



TOWN OF

HARWICH

732 Main Street  
Harwich, MA 02645

CONSERVATION COMMISSION

(508) 430-750-7538 FAX: (508) 430-7531

HARWICH CONSERVATION COMMISSION

MARCH 22, 2016

SMALL HEARING ROOM  
HARWICH TOWN HALL  
6:30 PM

MINUTES

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

**Note:** Brad Chase joined the meeting after the first hearing.

**ABSENT:** Ernest Crabtree and Carolyn O'Leary

**6:30 PM Call to Order** by Chairman Walter Diggs

HEARINGS

Notice of Intent - Continuance

**6:30 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.

**Presenter: Susan Sangiolo**

Ms. Sangiolo presented new plans for the patio: 18' away from the resource; 2x2 granite pavers with lawn between pavers; reduction of 21' in 0-50'; 530' in 0-100'. Mitigation of 5579 sf offered in the Coastal Bank: 3:1 mitigation; trees replaced 1 to 1; reduction in hardscape surface; walkways in front simplified.

Amy Usowski said that with the above changes, she feels it does meet regulations with the 3:1 and 2:1 mitigation ratio.

Bob Sarantis said it was a good job as to the changes in the project. He addressed the pavers. Ms. Sangiolo said they would be set in stone dust.

Bob Hartwell asked Amy Usowski whether or not the stone dust could become non pervious. She said it will remain pervious with grass between the pavers.

Motion made by Bob Sarantis to approve the project for 9 Skecheconet Way. Seconded by John Rossetti. Vote: 4-0-0.

### Minutes

6:40 PM Minutes of February 17, 2016

Motion made by Bob Sarantis to approve the Minutes of February 17, 2016. Seconded by Bob Hartwell. Vote: 5-0-0.

6:42 PM Minutes of March 2, 2016

Motion made by Brad Chase to approve the Minutes of March 2, 2016 with correction of spelling of Kevin Road on pages 4 and 5 from Keven to Kevin. Also, on Page 3 fourth paragraph from bottom of page beginning "Atty. Crowell referred to issues raised by Atty. Neal Glick....Add the following to the end of that paragraph: "Each issue previously addressed. Four issues in E-mail." Seconded by Bob Hartwell. Vote: 5-0-0.

### Notice of Intent

6:45 Kurt Hedmark (for) Gregory Manocherian, 35 Snow Inn Road, Map 8, Parcel F1 - Construct Title 5 sewage disposal system to replace existing cesspools.

Presenter: Tim Brady, East Cape Engineering

Mr. Brady explained the project. He said the main house has 6 bedrooms and the guest house/boat house has 2 bedrooms. He explained that the septic plan called for leaching in the front of the house and that there is a need for a new water line to the home at the same time. He said he has met with Paula Champagne, Board of Health Director and is currently awaiting decision of the HCC. Mr. Brady stated that there is some difficulty getting equipment down the driveway.

There is a drain in the parking area in front of the garage. Ms. Champagne asked where the drain goes. Mr. Brady is investigating the drain situation and will address it with the Board of Health. Amy Usowski stated that if the drain goes to the harbor, a cap on the drain would have to be conditioned. Board of Health variances are pending.

Brad Chase asked if there was a need for erosion control on the bank. Mr. Brady said he could put limit of work near the bank.

Bob Sarantis asked if Cape Cod grass would be used. Mr. Brady said yes, it would be reseeded with Cape Cod grass if necessary.

Bob Hartwell asked if the driveway was asphalt, Answer: yes.

Motion made by Bob Sarantis to approve the project subject to conditioning clarification of drain and capping it if necessary and protection of the harbor during work. Seconded by Bob Hartwell. Vote: 5-0-0.

### Request for Determination of Applicability

**7:15 David Tourigny, 4 Chase Street, Map 4, Parcel N3-B - This is an after-the-fact filing.** for the construction of a terrace (approx. 355sf), a brick walk (100sf) made of permeable pavers replacing a cement walk which was removed, and a paver-stone retaining wall (50'); drywells were also constructed to downspouts on front of house.

**Presenter: Rockwell Clark**

Amy Usowski addressed patio and planting clarification of the 50' to 100' resource area. She inquired regarding the irrigation. Mr. Clark said it was a drip system around the shrubs and some in the 200' area which was hydro-seeded in the fall (5 or 6 irrigation heads in the 200').

Bob Sarantis addressed the green flags along the driveway. Mr. Clark said he did not know what they were for.

Bob Hartwell inquired regarding plantings. Mr. Clark said there were six lavender; four each of lady's mantel and daylilies on either side.

Mr. Hartwell addressed the hardscape and mitigation. Ms. Usowski said that the mitigation was adequate.

**Motion made by Bob Hartwell to approve the project with requirement of application submitted with a Negative Determination #3 subject to HCC Administrator's approval. Seconded by Bob Sarantis. Vote: 5-0-0.**

#### **Notice of Intent**

**7:15 Peter & Valerie McNeely, 12 Mill Road, Map 8, Parcel T4 - This is an after-the-fact filing** for the removal of invasive plant species located in the area above and within the buffer zone to a coastal bank. Replant area with low growing native species for view enhancement.

**Presenter: Don Munroe, Coastal Engineering**

Mr. Munroe explained that he is a "buffer" representative of the applicant and homeowner association due to the hostile abusive behavior of the applicant toward the HCC Administrator. Mr. Munroe said his objective is to work with the HCC, association and applicant to resolve issues. He explained the current planting plan and said he felt it was appropriate for him to step in as a mediator given the circumstances.

Amy Usowski stated the applicant is paying fines and working toward restitution. She said she can tell what is native and it will be springtime before a determination can be made of what will survive. She stated that there is a need for a person knowledgeable regarding invasives to do the removal of them. She said replanting should be done in the fall with a re-evaluation in the fall. She is also concerned regarding equipment accessing the area, but that the work needs to be done. Ms. Usowski said that it is hard to tell right now regarding gull wasp destruction. She said that there is a leaning cherry tree which could be removed. Tree removal deferred until later (except some noted by Conservation Administrator such as popular). HCC to vote on planting plan when regrowth is apparent tentatively for last meeting of HCC in April or first meeting in May.

Brad Chase stated that fines of \$200 to \$300 be imposed.

Ms. Usowski said that a lot of scrub pines and trees are on two properties (association and neighbor, Mr. Kreitler). Applicant needs to work with his neighbor, Mr. Kreitler. She said that anything that was a shrub was cut. She said that it is a "wait and see" what survives.

Mr. Munroe said that 350 new and 64 other plants are proposed (over 400 total). He said some native plants will come back. Ms. Usowski agrees and said there is no need to over plant until it is determined what will come back.

Brad Chase said he would like to see red cedars be planted for variety. Mr. Munroe said that the poplars in the corner are to be removed. A discussion of various plants followed. Mr. Chase also addressed dumping. Ms. Usowski said no dump should be removed yet so as not to disturb the area right now. It will be conditioned.

John Rossetti addressed applicant's cooperative attitude and asked if he is a full time resident. Mr. Munroe said the applicant is not a full time resident at this time, but plans to be in the future.

Bob Sarantis said he is interested in the neighbor's perspective and need for not letting the situation to get out of control.

Mr. Hartwell thanked Mr. Munroe for is part in acting as an intermediary.

Amy Usowski recommended continuing until the end of April to review the situation (April 20<sup>th</sup> meeting proposed).

**Motion made by Bob Hartwell that the NOI , McNeely, 12 Mill Road, be continued to April 20, 2016 in order for the HCC Administrator to access the site for the HCC to make a determination of what plantings (re-plantings) are required, and neighbor, Mr. Kreitler has had an opportunity to resolve his property infringement issues. Conservator Administrator to contact Mr. Kreitler to determine what can be resolved by her and whether or not there is a need for him to make a formal application to the HCC.**

**Seconded by Bob Sarantis. Vote: 5-0-0.**

#### **Request for Determination of Applicability**

**7:44 Robinson Lee, 0 Snow Inn Road, Map 15, Parcel N3** - Proposed work consists of adding short knee walls to create a peaked roof in place of the existing flat roof. Create second floor space with windows to provide light; additional space for dry storage only.

#### **Presenter Robinson Lee**

Issues discussed by Mr. Lee:

- Boathouse used by 5 or 6 families
- Inside boathouse storage of dinghies; life jackets; etc.
- Needed repairs to add dry storage
- Cut roof at an angle
- Issues regarding neighbor's view
- Nothing larger than current footprint (building 12'x8')
- Boathouse 10' to 12' higher at the peak
- Windows facing harbor
- Need for Building Department approval

Amy Usowski said that there is no change on the ground and recommends a Negative Determination #3 approval.

**Motion made by Brad Chase to approve the project for 0 Snow Inn Road with a Negative Determination #3. Seconded by John Rossetti. Vote: 5-0-5.**

#### Orders of Condition

**7:52 Francis & Debra Zarette, 11 Harbor Way, Harwich, Map 1 Parcel H3-0** - Proposed site redevelopment and fish house reconstruction.

Bob Sarantis said that the 11 Harbor Way project is making things better for the community.

Bob Hartwell addressed issue of storm water. Amy Usowski said she would add a condition for storm water compliance. Mr. Hartwell also addressed plantings (marsh matts). Don Munroe said that they would be 12" on center (33 on the south side and 34 on the north side).

John Rossetti asked for a clarification of #16 of the Special Orders of Condition. Brad Chase stated that there would be no docking of boats on the south side referencing #16 Special Conditions.

Atty. Crowell requested the Orders of Condition be hand delivered. Ms. Usowski said she needs approval of the application. Atty. Crowell to pick up between 1:00 and 4:00 PM on March 23<sup>rd</sup>.

**Motion made by Bob Sarantis to amend the project for 11 Harbor Way and approve the Order of Conditions. Seconded by Brad Chase. Vote: 5-0-0.**

**Motion made by Bob Sarantis to approve amended Special Order of Conditions for 11 Harbor Way Numbers 15 and 19. Seconded by Brad Chase. Vote: 5-0-0.**

#### Discussion:

**8:07 Mark Burgess, 19 Nuns Road, Map 6, Parcel C1-12** - Presentation of concept plan for on-grade path or a raised walkways over the marsh to a new dock.

Presenter Mark Burgess of Shorefront Consulting discussed the following options for a path and dock at 19 Nuns Road (Allen Harbor):

- Applicant want to get kayaks etc. over salt marsh to a dock
- Avoid ticks to family
- Storm flowage
- Certain areas of marsh require elimination of some vegetation
- On grade vs. below grade wet areas
- Through marsh access or just buffer area

Brad Chase said he is concerned with impact to the salt marsh. He said that it is absolutely a new structure in the 0' to 50' buffer and needs a variance. He wants to look at walkway and other options on the impact to the 0' to 50' No Disturb Zone.

Bob Sarantis said above grade is big, expensive and obtrusive. He would choose on grade option.

Amy Usowski said that rollups have been used in some cases. Mr. Burgess said he does not think that would work in this application. Mr. Burgess said that donating grass is an option.

Mr. Burgess said he questioned whether or not it is land subject to coastal storm or a salt marsh.

Brad Chase said he is in favor of just a foot path. He said that a variance for ticks is not enough of a reason.

Amy Usowski questions whether it is a water dependent structure; issue is going before Waterways Committee on April 20<sup>th</sup>.

Path is more favorable option. North option is Mr. Burgess' preference near the corner (more navigable for boats). Mr. Burgess to return to HCC on May 11.

#### Orders of Condition

**8:40 Steven Szafran, 177 Forest Street, Map 31, Parcel C2** - Demolish 2 existing additions and replace with new addition with full cellar below both original house and new addition; breezeway added to connect new addition to barn; install gas line and parking area; construct 26 x 26 garage.

Mr. Szafran present. Amy Usowski read the Special Order of Conditions aloud. Order of Conditions could not be given to applicant before HCC approval.

**Motion made by Brad Chase to approve the Order of Conditions for 177 Forest Street. Seconded by John Rossetti. Vote: 5-0-0.**

#### Order of Conditions

**8:42 Douglas Murphy, 22 Kevin Road, Map 81, Parcel A-49** - Improvement to an existing dwelling; remove decks, patio with retaining walls, sun porch, pilings and benches. Construct entry porch, addition, 3 season room, deck and patio with retaining walls; repair existing bulkhead within Hinckleys Pond.

**Motion made by Bob Sarantis to approve the Orders of Condition for 22 Kevin Road. Seconded by John Rossetti. Vote: 5-0-0.**

#### Extension Request

**8:55 Wequassett Inn LLP, 2171 Route 28 Map 115, Parcel S1-3, SE 32-2149** - Vegetation management on a coastal bank. (Requesting a 3 years extension).

**Motion made by Bob Hartwell to grant request to Wequassett Inn, 2171 Route 28; SE 32-2149 for a 3 year extension, no further extensions will be granted and work is to begin within 1 year. Seconded by Brad Chase. Vote: 5-0-0.**

#### Extension Request

**8:55 Wequassett Inn LLP, 2171 Route 28 Map 115, Parcel S1-3, SE 32-2155** - Landscape and hardscape improvements. (Requesting a 3 years extension).

**Motion made by Bob Sarantis to grant a 1 year extension to Wequassett Inn, 2171 Route 28; SE-322155 to complete landscape and hardscape improvements. Seconded by Brad Chase. Vote: 5-0-0.**

**Discussion of Fees**

**9:00 PM**

Amy Usowski said she checked other towns fees and found that their numbers are the same as Harwich. She asked Town Counsel and was told that there is a \$300 per day limit per offence. Town could put a fine on each infraction, but may have to defend in court. He suggested that the Commission look to see if there are multiple violations in the future such as to a neighbor's property; Homeowners Association; as well as own property. Also, contractors who do work causing infractions cannot do restoration work.

**Discussion of Conservation Open Space Property (Per Map Handout)**

**Discussion regarding:** With Board of Selectmen approval Conservation Commission to manage certain town properties. Discussion of preference for properties include: near Sandy Pond; Water Road near Muddy Creek, and Town Forrest.

John Rossetti asked if responsibility is for protection of property or maintenance. Ms. Usowski said some of both (no trails - then do not need maintenance). Amy Usowski to draft a request with assistance from Bob Hartwell to transfer jurisdiction of the above town properties from BOS to HCC.

**Adjourn**

**9:20 PM**

**Motion made by Bob Hartwell to Adjourn Regular Session and enter into Executive Session by Roll Call Vote. Seconded by Bob Sarantis. Roll Call Vote to Enter Executive Session: Walter Diggs; Bob Sarantis; Bob Hartwell; John Rossetti and Brad Chase.**

Minutes transcribed by Marie Hickey, Board Secretary

**SIGN IN SHEET  
Small Hearing Room  
March 22, 2016**

*WW Diggs  
4-20-16*

Kurt Hedmark  
Rockwood Clark  
Robinson Lee  
Susan Sangiolo  
Don Munroe  
Tim Brady  
David Daks  
Matt Hart  
Mark Burgess

Coastal Engineering  
East Cape Engineering  
Water Ways Committee