



TOWN OF

HARWICH



732 Main Street

Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION – MINUTES

WEDNESDAY, JULY 17, 2019--6:30 P.M.

SMALL HEARING ROOM, HARWICH TOWN HALL

Present: Chairman Brad Chase, Commissioners Paula McGuire, Carolyn O’Leary, John Ketchum, Mark Coleman, James Donovan, Alternate Commissioner Ernie Crabtree, and Conservation Administrator Amy Usowski.

Call to Order

By Chairman Brad Chase.

Request for Determination of Applicability

Andrew Hunt, 208 John Joseph Rd, Map 72 Parcel G1-4. Replacement of split rail fence with stockade fence.

Homeowner Andrew Hunt was present and explained the project to the Commissioners. He said they would like to replace the existing split rail fence with a stockade fence in the same footprint. He said they would raise it 6”+ off the ground at the bottom to allow for wildlife passage.

Amy Usowski suggested that the fence be 8”+ off the ground and Mr. Hunt agreed to that. Commissioner Donovan stated that to be consistent with other similar projects, the section of fence within the 0-50’ buffer to the pond should either be split rail or not have fence. He noted stockade would be okay in the 50-100’ buffer. Amy Usowski suggested that maybe instead of stockade in the 0-50’ buffer as requested the owners could use native plantings as a ‘living fence’ if what they were looking for was privacy. Mr. Hunt agreed to this condition.

The neighbor to the north Lynne Bimmmler was concerned that putting a stockade fence so close to their home, which is on Queen Anne Road, would cause there to be more road noise at their property. Amy Usowski stated that noise is not in the Conservation Commission’s purview, and also that this fence is outside the 100’ buffer zone.

Alice Mundy, another neighbor, was concerned that the fence would affect her sightline getting out of her driveway. Mr. Hunt said it was going to be in the same place as the split rail, which is far back from the road and doesn't affect her sightline now.

Commissioner Donovan moved to approve the project with a Negative 3 Determination. Commissioner Coleman seconded. All in favor, project approved 7:0.

Notices of Intent

Thomas and Claire McCabe, 25 Grey Neck Ln, Map 11 Parcel X8-6. Construction of three additions.

Lynne Hamlyn of Hamlyn Consulting and Thomas Moore of Thomas Moore Design were present to represent the applicant. Ms. Hamlyn explained the project. There are 3 small proposed additions, totaling 228 sq ft in the 50-100' buffer. The closest point of new structure to the wetland is 61.5' away.

They explained that instead of the originally-proposed mitigation, which was on the neighbor's property closer to the resource, they have relocated the mitigation plantings to 25 Grey Neck Lane. They are proposing a row of native shrubs on the property line to act as a living fence. The owner of the adjacent property, Gail Dardinski McCabe, requested that there be no access to her property from this property. Amy Usowski stated that this is a civil matter, but the living fence would essentially block access to that property. Beyond this row of shrubs will be a No Mow Zone.

The Commission also mentioned that they will condition that no chemical application will be allowed on this property within the 100' buffer zone to the wetland.

Commissioner Donovan moved and Commissioner Pastuszak seconded to approve the project. All in favor, project approved 7:0.

Dan & Jan Speakman, 4 Shady Dr, Map 73 Plot X-180. New dwelling and appurtenances.

The applicant has requested a continuance until August 7, 2019. Chairman Chase moved and Commissioner Coleman seconded to continue the hearing until this date. All in favor, motion carried.

27 Soundview LLC, 27 Soundview Road, Map 26 Parcel L1-9. Construction of a single family dwelling, including grading, driveway construction, and installation of a septic system and underground utilities.

Stephanie Sequin of Ryder and Wilcox, Jen Crawford of Crawford Land Management, and Attorney Sarah Turano Flores were present to represent the applicants, who were also present. They explained that the square footage of structure within Conservation Commission jurisdiction is proposed to be 1,200 sf. They are proposing 2,830 sf of mitigation, which consists of adding native understory plantings. No new structure would be within 60' of the wetland resource area.

There was some discussion about whether or not adding plants to the understory of property in its natural state is mitigation. Amy Usowski stated that in this case, it would provide additional habitat and food source for wildlife, and an enhanced buffer to the coastal bank and in the riverfront area to Red River. Not all of the commissioner's shared this view that this was mitigation.

There was discussion about moving the limit of work to the limit of clearing line, and to move the proposed 'living fence' of sweet pepper bush to the limit of clearing line. This would minimize the size of the limit of work, and preserve more of the lot in its natural state. With the condition that the work limit be moved to the limit of clearing line on the plan, the commissioners were ready to vote on the project.

With condition that the property shall remain in its natural state past the limit of work, Commissioner Donovan moved to approve the project and Commissioner McGuire seconded. All in favor, project approved 7:0.

Jamie Kline, 61 Bells Neck Road, Map 18 Parcel K6. New dwelling and appurtenances. Applicant has requested a continuance to August 7, 2019.

Applicant has requested a continuance until August 7, 2019. Chairman Chase moved and Commissioner Donovan seconded to continue to this date. All in favor, motion carried.

Joseph Preston, 0 Sequattom Rd, Map 101 Parcel W2-C. Storm damage repairs. Applicant has requested a continuance to August 21, 2019.

The applicant requested a continuance until August 21, 2019. Amy Usowski stated that this has been continued for several months, and she recommended this be their last continuance. If they want another, they will need to re-notify abutters. Chairman Chase moved to continue to this date with Ms. Usowski's stipulation, and Commissioner Donovan seconded. All in favor, motion carried.

William and Caroline Counselman, 5 Fiddler's Landing, Map 6 Parcel A1-8. Installation of a rock revetment. Applicant has requested a continuance to August 7, 2019.

Applicant requested a continuance until August 7, 2019. Chairman Chase moved and Commissioner O'Leary seconded to continue to this date. All in favor, motion carried.

Discussion and Possible Vote

141 Riverside Drive violation

Bill Ashmore the property manager from Build Empire was present to discuss what happened. Amy Usowski described the work that was done without a permit. There was clearing of vegetation in the 0-50' buffer and on the coastal bank. There was also minor re-grading in the buffer zone. Improvements were made to the dock, which is permitted but has a certificate of compliance with no ongoing conditions, without new permit. It is unknown if the configuration of the dock matches the approved plan, or if an additional section was added.

There was a lot of back-and-forth with Mr. Ashmore and the Commission about what condition the site was in before he did the work. Mr. Ashmore maintained that the backyard facing the river was an area the previous owner used for dumping. There is evidence that trees and other native vegetation was removed however.

The Commission instructed Mr. Ashmore that he had two weeks to stabilize the site with erosion control matting and/or silt fence and to work with Amy on it. He was also instructed to produce a native revegetation plan for the bank and buffer along the top of it at a minimum. This is to be done within 45 days.

Chairman Brad Chase moved and Carolyn O'Leary seconded to issue an Enforcement Order with the above-mentioned conditions, as well as to issue Mr. Ashmore a fine under the Massachusetts Wetlands Protection Act and Harwich Wetlands Bylaw and Regulations of \$300 for unlawful clearing of vegetation in the buffer zone and \$300 for performing work on the dock without a permit. All in favor, motion carried.

Manual Removal of Phragmites in herring run leading to Skinequit Pond

John Ketchum introduced his idea of manual removal of invasive phragmites in the stream that connects red river marsh to Skinequit pond, which is also a herring run. Amy Usowski said she would be happy to look and see how much work needed to be done, and see what type of permitting it might need. If it was just minor, manual removal, then perhaps it could be an administrative review. Disposal of the material was also discussed.

Request for Change in Plans

Chris and Lisa Barton, 11 River Pine Circle, Map 11 Parcel P3-15. Request to move approved wall outside of MHW.

Chairman Brad Chase moved and Carolyn O'Leary seconded to approve the change in plan to move the toe of the revetment landward of MHW. All in favor, motion carried.

Orders of Conditions

Wychmere Harbor Real Estate, 23 Snow Inn Road, Map 8 Parcel P2-0. Proposed building and hardscape modifications.

Chairman Brad Chase moved to approve the Order of Conditions for 23 Snow Inn Road. Jim Donovan seconded. All in favor, motion carried.

Michelle Inglin, 47 Sequattom Road, Map 101 Parcel T1-1. Remove existing dock and install a new seasonal dock in the waters of Long Pond.

Chairman Brad Chase moved and John Ketchum seconded to approve the Order of Conditions for 47 Sequattom Road. All in favor, motion carried.

Certificates of Compliance

Wequassett Inn, 4 Cove Landing Road. Building modifications and vegetation management (SE 32-2176) and bank stabilization (SE 32-2237).

Amy Usowski stated that the fiber rolls had been installed and covered, and all the plantings done and doing well. She did state that there was some erosion at the bottom of the slope that could be matted with a biodegradable erosion control mat and planted with beach grass. The other issue is that the people tie their dinghy's up at the base of it, which causes erosion too.

Jim Donovan moved and John Ketchum seconded to approve the Certificate of Compliance and allow ongoing maintenance to preserve the toe of the bank by placing sand and planting beach grass. All in favor, motion carried.

Sandra and Keith Gollenberg, 317 Lower County Road. Vista pruning and landscaping.

Amy Usowski stated that is was a very minor, narrow view corridor out to Allen Harbor. They trim it no lower than 3-4' in height, and would like an ongoing condition to allow them to continue to do so once annually. She stated that she would want them to notify the conservation department each year that they are doing it, and can only maintain what they have, not expand.

Jim Donovan moved and John Ketchum seconded approval of the Certificate of Compliance with this condition. All in favor, motion carried.

Rosemary Grevelis, 90 Punkhorn Road. Septic system (SE 32-1691) and additions (SE 32-1749).

Amy Usowski explained that these are both older permits from 2004 for a septic upgrade and an addition. All work was done in compliance.

Jim Donovan moved and John Ketchum seconded approval of the Certificate of Compliances for 90 Punkhorn Rd. All in favor, motion carried.

Minutes vote shall be taken

Minutes shall be subject to review, discussion, editing for suggested changes and/or deletions, and a vote shall be taken for acceptance and approval.

June 19, 2019 Joint meeting with WWC

Carolyn O'Leary moved and Jim Donovan seconded approving the minutes from the June 19, 2019 joint meeting with the WWC with changes. All in favor, minutes approved.

Minutes taken and transcribed by Amy Usowski, Conservation Administrator

Meeting Attendance:

Kurt and Lynne Bimmler

Andrew Hunt

Alyce Mundy

Dardinski

Larry Ballantine – BOS

Thomas Moore

Jane and Paul Ayoub

Stephanie Sequin

Sarah Turano-Flores

McCabe