



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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**HARWICH CONSERVATION COMMISSION
WEDNESDAY, APRIL 15, 2015 - 6:30 PM
SMALL HEARING ROOM
HARWICH TOWN HALL**

MINUTES

Present: Walter Diggs, Jane Fleming, Dean Hederstedt, Robert Hartwell, Brad Chase, John Rosetti, Conservation Administrator, Amy Usowski and Shelagh Delaney, Board Secretary.

Also present: Rob McPhee, Mr. & Mrs. Wayne Stone, Donald Parker, Robert Brothers, Michael London, Dean Knight, Lori Dumont and Linda Cebula

Absent: Bob Sarantis

6:35 pm Call to Order, Walter Diggs

6:36 pm Request for Determination of Applicability: Applicant, Michael LeBlanc, 28 Wah Wah Taysee Rd., Map 6, Parcel F1-12 – Work to demolish an existing poured concrete patio, construct a new patio with outside kitchen at rear entrance of existing residence. Work to occur within the buffer zone to a coastal bank

Rob McPhee represented the LeBlancs. He referred to the plan and added that there would be a blue stone patio set in stone dust with 2 small seating benches on the wall.

Amy offered that the new patio would be replacing an existing patio and would be no closer to the coastal bank and would not be an increase in the footprint. She recommended that the approximately 5 shrubs on the south-west side of the lawn being removed be replaced and that the Commission approve a Negative Determination # 3 on the project.

There was a motion by Jane Fleming to accept the plan as presented and approve a Negative Determination #3 with the mitigation plantings as discussed. Bob Hartwell seconded. All in favor. Project approved.

6:40 pm Order of Conditions, Patricia Butler, 33 Uncle Venies Rd., Map 17, Parcel 17/F1-1 –

Removal of dead trees and non-native vegetation, replanting area with native species. Area is land subject to coastal storm flowage and within the 50' Bordering Vegetative Wetland, a salt marsh to the north.

Amy noted that the property is on the corner of Bob White and Uncle Venies and that there is an extensive planting plan by Phil Cheney.

Bob Hartwell wanted more specificity on the special conditions requiring plants to be installed for at least 1 growing season before asking for a Certificate of Compliance. Jane Fleming suggested that the Certificate of Compliance not be granted until 90% of the plants survived 2 growing seasons.

There was a motion by Bob Hartwell to approve the Order of Conditions subject to the 2 changes regarding the growing requirements and that paragraphs 4 & 8 be combined in perpetuity. Jane Fleming seconded and all voted unanimously in favor. Order of Conditions Approved.

6:45 Muddy Creek at Harwich-Chatham town line. 2010/2020 Route 28; Towns of Chatham and Harwich; Chatham Map 8L, Lot 2; Map 8K, Lot GRA and Route 28 Right of Way; Harwich Map 99, Parcel V1, Lots 5&7, SE 10-2937 and SE 32-2185: SE 32-2185

Proposed removal of 2 existing culverts under Route 28 and replacement with construction of a trapezoidal channel and single span bridge, roadway shoulder and sidewalks at Muddy Creek.

Amy offered a document with the proposed Special Conditions for the project, the same document being voted on by the Town of Chatham and approved by the Massachusetts DOT.

The Commission discussed many details of the proposed Conditions and suggested a number of changes including:

- That the Order of Conditions be included with the bid documents;
- That certain remediation be required, specifically with regards to the Sugar Hill property that will be most affected by the changing tide flow;
- The addition of an installation protocol for the water bypass pipe;
- That there be specific sites for regular monitoring of salinity and tide elevation;
- Monthly meetings with builders;
- Erosion control measures;
- Specific monitoring procedures and lengths of time for those procedures;
- As well as additional clarification of language and terms, and the addition of language regarding Conservation Commission review for any disputes having potential impact on Harwich.

Brad Chase moved to approve the Order of Special Conditions for the Muddy Creek project with the changes discussed. Jane Fleming seconded. Unanimous approval of Order of Special Conditions.

7:20 Certificate of Compliance for 11 Tody Bole Lane, Map 48, Parcel S1-38A, SE 32-1088; Invalid Order of Conditions- work never started.

Jane Fleming moved to approve the Invalid Order of Conditions. Brad Chase seconded. All in favor. Approved.

7:22 Discussion on proposal to ban hunting in the Bells Neck Conservation Area.

Petitioners presenting in favor of the proposal were Mr. and Mrs. Wayne Stone, members of the Harwich Rail Trail Committee. Petitioners came before the Conservation Committee prior to bringing the matter to Town Meeting as an advisory vote. Mr. Stone noted that the entire area is 265 acres and that it is used by

walkers, birders, hikers, bikers, families and pets and that hunting in the same area endangers the safety of those other users. He cleans the area regularly of plastic casing cartridges and other debris and trash left by hunters and hopes that the Commission will recommend the ban. Mrs. Stone recalled an incident with a homeowner adjacent to the area who was narrowly missed by a stray hunting bullet.

Speaking in opposition to the ban were Michael London, Robert Brothers and Dean Knight of Cape Cod Fish and Game Club. All 3 noted that there are significant revenues from the sale of hunting equipment and ammunition that go directly to conservation projects and that their organization is very safety conscious, offering training to hunters. Dean Knight also noted that there is significant history associated with hunting in Harwich. All 3 spoke of keeping local animal populations in check.

Amy said that she saw both sides and understood that at least one of the deeds granting the land to the Town of Harwich had a condition regarding the allowance of hunting. Jane suggested that she and Amy review the deeds in detail before further discussion.

8:08 Discussion on Thompson's Field Land Management Plan

Amy opened the discussion by saying that she has an appointment with Bennett Fence Company before the end of the month exploring the idea of fencing a portion of Thompson's field as a dog park, requiring leashes outside of the fenced area. She noted that there has been a significant increase in dog walking and a number of incidents over the past year. Walter Diggs suggested getting prices on 2 and 3 acre parcels to fence. Brad asked if the Commission could shape a plan with costs to bring to the Town. Linda Cebula said she thought there might be CPC money available and that Commission should create a proposal to put before the CPC by October 1. John Rosetti wondered about parking and the creation of a water line to the fenced area. Amy said she would put further discussion on the agenda for the 5/13 meeting.

8:40 Brad Chase moved to adjourn the meeting. Bob Hartwell seconded. All voted to adjourn.

Minutes taken and transcribed by:
Shelagh Delaney

WW Diggs
11-2-16

