



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

APRIL 6, 2016

DONN B. GRIFFIN ROOM
HARWICH TOWN HALL
6:30 PM

MINUTES

PRESENT: Walter Diggs, Chairman; Robert Sarantis; Robert Hartwell; John Rossetti; Carolyn O'Leary; Brad Chase; Ernie Crabtree and Amy Usowski, Conservation Administrator.

OTHERS PRESENT: Linda Cebula, BOS; John Rendon, Harbormaster, and Bob Cafarelli, Town Engineer

CALL TO ORDER

6:33 PM by Chairman Walter Diggs

HEARINGS

NOTICE OF INTENT

6:33 Town of Harwich, 343 Lower County Road, Map 12, Parcels Y1-58A, Y1-58-2, Y1-58B - Repave Allen Harbor parking lot and replace drainage system with porous pavement system; project adjacent to Allen Harbor and the coastal bank.

Presenter: Bob Cafarelli, Town Engineer

Mr. Cafarelli explained that this is the final phase of re-pavement for Allen Harbor. The project plan proposes to create a porous area in the center of the parking area 2' deep; with round rock; which filters water before entering the harbor; 70% will be considered treated; in compliance with storm water drainage.

Amy Usowski asked Mr. Cafarelli to describe the porous pavement. Mr. Cafarelli described the porous pavement as being courser than regular pavement. He said that with the course aggregate, water goes down through and that this should handle a 100 year storm condition. It cannot be salted or sanded. It is being used in some beach parking areas on the cape and will need maintenance once a year. Ms. Usowski suggested that maintenance be included in the Orders of Condition. She said she thinks it will be a great improvement.

Mr. Cafarelli brought a sample of the pervious material to show HCC. He said it looks like concrete, that it will be black and that he will make it clear to the Highway Department not to sand salt the area. He said that there are a small amount of hydrocarbons.

Ernie Crabtree asked about the life span of the material. Mr. Cafarelli said the life span is 20 to 30 years if maintained properly. It is a fairly new technology (concept).

Brad Chase asked regarding the time of year for construction. Answer: In about a month.

John Rendon said the project will take about a week and that the boat ramp would be shut down during construction. There was a discussion of fiber rolls, etc.

Motion made by Bob Sarantis to approve and accept the repave project for Allen Harbor parking lot with exceptions noted to be in Orders of Conditions. Seconded by Bob Hartwell. Vote: 7-0-0.

REQUEST FOR DETERMINATION OF APPLICABILITY

6:50 Joseph & Constance Betters, 69 Smith Street, Map 10, Parcel I4 - Removal of an existing (24 x 24) portion of dwelling and reconstruction of a new addition (24 x 32) within the AE Flood Zone.

Presenter: David Murphy representing the builder and applicant

Mr. Murphy said the floor height would match the existing house.

Ms. Usowski addressed Flood Map issues AE II Flood Zone. She stated that they need to make sure that there is not an adverse impact on neighboring properties. She does not think it will have an adverse impact, but recommends downspouts and drywells.

Bob Hartwell asked about performance standards. Ms. Usowski said that there aren't any for flood zones; no buffer, no set standards in the By Laws.

John Rossetti addressed the bulkhead. Answer: It will be moved to the back (crawl space) is now and will be with 4' concrete slab.

Bob Sarantis noted that runoff provision be in the Orders of Condition.

Motion made by Brad Chase to approve the project for 69 Smith Street with a Negative Determination #3. Seconded by Bob Sarantis. Vote: 7-0-0.

NOTICE OF INTENT

6:58 Karen Agnew & John Huth, 3 Hulse Point Road, Map 6, Parcel A2-4 - Variance request from Regulations to allow for proposed work to occur within 50' no disturb zone to a coastal bank; entryway addition and 2nd story additions. Removal of existing lawn and planting of vegetated buffer strip between house and coastal bank; mitigation plantings proposed.

Presenters: John Schnaible, Coastal Engineering and Jen Crawford, Jenick Studio Landscape Architecture

Mr. Schnaible explained the plan for dormers; addition; deck in back patio and garage. He said that Title 5 inspection meets standard for a 5 bedroom home. Also proposed is a stairway to the beach on the coastal bank; additions, windows and internal work. Walk area highlighted in blue on the design plans

are slate now; adding second story deck on back above the patio and taking out hardscape (reduction of 25 sf).

Jen Crawford explained the proposed plan to remove invasives and replant with beach grass and natural plantings.

Amy Usowski noted that FEMA Flood Zone requirements are met and fits into variance requirement. She asked regarding the species of vegetation in the planting plan. Ms. Crawford said that beach grass, bayberry, and beach plum were planned. A Japanese Black Pine is to come out and a Red Cedar is to stay. Ms. Usowski encouraged mitigation on the eastern slope and to the right of the stairs. She said she thinks it meets variance provisions.

Ernie Crabtree addressed gutters and drain off. Mr. Schnaible said that situation is stable now and he is hesitant to disturb. He said they could put in gutters and drain off in the new area.

Bob Hartwell said he wants runoff in the Orders of Condition.

Bob Sarantis addressed height. Answer: Meets Town Regulations per Building Department.

The issue of an outdoor shower was addressed. Answer: It is a rinse area, not a shower. Amy Usowski address that it is not a new structure and addressed the issue of drainage in the "rinse area".

Bob Sarantis asked about the walkway in back. Amy Usowski said it is over existing disturbed area and that the ground footprint does not change.

Brad Chase asked if the deck and patio are staying the same. Answer: Yes, 205' of hardscape coming out and adding 2 sf. Mr. Chase said he is looking for 2:1 mitigation for hardscape in the 0-50'. Ms. Usowski said that there will not be any additional hardscape.

Ms. Crawford said that it will be a high quality wildlife habitat with upgrading of plantings and the taking out of invasives.

Carolyn O'Leary questioned the use of herbicides. Ms. Crawford said that they use "cut and wipe" method. Maintenance is low volume and does not affect grasses. She said all materials used meet EPA Regulations.

Ms. Usowski said she will condition that the representatives are doing the work (others must be registered and approve by HCC Administrator). Herbicide is not to be applied during high wind conditions and will be in the Orders of Condition. She also said that there should be 3 year management and removal of invasives yearly (on going monitoring).

Motion made by Bob Sarantis to approve the project for 3 Hulse Point Road. Seconded by John Rossetti. Vote: 7-0-0.

NOTICE OF INTENT

7:23 Alfred & Eileen Weaver, 23 Wequasset Road, Map 5, Parcel K1-42 - Grading in back yard with use of fill; vegetate area, installation of garden; elevate 2 leading sections of existing walkway to dock; work falls within land subject to coastal storm flowage.

Presenter: Mark Burgess, Shorefront Consulting

Minutes

Conservation Commission

4-6-2016

Mr. Burgess said that the project is designed similarly to the work performed next door, but that it is a simpler plan. All the work is in the buffer zone. Yardage equals 100 yards of fill. Mr. Burgess showed a design plan pointing out a garden on the south side, play area near the deck; removal of invasives with "cut and wipe" method using more of what is already there for vegetation. He said he does not know what the material to be used under the swing set area will be, mulch, sand or grass.

Mr. Burgess is suggesting mitigation on the south side of the property line at an angle to the stone wall. He is also suggesting raising the walkway in the marsh to allow vegetation to grow underneath.

Amy Usowski said that more specific details are needed for the garden area. It is all in the 0-50' buffer not currently being used and increases use in the in the 0-50'. She said some trees are compromised and may need to be removed. Referring to the property next door that Mr. Burgess mentioned to earlier, she said that it was originally irrigated, but is not now and that it was environmentally a lot worse. She likes the plan to raise the walkway, but she has concerns regarding raising the grade in the 0-50' on the south side.

John Rossetti asked Ms. Usowski regarding the stability of the swing set being conditioned. She said that it needs to be discussed with the applicant as to what is planned. Mr. Burgess said that new swing sets are heavy compared to old ones and asked if anchors needed to be conditioned. Answer: The issue needs to be addressed.

Bob Sarantis asked how high the walkway would be raised. Amy Usowski said it did not need to be raised very high, just so some grass will grow underneath it (not in wetland). It is an existing license, but raising it will make it better in the buffer zone. Discussion of conditioning the walkway followed.

Bob Sarantis also inquired regarding the fertilization and sprinkler system of the back lawn since it pre dates regulations. Ms. Usowski said she would look into it. Mr. Sarantis also questioned the fertilization and irrigation of the garden. Ms. Usowski said organic fertilizer and hand watering (temporary drip irrigation allowed for 1 to 2 growing seasons) if conditioned. A discussion of moving the garden more west followed as well as discussion of compromised trees.

Brad Chase questioned the putting of 100 Cubic yards of fill in the 0-50' buffer for a swing set. He said he feels there must be a hardship shown to grant a variance so near a buffer. He said he would look at it again, but seriously questions the need for more activity in the 0-50' buffer. He does not feel the need to compare this project to the one next door. Ms. Usowski said that the reason the project next door was approved was due to need to be further away from the flood zone and it had a very large irrigated lawn.

Bob Sarantis asked, "Do we let people do this because they want to?"

Carolyn O'Leary expressed concern regarding the swing set and the garden. She would like to see them moved outside the 0-50' buffer (without fertilizer and irrigation, a garden would not do well anyway). She would like specific information as to size of the swing set and how it would be anchored. As for the garden, even putting chicken wire fencing is putting a new structure into the 0-50' buffer. She wants specific dimensions for the garden provided.

Mr. Burgess argues that anything they do would not negatively impact the resource. He said he will get specific information on size and dimensions from the client.

Motion made by Bob Sarantis to continue 23 Wequasset Road to the next meeting, April 20, 2016. Seconded by Brad Chase. Vote: 7-0-0.

CHANGE IN PLAN

7:59 Jenick Studio, ADA Parking Revision Pleasant Bay Community Boating, SE 32-2203.

Presenter: Jen Crawford, Jenick Studio Landscape Architecture

Ms. Crawford explained the proposed changes reduce the number of parking spaces from two to one and moves the parking space and associated loading/unloading zone out of the 50' buffer further away from the coastal bank. She said that all approvals from Brewster and other Boards have been met, only approval from HCC remains to move forward.

Amy Usowki said that this represents a minor change and she recommends approval with no impact.

Motion made by Bob Sarantis to approve the project Jenick Studio, ADA Parking Revision Pleasant Bay Community Boating. Seconded by John Rossetti. Vote: 7-0-0.

SHOW CAUSE HEARING

8:02 Graham & Joan Lloyd, 456 Long Pond Drive, Map 104, Parcel K1-2- Demolition of single family dwelling: reconstruction of same deck, porch and other associated improvements.

Presenter: John O'Reilly

Amy Usowski that the stairs from the deck not previously approved by HCC need to be brought into compliance.

Mr. O'Reilly stated that the building plan not being included with the Orders of Conditions was an oversight on his part. Mitigation provided in the 0-50' buffer. Applicant would like to leave the stairs where they are and is willing to plant down by the pond.

Bob Sarantis asked about the wall. Mr. O'Reilly said that it was installed to protect the grade (was not on the plan) and that they are willing to make additional mitigation.

Ms. Usowski said that the retaining wall would most likely have been approved, but the staircase proximity boarding on a vegetated wetland is a concern. She said that mitigation is a benefit, but also moving the stairs are a benefit. Mr. O'Reilly said it was a complete oversight on his part. Ms. Usowski questioned the difference in the site plan presented to HCC and given to the Building Department. Mr. O'Reilly said it had to do with septic plans. Stairway was not on the Site Plan, but was on the Architectural Plan.

Ernie Crabtree questioned the bump-out near the stairs not shown on the plan. He asked what would the cost be to move the stairs out of the 0-50' buffer. Mr. O'Reilly said it would cost several thousand dollars. If it were done when it was built it could have been changed. He would like to off-set with mitigation.

Bob Hartwell said that HCC granted a variance for the re-build in another case. He did not like building in the 0-50' at the time, and he was the descending vote in that case and he wants to be consistent.

John Rossetti said he is also concerned regarding consistency. He feels that mitigation does not off-set the stairway in the resource area.

Bob Sarantis also addressed the case Bob Hartwell referred to and said he does not feel mitigation does it.

Brad Chase said, "Something went wrong". He feels mitigation for the stairway maybe an option.

Carolyn O'Leary discussed the dates of Site Plan and Architectural Plan. She said the HCC would have been working from a Site Plan.

Mr. O'Reilly said that all of the HCC have valid comments. He discussed mitigation and said that when building, they pulled back from the Bordering Vegetated Wetland (BVW).

Carolyn O'Leary said that the wall was not on the Site Plan. Ms. Usowski said that it probably would have been permitted. Ms. O'Leary addressed the issue of the Orders of Condition and that they build per approved by HCC.

Brad Chase asked Ms. Usowski if there is a mitigation plan that was feasible. Ms. Usowski offered her comments regarding mitigation. She said she thinks there is room in the BVW for 2:1 mitigation for two violations (one for each structure). The ten foot area would benefit from mitigation.

Mr. O'Reilly said that site is obstructed by moving the stairs rather than the cost (primary egress from the house; zoning set back issues). If the HCC allows mitigation, he would get a planting plan.

John Rossetti asked how the view is obscured if the stairs are going down from the deck. Mr. O'Reilly said the view from the lower living level would be obscured by moving the stairs.

Brad Chase said he thinks moving the stairway is punitive and that mitigation benefits the BVW. Amy Usowski agrees with Mr. Chase; she said that moving the stairs and imposing a fine would not benefit the BVW.

Ernie Crabtree questioned whether or not a donation to the Harwich Conservation Trust as compensation in lieu of fines and mitigation were an option. Chairman Diggs stated that Town Counsel would have to be consulted as to the legality of doing so.

Linda Cebula BOS said that speaking for herself and not as a BOS member, she would advocate speaking with Town Counsel.

Mr. O'Reilly said that 2:1 mitigation is less than 100 sf. He offered 3:1 for 300 sf.

Bob Hartwell discussed environmental benefit out weighting the moving of the stairway and retaining wall. He said he sees a tangible benefit to be gained.

Amy Usowski addressed the issue of Certificate of Compliance being done after the work is done by Mr. O'Reilly.

Motion made by Brad Chase that HCC requests mitigation for retaining wall and stairway infractions be 3:1 (300 sf of mitigation in the BVW) and that a fine of \$300 for each infraction (total of 2) be paid by property owner of 456 Long Pond Drive. Seconded by Bob Sarantis. Vote: 6-1-0.

ORDERS OF CONDITION

8:42 Sangiolo Associates, 9 Skecheconet Way, Map 4, Parcel C1-3 – Proposed removal of old piers from rotted wood bulkhead to be disposed of offsite; removal of invasive plant species and dead plants at coastal bank to be replanted with native species, enlarge existing terrace/patio.

Motion made by Bob Sarantis to approve the Orders of Condition for 9 Skecheconet Way. Seconded by Brad Chase. Vote: 6-0-1.

ORDERS OF CONDITION

8:45 Kurt Hedmark (for) Gregory Manocherian, 35 Snow Inn Road, Map 8, Parcel F1 – Construct Title 5 sewage disposal system to replace existing cesspools.

Motion made by Bob Sarantis to approve the Orders of Condition for 35 Snow Inn Road with edits to planting plan to be made by Conservation Administrator Usowski. Seconded by Bob Hartwell. Vote: 6-0-1.

MINUTES

8:47 Minutes of March 22, 2016 – Hard copy of Minutes missing from packets. Vote postponed to next meeting.

DISCUSSION

8:48

- 1. Management of town-owned bog at Bells Neck Conservation Area with possible vote on hiring outside consultant for recommendation on management of same.***

Amy Usowski said she wanted to bring the following issues to the attention of HCC regarding the bog at Bells Neck:

- **Difficult bog**
- **Difficulty with herring run**
- **People interested in leasing the bog**

Discussion:

- Bob Sarantis said he thinks the bog is in good shape, but may not be working in a couple of years.
- People walk around the bog and enjoy the ambiance of it
- Issue regarding revenue from the bog
- Source of herring being trapped
- Brad Chase likes the idea of a consultant to offer an opinion. He also likes a natural waterway. Mr. Chase said that herring survey data is necessary.
- CPA Funding a possibility
- HCC has jurisdiction (care and custody) of the bog
- Need to know what the current lease revenue is
- Phosphorus load into Herring River is an issue.

Amy Usowski offered to draft an RFP for a consultant.

2. Letter to BOS for certain parcels of Conservation Property to be put under HCC jurisdiction -
Signed by HCC members.

ADJOURN

9:12 Motion made by Bob Sarantis to Adjourn. Seconded by Bob Hartwell. All in Favor.

Minutes transcribed by Marie Hickey, Board Secretary

**SIGN IN SHEET
Donn B. Griffin Room
April 6, 2016**

David Murphy	
Joe Betters	
Jen Crawford	
Nick Crawford	
John Schnaible	Coastal Engineering
John Huth	3 Hulse Point Road
John Rendon	Harbormaster
Bob Cafarelli	Town Engineer
John O'Reilly	Encore/Lloyd
Mark Burgess	Shorefront Consulting

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11-2-16