. Ms. Usowski stated that she would reach out to Mr. Burgess and Mr. Lindsay Strode to see where they were at with plantings at 141 Riverside Drive. The Commission asked Ms. Usowski to set a submission deadline for the restoration plans for 422 Main Street so that the planting could be done as soon as possible, and Ms. Usowski set a deadline of January 29, 2020 so that the plan could be reviewed at the February 5, 2020 meeting.

**Update on status of plan for 23 Snow Inn Rd to change chemical use on the property.**

*Ms. O’Leary abstained from the discussion.*

Mr. Seth Wilkinson, Wilkinson Ecological Design, and Mr. Bill Ganshirt, Wychmere Beach Club, explained that they had submitted a subsequent filing following the approved Order of Conditions that required the change in chemical use on the property which would be on the Commission’s January 8, 2020 meeting. As part of that filing, Mr. Wilkinson had proposed converting some high traffic areas from Kentucky bluegrass lawn to artificial turf, and some areas to Players Best turf grass, which is a micro-clover blend that is drought resistant and does not require additional chemical treatments. The Commission commented that they would be looking for more replacement of existing lawn with this new grass mix as they would require that the entire property be free from fertilizer and chemical use within the buffer zone in the near future, and that they would like more information on the Players Best mix itself when it became available. Mr. Ganshirt commented that, if this new grass mix performed as they hoped it would, the Beach Club would be amenable to converting all grass areas.

**Wetlands Protection Bylaw and Water Dependent Structures Bylaw and Regulations proposed changes.**

Mr. Chase asked if the Commission could hold a separate public hearing to discuss these proposed changes. Ms. Usowski explained that they needed to have proposed changes in by the beginning of February to get them on the Town Meeting Warrant, so they would have to have a meeting or two in January. The Commission agreed that a daytime meeting on January 17, 2020 would work well, as they could revisit changes on the January 22, 2020 meeting if needed.

**ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION**

Ms. Usowski reminded Commission members that the MACC Conference was coming up at the end of February, so she would need to know who was looking to attend in the coming weeks.

**Adjournment**

**Motion to adjourn by Mr. Chase and seconded by Stan Pastuszak. Motion approved unanimously.**

**Meeting adjourned at 9:56PM.**

Respectfully submitted,
Melyssa Millett

Approved: 8/17/22