



TOWN OF

HARWICH

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CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

MAY 11, 2016

DONN B. GRIFFIN ROOM
HARWICH TOWN HALL

6:30 PM

MINUTES

PRESENT: Walter Diggs, Chairman; Robert Sarantis; John Rossetti; Carolyn O'Leary; Ernie Crabtree, and Brad Chase joined the meeting at 6:45 PM.

ABSENT: Robert Hartwell and Amy Usowski, Conservation Administrator.

CALL TO ORDER

6:36 PM by Chairman Walter Diggs

HEARINGS

NOTICE OF INTENT

6:36 Richard & Janet Kaiser, 4 Springtide Lane, Map 38, Parcel A1-7 (continued) – Land management activities.

Presenter: Mike Ball, Jennick Studio

Mr. Ball stated that a letter from Natural Heritage had been received stating that they had no concerns and that the project at 4 Springtide Lane “would not adversely affect wildlife”. Chairman Diggs read the letter from Natural Heritage into the record.

Motion made by Bob Sarantis to accept the project at 4 Springtide Lane. Seconded by Ernie Crabtree. Vote: 5-0-0.

NOTICE OF INTENT

6:45 Ann & Colman Walsh, 3 Littlefield Pond Road, Map 77, Parcel C2-A (continued) – Construction of a single family dwelling with septic, driveway, pool with patio, and a retaining wall.

Presenter: Don Ojala, Down Cape Engineering

Mr. Ojala explained the plan referred to in prior discussions. He discussed the plan to preserve the 50' buffer; the change in plan to move the driveway out of the 100' buffer, and the change in dry wells from the previous plan. In addition he discussed mitigation.

Ernie Crabtree inquired regarding the repositioning of the deck. A discussion of the drain around the pool followed. Mr. Ojala said that that the pool drains will not drain into the wetland.

Chairman Diggs addressed conditions discussed at the last hearing.

Bob Sarantis asked about the wall at the pool. Answer: the wall at the pool will be moved 4' away from the wetland.

John Rossetti thanked Mr. Ojala for his efforts.

Brad Chase discussed mitigation in the 0-100' buffer and By Law requirement for mitigation. Mr. Chase said he was not satisfied with the changes. He was looking for 10' of mitigation in the 50' buffer. Mr. Ojala stated that they have moved it back 4', and changed the side entrance to the garage as well as other changes.

Bob Sarantis addressed zoning requirements of set back from the street.

Chairman Diggs asked the Commissioners if they would like to continue the hearing until Conservation Administrator Usowski is back. Answer was to continue with the hearing.

Brad Chase said he feels that a pool is an accessory and a 4' pull back is not enough. He also feels that a 2:1 mitigation is within the Regulations. He said he wants a vegetated buffer strip in the 0-50'. Mr. Ojala argued that other areas are mitigated. Mr. Chase said he wants the pool pushed back 10' from the buffer.

Mr. Ojala said that for privacy concerns, the applicant does not want to move the pool closer to the road. Mr. Chase again emphasized that a pool is an accessory and that there is a lot of development in this area.

Bob Sarantis discussed visa, vegetation and clearing of invasives as opposed to pool and wall.

Mr. Rossetti addressed the applicant's concern for privacy and asked about a fence. Mr. Ojala said that they may consider hedges or shrubbery and that the applicant was concerned about disconnect between patio and pool.

Discussion of a 2' compromise and repositioning of the wall followed. Mr. Chase stated that he thinks it is a reasonable compromise.

Motion made by Bob Sarantis to approve the project at 3 Littlefield Pond Road with the following changes and conditions:

- **Move pool area 6' away from the resource.**
- **Make the corner 45 degrees**
- **Put in Order of Conditions that pool water may not be dumped and must be trucked off site.**

Seconded by Ernie Crabtree. Vote: 6-0-0

NOTICE OF INTENT

7:19 Peter & Valerie McNeely, 12 Mill Road, Map 8, Parcel T4 (Continued) - After-the-fact filing for invasive plant removal and replanting of vegetation for management and maintenance of vista.

Presenter: Don Monroe, Coastal Engineering

A letter to Amy Usowski dated May 10, 2016 regarding the condition of invasives and regrowth was read into the record by Chairman Diggs.

Mr. Monroe stated that he had met with Ms. Usowski at the site on two occasions, and that he had met with the landscape cutter on two occasions as well.

Discussion of time table for application of invasives: first application in two weeks; second application in the fall and another application the following spring. Mr. Monroe said that Ms. Usowski recommended planting after the applications take effect. Owner wants to plant as soon as possible, but that he understands the reasons for waiting to plant. Mr. Monroe said that Larry Rooney wants to work with Ms. Usowski on the project and that he would like an on-site visit with Ms. Usowski before starting the work.

Motion made by Bob Sarantis to proceed with the plan for restitution of 12 Mill Road. Seconded by Ernie Crabtree. Vote: 6-0-0.

NOTICE OF INTENT

7:31 Alfred & Eileen Weaver, 23 Wequasset Road, Map 5, Parcel K1-42 (Continued) - Grading and mitigation for garden and swing set areas in buffer zone.

Presenter: Mark Burges, Shorefront Consulting

Mr. Burgess referred to his letter of April 26, 2016 which listed the following changes in plan for 23 Wequasset Road:

1. The proposed grading has been scaled back to only include the area within the previously disturbed lawn and mulched vegetated strip. No expansion beyond this area is proposed.
2. The swing set is removed from the application.
3. The 4' x 6' garden is removed from the application.
4. The elevation detail indicated filling to elevation 8, where only elevation 7 is proposed. This correction dramatically reduces the amount of fill for the project to approximately 30 cubic yards.
5. A note was added within the dwelling to point to the existing buffer that will be re-vegetated.
6. A note was added within the elevation detail to point to the existing tree that will be de-vined.
7. Note 11 was updated to delete the high tide bush because it will not likely survive in the higher elevation of the sloped buffer; it was intended to be planted (or replanted) in the existing buffer.
8. The areas of fill are now only 1,068 square feet (to elevation 7'). The area beyond that is the existing mulched vegetated buffer strip that will remain the same at 540+/- sq. ft.
9. The notes have been revised to reflect all of the above changes.

Ernie Crabtree addressed the amount of fill since it is reduced considerably, he said he is okay with it.

Carolyn O'Leary addressed the sprinkler. She is concerned with it putting water into the resource. She asked when the sprinkler was put in. Answer: Twenty-four years ago.

Motion made by Bob Sarantis to approve the new plan for 23 Wequassett Road. Seconded by John Rossetti. Vote: 6-0-0.

NOTICE OF INTENT

7:38 Christine Freeman, 19 Nons Road, Map 6, Parcel C1-12 - Construct a path with an at-grade walkway, steps, pier, ramp and float extending into the water 57' from MHW.

Presenter: Mark Burges, Shorefront Consulting

Mr. Burgess discussed the options of getting to the dock from the home over the sand dune.

1. Upland path starts from the flag pole.
2. Discussed other options

Mr. Burgess discussed:

- Dredge limits
- Variance included with application
- "Variance "if considered a structure in a buffer.
- Letter from Division of Marine Fisheries "No Comment"
- Variance for new dock in an area designated as shellfish area
- Letter from Heinz Proft, Natural Resources Director dated April 22, 2016 read into record
- Greenhart Pilings
- Applicant wants to walk from property to dock (with kayak) undisturbed by ticks etc. barefoot
- Path allowed under By Law

Ernie Crabtree asked: How wide the pathway would be. Answer: Three feet. How would piles be driven. Answer: High tide at edge of marsh, can be accessed from the water.

Clarification from Waterways Committee (Positioning of the dock) discussed.

Discussion of mitigation of shellfish.

Discussion of walkway options, elevated vs. non elevated; options for sand or gravel path.

Carolyn O'Leary would like an opinion from Natural Heritage (standard approval, no opinion offered). She said she is concerned with the dredging of the channel and placement of the dock. Mr. Burgess said that Harbormaster, John Rendon has not expressed concern.

Bob Sarantis commented regarding Association path. He feels it would be a significant structure in the buffer. Mr. Burgess feels it's a "resource" area vs. a "buffer".

Brad Chase said that a Variance for a pier must show no impact to shellfish area, wildlife habitat, or salt marsh area.. He favors a footpath with seasonal use that would have the least impact on the resource. Mr. Chase said that "pilings cause scouring and degrade shellfish habitat and that there is a cumulative impact with docks (pilings) in an area where shellfish is a judgement call".

Shellfish mitigation discussed.

Mr. Chase said that he thinks they have done a good job, but he is concerned regarding a new structure in the resource.

Options of walkway vs. Path; discussion of seasonal dock removal, leaving pilings. Dock cannot be stored in 0-50' and needs to be brought upland.

Carolyn O'Leary and Bob Sarantis said that they want additional information from John Rendon and also they would like an opinion from Amy Usowski.

Mr. Chase said he thinks plan modifications should be brought to the applicant. He wants to view the site again.

Bob Sarantis said that there are still questions to be answered including the cumulative effect of the docks, and pilings and their impact on shellfish habitat.

Motion made by Brad Chase to continue 19 Nons Road to May 25, 2016. Seconded by Bob Sarantis. Vote: 6-0-0.

NOTICE OF INTENT

8:55 Craig & Terrie Borden, 424 Pleasant Lake Avenue, Map 91, Parcel J3-4 - Construction of a single family dwelling adjacent to the 100' buffer zone to the inland bank along Hinckleys Pond. The only activity in the 100' buffer zone is the grading associated with the home construction and a patio area.

Motion made by Bob Sarantis to continue 424 Pleasant Lake Avenue to March 25, 2016. Seconded by Carolyn O'Leary. Vote: 6-0-0.

NOTICE OF INTENT

8:59 Craig & Terrie Borden, 424 Pleasant Lake Avenue, Map 91, Parcel J3-4 - Proposal to install & maintain a seasonal dock into the waters of Hinckleys Pond. Proposal also includes the reconstruction of an existing small boathouse at the edge of the pond.

Motion made by Bob Sarantis to continue 424 Lake Pleasant Avenue to March 25, 2016. Seconded by Carolyn O'Leary. Vote: 6-6-0.

NOTICE OF INTENT

9:00 Alan & Julie Curtis, 65 Snow In Road, Map 51, Parcel B1-B - New pervious 12' x 20' stone patio in 0-50' buffer to top of coastal bank.

Presenter: Swavi Osev, President & CEO, R & K Landscaping

Mr. Osev explained the project.

Bob Sarantis asked if a new structure was okay with Conservation Administrator Amy Usowki. Mr. Osev said that he was technically okay if the planting plan had no impact where the patio is planned. Mr. Sarantis asked how many feet of planting. Answer: 2:1 mitigation. Mr. Sarantis said that there should be no new structure in the 0-50'.

John Rossetti said that in most circumstances, no new structure in the 0-50' is allowed. If others in the neighborhood want the same, it presents a quandary or anywhere else in town.

Brad Chase said that a variance is needed in the 0-50' (new structure). If it's a question of trading structures, 2:1 mitigation. A more detailed plan is needed. Presently no scale plan with square footage has been presented. He said that Mr. Osev should discuss it with Ms. Usowski.

Carolyn O'Leary questioned the elevation of a coastal bank.

Brad Chase discussed "no disturb zone" and what is needed to consider granting a variance.

Motion made by Brad Chase to continue 65 Snow Inn Road to May 25, 2016 for more detailed planning plan and 2:1 mitigation. Seconded by Bob Sarantis. Vote: 6-0-0.

CHANGE IN PLAN

9:20 Vincent & Maureen Petroni, 106 Grey Neck Road, Map 11, Parcel X4 SE32-2213

Presenter: David Helmer, Blue Wave Consulting

Mr. Helmer explained the plan to remove garage; smaller footprint; reduce size of footprint to be in a size acceptable in the neighborhood.

Chairman Diggs asked if some of the property was in the flood zone. Answer: Yes, Nantucket Sound.

Bob Sarantis asked regarding the reduction of size. Answer: 200 sf smaller with no garage.

Motion made by Brad Chase to accept the project for 106 Grey Neck Road. Seconded by Bob Sarantis. Vote: 6-0-0.

ORDERS OF CONDITION

9:28 Town of Harwich, John Rendon, Harbor Master, 715 Route 28, Map 15, Parcel T3-SE32-2260 - Reconstruction of existing municipal marina.

Motion made by Bob Sarantis to accept the Orders of Condition for 715 Route 28. Seconded by Brad Chase. Vote: 6-0-0.

CERTIFICATE OF COMPLIANCE

9:35 Francis J. Jr. and Mary Beth Veale, 93 Riverside Drive, Map 3, Parcel X1-2 SE32-2131 - Install, license and maintain a seasonal walkways, pier, ramp and float on Herring River. Install 48' of wood post and rail fence along lot line.

No vote taken. Continue for information letter from Amy Usowski.

MINUTES

April 6, 2016 and April 20, 2016 Deferred to next meeting for Commissioners review.

MOTION TO ADJOURN

9:40 Motion made by Bob Sarantis to adjourn. Seconded by Ernie Crabtree. All in Favor.

Minutes transcribed by Marie Hickey, Board Secretary

**SIGN IN SHEET
Donn B. Griffin Room
May 11, 2016**

Don Monroe	Coastal Engineering
Mark Burgess	Shorefront Consulting
Deborah Beale	411 Pleasant Lake Avenue
Swavi Osev	65 Snow Inn Road