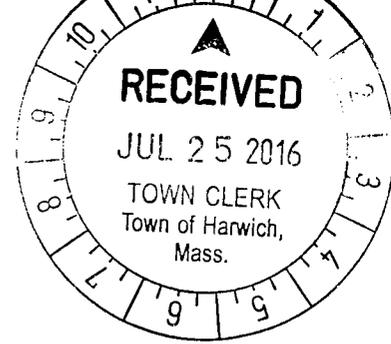




TOWN OF

HARWICH



732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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

HARWICH CONSERVATION COMMISSION

JUNE 15, 2016

SMALL HEARING ROOM
HARWICH TOWN HALL

6:30 PM

MINUTES

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

CALL TO ORDER

6:30 PM by Chairman, Walter Diggs

HEARINGS

6:30 **Approval of LAND Grant submission** for the purchase of the 17 acre Marini ("Muddy Creek Headwaters") property for open space and watershed protection.

Presenter: Michael Lach - Executive Director Harwich Conservation Trust

Article #38 approved at Town Meeting in May, 2016 for the purchase of land for open space purposes - acquire Marini property at Muddy Creek Headwaters for \$800,000. Up to \$400,000 may be reimbursed under Federal and State funding programs for the Self-Help Act (G.L.c.132A, Sec. 11), the Federal Land & Water Conservation Fund (P.L. 88-56, 78 Stat 897) and/or any other source.

Bob Sarantis asked if the \$400,000 reimburses the Town or the Conservation Trust. Mr. Lach said the Town (it will reduce Town Wastewater Management) but, he is not sure until he checks the actual article restrictions.

Brad Chase asked if Article #38 is not approved, does the Community Preservation Committee Funds (CPC) go back to CPC. Answer: Yes.

Motion made by Bob Sarantis to accept and approve the LAND Grant submission for the purchase of the 17 acre Marini ("Muddy Creek Headwaters") property for open space and watershed protection. Seconded by Brad Chase. Vote: 6-0-0.

Notice of Intent

6:45 Jim & Christine Liepkalns, 13 Whipporwill Lane, Map 73, Parcel B245 – Vista pruning-removal of a couple of trees and lowering of shrubs in two view corridors and 4' path to water.

Presenter: Christine Liepkalns, Owner of 13 Whipporwill Lane

Discussion of plan to relocate path toward center of the lot. Two or three trees to be removed as safety issue; shrubs pruned to 4'; some limbs to be trimmed.

Bob Sarantis asked if there were any beach area plans. Ms. Liepkalns answered no, just access to the pond.

Motion made by Bob Sarantis to approve the plan for 13 Whipporwill Lane with the restrictions discussed. Seconded by Brad Chase. Vote: 6-0-0.

Request for an Amended Order of Conditions

6:50 Moran Engineering for Joseph Nolan, 55 Shore Road, Map 2, Parcel B1-2 – Demolish existing house; re-construct with appurtenances.

Presenter: Dan Croteau – Moran Engineering; Joseph Nolan, owner present.

Mr. Croteau explained the fence is considered a structure but is a safety pool fence. He stated that there was confusion between an architectural plan and the building plan at the time. He said there is an increase in hardscape of 402 sf and 960 sf of increased mitigation when they realized the fence was considered a structure.

Discussion of several optional plans and native planting mitigation. Amy Usowski said that most of the 0-50' is native manufactured. She does not like an increase in disturbance in the 50' buffer. Her preference is Option #2 which protects native area beyond the fence (was lawn with previous owner).

Mr. Nolan said he feels that Option #2 is "choppy". All three options were discussed. Mr. Croteau argued his case for option #1 (adding over 800 sf from what was originally approved).

Brad Chase stated that what they were asking for was a variance to move the fence into the 0-50' buffer.

Bob Sarantis clarified the area required around the pool in a private residence. Amy Usowski reviewed Town Regulations (fence not specified in Regulations).

Brad Chase argued that it is a disturbance in the "no disturb zone". He said that the Nolans are asking for two things:

1. Encroachment of the 0-50' buffer
2. Adding a structure in the 0-50'

He said that "hardship" is not a factor and he does not see a net improvement.

Amy Usowski said that there is improvement in habitat diversity.

Carolyn O'Leary asked what the width is in Option #2. Answer: Patio of 6' to 8'. Bob Sarantis asked if there was a gate in the fence. Answer: yes.

Amy Usowski suggested removal of the stone steps (disturbance) and moving the fence farther back for less disturbance with native plantings.

Bob Sarantis discussed the patio. He wanted to know what it is constructed of. Answer: Blue Stone (basically hardscape impervious).

Brad Chase asked that they come back with square foot changes

Discussion regarding going back to Option #2 in the interest of moving forward (pull fence to native planting line).

Motion made by Bob Sarantis to approve Option #2 Plan with conditions to be provided by Amy Usowski and Special Condition that fence shall have openings for wildlife passage. Seconded by Ernie Crabtree. Vote: 6-0-0.

Notice of Intent (continued from May 25, 2016)

7:50 Craig & Terry 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.

Presenters: Matt Farrell - J.M. O'Reilly Assoc., and Craig Borden, property owner

The first proposal is for dock and boathouse. They are going before the Planning Board on July 26th with lot subdivision. Mr. Farrell described the plan.

Amy Usowski asked if the stairs to the dock were masonry or as needed. Answer: Block set into ground (cement and blue stone). She also said that regarding the docks that a slight extension of aluminum dock is better to get to deeper water (approximately 40' long, well within the limits). Ms. Usowski suggested a platform (in the foot print of the old previous boathouse rather than a boathouse in the Bordering Vegetated Wetland (BVW)).

The applicant wants to keep a boathouse (same size as pictured and grandfathered). A rack system in back of the boathouse for storage of dock in off season is proposed.

Bob Sarantis expressed concern regarding disturbance for the path.

Amy Usowski outlined specifics of the path requirements and elevated stairway. Specifications and plan need to be submitted for the path and stairway. She stated that dock use is from May 15th to Oct. 15th plus typical conditions.

Motion made by Brad Chase to accept the plans for seasonal dock and boathouse in the original footprint for 424 Pleasant Lake Avenue. Seconded by Ernie Crabtree. Vote: 6-0-0.

Notice of Intent (continued from May 25, 2016)

8:10 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.

Presenters: Matt Farrell - J.M. O'Reilly Assoc., and Craig Borden, property owner

Discussion of plans for construction of a single family dwelling (only thing impacting the area is grading and will be replanted with native plantings). Plan calls for subdivided lot lines for property; decreased grading by 50%; added masonry steps in pathway.

Amy Usowski stated that some grading is expected because of the slope. Disturbance will be replanted with native planting. She discussed vista pruning after house is built (need to come back to HCC for vista pruning permit). No need to file with Natural Heritage. Erosion Control.

Motion made by Brad Chase to accept the proposal for building a dwelling at 424 Pleasant Lake Avenue. Seconded by Ernie Crabtree. Vote: 6-0-0.

8:20 Alan & Julie Curtis, 65 Snow Inn Road, May 51, Parcel B1-B (Continued from May 25, 2016) -
New pervious 12' x 20' stone patio in 0-50' buffer to top of coastal bank.

Applicant requests indefinite continuance. If they take more than 6 months, they must re-file the Notice of intent.

Motion made by Brad Chase to continue indefinitely 65 Snow Inn Road. Seconded by John Rossetti. Vote: 6-0-0.

Extension Permit Request

8:22 Elizabeth Bray, 46 Indian Trail, SE 32-2157 - Construction of a new dwelling on a previously undeveloped lot.

Amy Usowski recommends a three year extension.

Motion made by Bob Sarantis to extend the permit for 46 Indian Trail for three years. Seconded by Ernie Crabtree. Vote: 6-0-0.

Order of Conditions

8:30 Christine Freeman, 19 Nons Road, Map 6, Parcel C1-12, SE 32-2264 - Construct a path with an at-grade walkway, steps, pier, ramp and float extending into the water 57' from MHW.

Motion made by Brad Chase to approve the Order of Conditions for 19 Nons Road with Condition #16 added regarding no activity in the 0-100' buffer. Seconded by Bob Sarantis. Vote: 6-0-0.

Certificate of Compliance

8:36 The Harwich Port Nominee Trust - 1999, 6 Saquatucket Point, SE 32-1874 - Permit was for the rebuilding of 223 linear feet of bulkhead and the dredging of 525 Cu yds. of material with the docking port, and the addition of 2 floats. Permit included a vegetative buffer along the top of the bulkhead. Amended to change the floating pier to a fixed pier with more pilings.

Amy Usowski said she is not ready to recommend of the Certificate of Compliance (no plan for additional floats).

Motion made by Bob Sarantis to continue Harwich Port Nominee Trust -1999 to July 6, 2016. Seconded by Ernie Crabtree. Vote: 6-0-0.

MINUTES

Minutes of October 7, 2015

Motion made by Bob Sarantis to approve the Minutes of October 7, 2015. Seconded by Brad Chase. Vote 5-0-1.

Minutes of May 11, 2016

Motion made by Bob Sarantis to approve the Minutes of May 11, 2016 with edits added to page 4 and deletion of sentence noted on draft. Seconded by Ernie Crabtree. Vote: 6-0-0.

Minutes of May 25, 2016

Motion made by Brad Chase to approve the minutes of May 25, 2016 with adding Swavi Osev suggested eliminating irrigation at 65 Snow Inn Road. Seconded by Bob Sarantis. Vote: 5-0-1.

Discussion

8:50

#1. 30/40 Lathrop:

- Has not submitted "As Built"
- No response to date
- HCC approve Conservation Administrator Usowski impose fine of \$300 per day if June 30th deadline for "As Built" not met.

#2. Donation of new picnic table along bike trail that runs through Thompson's Field Conservation Area.

- HCC - Accepts donation of new picnic table
- Amy Usowski to write a thank you note to donors.

#3. Update on Assistant Conservation Agent position

Discussed

#4. Draft Request for Proposals (RFP) for bogs at Bells Neck

Discussed

#5. Elections discussed by Chairman Diggs for HCC. Nominations at next meeting.

#6. Friday morning site visits proposed.

MOTION TO ADJOURN

9:10 Motion made by Brad Chase to adjourn. Seconded by Ernie Crabtree. All in Favor.

Minutes transcribed by Marie Hickey, Board Secretary

WW Diggs
7-20-16

**SIGN IN SHEET
Small Meeting Room
June 15, 2016 2016**

**Christine Liepkalns
Elizabeth Bray
Craig Borden
Joe Nolan
Matt Farrell
Dan Croteau**

**13 Whipporwill Lane
Extension Request
424 Pleasant Lake Ave.
Shore Rd.
J.M. O'Rielly
Moran Engineering Assoc.**