



TOWN OF HARWICH

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CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

WEDNESDAY, OCTOBER 7, 2015

DONN B. GRIFFIN ROOM
HARWICH TOWN HALL

MINUTES

PRESENT: Walter Diggs, Chairman; Robert Sarantis, Robert Hartwell, John Rossetti, Brad Chase, and Amy Usowski, Conservation Administrator

OTHERS PRESENT: Linda Cebula, BOS

6:30 PM Call to Order by Chairman Walter Diggs

Request for Determination of Applicability

6:32 Great Sand Lakes Association, Beach Area at Clearwater Drive on Buck's Pond, Map 63, Parcel BA-C - Repair existing parking area on Clearwater Drive to reduce erosion caused by automobiles and rainwater.

Presenter: Dave Callahan

Mr. Callahan explained the project. He said that the berm had eroded over the years and that the Highway Department has not been helpful with a solution. He described plans for solving the problem. He also described the problems the residents have been living with trying to keep water in the parking lot and not going down to the beach.

Amy Usowski said she recommended a Negative Determination #3 approval.

A catch basin was discussed as were previously tried solutions. Ms. Usowski said she would like a pervious solution as opposed to hardscape to stabilize the parking lot.

Brad Chase discussed a grass option, but Mr. Callahan said that it had been tried before and did not work. The parking lot is used heavily during the season.

Amy Usowski recommended 6 inches of native stone to see if it would solve the problem.

Motion made by Brad Chase to approve the project for Great Sand Lakes Association, Beach Area at Clearwater Drive on Buck's Pond with a Negative Determination #3. Seconded by Bob Sarantis. Vote: 5-0-0.

Request for Determination of Applicability

6:44 Cliff Stalker, 413 Route 28, Map 13, Parcel H2-1 - Upgrade of the existing septic system to include a raised soil absorption system to service a commercial garage.

Presenter: Lynn Hamlyn, Hamlyn Consulting with applicant, Cliff Stalker

Ms. Hamlyn said that the septic needed an upgrade to Title 5. The property was a real estate transfer and is in land subject to coastal flowage and buffer to a coastal bank resource.

Amy Usowski inquired as to where the existing cesspools were. Ms. Hamlyn indicated the location on a map. Ms. Usowski recommended approval with a Negative Determination #2.

Motion made by Bob Sarantis to approve the project for 413 Route 28 with a Negative Determination #2. Seconded by Brad Chase. Vote: 5-0-0.

Request for Determination of Applicability

6:49 Town of Harwich, Saquatucket Development Committee, 731 Route 28, Map 15, Parcel H4 - Re-affirmation and confirmation of the resource area boundaries.

Presenter: Matt Hart, Chairman of Saquatucket Development Committee

Discussion of preliminary site plan and design plan.

Amy Usowski said the re-affirmation was to bring back delineation previously closed out by a Certificate of Compliance. It will allow the Saquatucket Development Committee to move forward to restore the site.

Bob Hartwell asked Ms. Usowski for clarification of the plan. Discussion of buildings to be torn down. Ms. Usowski said all of the property is in the flood zone and that opening up the river will protect the area.

Motion made by Bob Sarantis to approve the reaffirmation and confirmation of the Positive 1A area delineation in the plan; to approve 2A boundary delineation to protect the resource area according to WPA for planning purposes. Seconded by Bob Hartwell. Vote: 5-0-0.

Certificate of Compliance

6:55 Moran Engineering Assoc., LLC 55 Shore Road, Map 2, Parcel B1-2 - Installation of rip rap.

Motion made by Bob Sarantis to approve the Certificate of Compliance for 55 Shore Road. Seconded by Brad Chase. Vote: 5-0-0.

Minutes

6:56

Motion made by Bob Sarantis to approve the Minutes of September 16, 2015. Seconded by Bob Hartwell. Vote: 5-0-0.

Minutes of September 2, 2015 deferred to next meeting.

Notice of Intent

7:05 Town of Harwich, 343 Lower County Road, (Allens Harbor), Map 12, Parcels Y1-58A, B and 2 - Installation of a concrete curb consisting of nine 10' lengths of buried "jersey barriers" onto 6" of crushed stone, and repairing and reinforcement of a revetment wall at the edge of the existing parking lot adjacent to the harbor.

Presenters: Bob Cafarelli Town Engineer and John Rendon, Harbormaster

Mr. Cafarelli described the project which included "Jersey Barriers" and a design plan to include woven fiber fabric; stones; a trench and rip rap plus two layers of filter fabric to stabilize the 3' bank in the area of the Allen Harbor parking lot which is eroding. A berm west of the boat ramp is proposed. A silt fence is also proposed to protect the harbor.

John Rendon said part of the project is being paid for by the state.

Amy Usowski expressed concern for protecting the marsh. Bob Hartwell re-iterated Ms. Usowski's concerns and said that mooring holders have certain rights, but are contributing to the problem. Mr. Rendon said he would check on the problem and report back to the HCC.

Bob Sarantis discussed the drainage issue. Mr. Cafarelli explained that the pervious pavement plan will always have 10% water drain into the harbor, but that it is better than the 100% drainage now.

Brad Chase ask if there would be any displacement of the salt marsh. Ms. Usowski said no, that the silt fence would protect the marsh.

Mr. Chase asked about the impervious area in the center and how it would be an improvement. He also asked about the catch basin and leaching field. Mr. Cafarelli said it would handle a 100 year storm and should take ground water with the new plan. Mr. Cafarelli added that no sand or salt during storms would be used in the new pervious areas.

**Motion made by Bob Sarantis to approve the Allen Harbor project at 343 Lower County Road.
Seconded by John Rossetti. Vote: 5-0-0.**

ANRAD - Continuance...

7:20 Mark Lynch, Jr., Smelt Creek between Lynch Lane and Old Brewster-Harwich Road, Map 65, Parcels M1, M2, M3, N5-6, N5-7, and two parcels south of M3 - Confirmation from the Conservation Commission that Smelt Creek is a perennial stream and that it has an associated Riverfront Area. No work is being requested or proposed for any of the parcels at this time.

Presenters: Mark Lynch and Scott Horsley

Mr. Lynch explained the problems and difficulties with the area over the years and his family history in the area. He is not proposing any change, but only confirmation from the HCC that Smelt Creek is a perennial.

Mr. Horsley gave a chronology of Smelt Creek from 1900 to the 1980's. He noted current (September 24, 2015) BAC peer review and cited MPW Acts 310 CMR 10:04 - 10:58 (2a) and current GS Map as a perennial stream. He showed a number of detailed overhead tables. Also described were multiple wells and ground water hydrology.

A discussion of other hydraulic wells in town followed.

Amy Usowski introduced Matt Creighton, BAC Group, Town Third Party Consultant who offered opinions on the following:

- Listed as a perennial stream
- Use of supporting data
- Nothing in his mind to disprove the data
- Significance is in the gray area
- Measured 1.9' down (average) well within the 2' range
- Zone II modelling of 120 days
- Referred to Eldridge data; Eldridge must prove stream is not a perennial stream
- Discussed ground water levels and their significance
- Agrees that it should be considered a perennial stream
- Discussion of time of year data taken (End of August - drought season)

Don Eldridge from the audience said he represented abutters: Aaron Baker and Hanna Kelly. He had handouts, but it was noted that the Commission had not had an opportunity to review the material before the meeting. He said he thinks the matter should be continued until water levels are measured when the water table is up and when wells are not pumping full. He stated that a 3' to 4' range water table drops in summer. He discussed data from USG maps based on aerial photography and its margin of error. He would like to continue when more seasonal data is available. Culvert blockage possibilities also discussed.

Mr. Lynch stated that he wants to protect the resource and his long range plan is to donate the property to Harwich Conservation. He noted that he is a geologist by trade and education and has had experience in the field.

John Rossetti asked, why the opposition? Atty. David Aarons said he represents the estate of Richard Baker and members of his descendants. Also the heirs of Abigail Kelly. He said that the data is 10 years old and HCC should not rely on old data. He asked for a continuance to allow HCC to review new data. He feels that what Mr. Lynch wants to do impacts his client's property.

Brad Chase said that he thinks the HCC has enough information to rule. Amy Usowski stated that the matter came before HCC months ago and additional data would not provide enough information to prevent making a decision this evening.

Motion made by Brad Chase to approve and re-affirm the designation of Smelt Creek as a perennial stream as of 2005. Seconded by Bob Sarantis. Vote: 4-0-1 Motion carried.

Discussion

7:58

Amy Usowski said that the Trails Committee needs a new member ASAP. She said the Committee meets the 3rd Thursday of the month and discussed the responsibilities of the members and the various parcels of land it entails. Bob Sarantis said he would consider it and speak with Ms. Usowski later. She said she would like a decision by the next HCC meeting.

Note:

8:08 Brad Chase had to leave the meeting and was excused.

Notice of Intent

8:09 Ann Fagan, 2059 Route 28, Map 109, Parcel R2 - Removal of existing single family dwelling, garage and driveway and reconstruction of new single family dwelling with driveway and patio.

Presenters: David Little, Rider & Wilcox and Jeff Brown, J. Browning

Mr. Little said he represented Ann Fagan 10 years ago. The property is 1.6 acres on land subject to coastal flowage; land on a coastal bank and resource area. He said his client is proposing to remove the dwelling, garage and driveway and rebuild higher on the property. He discussed concrete patio, walkways, timber retaining walls and septic system. Applicant wants to replace the existing non pervious patio and walkways with pervious materials. She also is proposing a lot of restorative plantings. There would be a reduction from 7942 sf to 4885 sf (for total of over 3000sf reduction) of coverage much of it in the resource area. It is a net benefit as well as a safety benefit.

Amy Usowski said that it is an extremely challenging lot. Putting dwelling back in original place is still in a flood zone. They need a variance, but it is a huge improvement and a modest size home. She recommends approval and granting a variance.

Motion made by Bob Sarantis to accept and approve the project for 2059 Route 28. Seconded by Bob Hartwell. Vote: 4-0-0.

Request for Determination of Applicability

8:27 Donovan Building Corporation, Sisson Road & Forest Street, Map 31, Parcels D3 & D4 - Confirmation of the edge of the wetland resources and the associated buffer zones as flagged on the property.

Presenter: John O'Reilly and also present one of the owners of the property, Mr. Duane

Mr. O'Reilly said that the flags that were down in the limit of work have been replaced.

Amy Usowski said that HCC confirmed the edge of wetland for future development.

Discussion of parameters. Ms. Usowski asked for definite plans. Mr. O'Reilly said he would comply and clarify.

Kathy Colbridge from the audience said she lives next door and asked for clarification of samples by who and where taken. Mr. O'Reilly took samples on August 13th and 18th. Amy Usowski provided explanation of wetland identification per Wetland Protection Act.

Robert Duane one of the owners of the property discussed a ditch on the property.

Bill Kavaleski said he lives outside the area (just outside) and did not get an abutter notice as he did six years ago. Ms. Usowski said that the Assessor's Office data base provides the information.

Clarification on change in wetland per Mr. O'Reilly in delineation from six years ago by Paul Shea. Mr. O'Reilly said he is comfortable with current data. He said that Mr. Duane is part of the application as an abutter of the wetland.

Motion made by Bob Sarantis to continue request for Donovan Building Corporation, Sisson Road & Forest Street to the next meeting on October 21st. Seconded by Bob Hartwell. Vote: 4-0-0.

Request to Amend an Existing Order of Conditions

8:50 John & Leslie Hardy, 26 Walkerwoods Drive, Map 94, Parcel A5-7 - Amend the existing Order of Conditions to include the construction of an outdoor kitchen with a patio. Previously permitted under DEP file #SE 32-2215.

Presenter: John O'Reilly

Mr. O'Reilly explained the project to allow an outdoor kitchen.

Amy Usowski addressed moving the kitchen inland a few feet (5 feet west and/or increased mitigation for encroachment (transplant non-native with native in buffer area).

Mr. O'Reilly addressed the issue of moving. Bob Hartwell feels moving closer to the pool is a plus. Discussion of owner being willing to move some of the vegetation. Bob Sarantis said he is in agreement. Pushing back from the resource is a plus. Discussion of materials: pervious, runoff drains etc.

John Rossetti said he agrees with Mr. Sarantis and Mr. Hartwell. He does not like anything in the resource area.

Discussion of options of repositioning planter to allow moving kitchen area away from the resource. Ms. Usowski said it meets regulations. Mr. Rossetti's option is not as feasible due to hot tub and stairway. Mr. O'Reilly offered to pull the limit of work line in by 4 or 5 feet.

Motion made by Bob Sarantis to approve the outdoor kitchen for 26 Walkerwoods Drive with conditions of moving back 5' from resource plus 2:1 mitigation in square feet with new project plan. Seconded by John Rossetti. Vote: 4-0-0.

Announcements

- Community Center Meeting next week on Thompson's Field - Dog Area; Water line; Fence; CPC application; Request for signage, etc.
- Further Discussion at HCC meeting on Oct. 21st with Police Department Representative
- Public Meeting in early November

- Carolyn O'Leary introduced to HCC as new member.

Adjourn

Motion to Adjourn made by Bob Sarantis at 9:40 PM. Seconded by John Rossetti. **All in Favor.**

Minutes transcribed by Marie Hickey, Board Secretary from U-tube recording on 4-26-2016

WCW D. Hickey
6-15-16