



TOWN OF

HARWICH

732 Main Street  
Harwich, MA 02645

CONSERVATION COMMISSION

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**HARWICH CONSERVATION COMMISSION**

**Wednesday, September 2, 2015-6:30 PM**

**DONN B. GRIFFIN ROOM**

**HARWICH TOWN HALL**

**MINUTES**

**Present: Chairman Walter Diggs, John Rossetti, Brad Chase, Robert Sarantis, Bob Hartwell, and Conservation Administrator Amy Usowski.**

**6:35 Call to Order by Chairman Walter Diggs**

**6:35 RDA- Johnathan and Sarah Vanica, 2 Quason Lane.** Proposed replacement of existing Leyland Cypress along westerly property line with Eastern Red Cedar and Green Giant Arborvitae. Work to occur within Land Subject to Coastal Storm Flowage and the buffer zone to a coastal bank.

Lynne Hamlyn was present representing the applicant and described the project, highlighting that they are proposing to replace the Leyland's closest to the top of bank with eastern red cedar which is a native tree. Clearly to do the work. Some of the fence may need to come down for access. Remove trees in fall, seed area to stabilize, and then plant in spring.

Amy Usowski made her comments, stating the Leylands were very large and unwieldy, and stated Red Cedar are a good choice near the top of bank and asked for a few more red cedar instead of arborvitae. She recommend approval of the project with a Negative 1, 2, and 3 Determination.

Bob Hartwell asked if seeding the area this fall would be able to stabilize it enough before winter hit. Lynne said yes. Bob Sarantis asked how tall the new trees would grow. Lynne stated the Arborvitae do get tall but they are more compact compared to the Leylands which splay out. John asked if the fence would restrict the growth of the trees in the future. Lynne said they would set them enough off the fence to give them room to grow.

Abutter to the east expressed his support of the project.

Brad Chase moved to approve the project with a Negative 1, 2, and 3. Bob Sarantis seconded. All in favor, motion carried.

**6:45 Abbreviated Notice of Resource Area Delineation – Mark E. Lynch Jr., Smelt Creek between Lynch Lane and Old Brewster-Harwich Road.** Confirmation from the conservation commission that Smelt Creek is a perennial stream and that it has an associated Riverfront Area. No work is being requested or proposed for any of the parcels at this time.

Applicant has requested a continuance until October 7, 2015 to allow the commission time to hire a 3<sup>rd</sup> party consultant to review documents from both sides and to conduct a site visit of the creek.

Bob Sarantis moved to continue the hearing until the October 7, 2015 Harwich Conservation Commission meeting. Bob Hartwell seconded the motion. All in favor; Motion carried.

**6:50 Notice of Intent – Gregory & Itsuko Watanabe Herrema, 148 Long Pond Drive.** Proposed construction of a single family dwelling and shed; including a proposed driveway and installation of a new septic system. Work will take place in the 100' buffer zone to a bordering vegetated wetland.

David Lyttle, Ryder & Wilcox and Theresa Sprague, Blue Flax Design were present at the meeting on behalf of the owner. Mr. Lyttle provided the Commission with photos of the previously approved stone steps. It was explained that the owner had a life estate on the property, and has since passed, so the current owners are looking to relocate the dwelling. A new property line between the two properties has been established and recorded at the registry. They are looking to construct a smaller dwelling in the same general vicinity as the same existing dwelling. The smaller dwelling will result in less disturbance to the lot. The new dwelling is proposed to be outside of the 100' buffer zone. A 10x16 shed is being proposed in the buffer. In addition, the land management plan has been amended. They have applied for a Chapter 91 Waterways License for the dock which is would be a seasonal dock.

Ms. Sprague said that they have taken the previous plan and overlaid it with the new house plan and they are proposing the same management on the slope. Remove vegetation debris, thin some oak sprouts, then resort shrub layer on the slope. With the house changing location, they are significantly reducing lawn area and creating a vegetated buffer strip at the top of the slope that will transition to the East of the property into a naturalized meadow, mowed once annually. The meadow will provide significant wildlife habitat. There will be a mowed path through the meadow leading to the gazebo. The gazebo will be located in the Northeastern corner of the property. This a typical oak pitch pine community. The property owner loves the natural lawn look. Ms. Sprague listed the proposed plantings for the slope.

Amy stated that the existing dwelling is with in the 50-100' buffer zone. The new dwelling, with the exception of the patio, shed and gazebo would be in the 100- buffer. The patio will be a pervious patio. Amy suggested moving the gazebo 5' back to get a little further away from the 50' buffer. There are no questions about the land management piece, as this was already approved. The addition of the meadow will be a great benefit for the property. Mr. Lyttle asked if he should amend the existing order for the abutting property, which Amy stated would be necessary for housekeeping purposes.

Mr. Sarantis asked if there any reason why the shed can't be moved outside of the 100' buffer? The client wishes to have the shed located where it is shown on the plan. Mr. Sarantis stated that it looks like there are other locations on the property for the shed to be located. The owners and their children raise service dogs, one at a time. They will have the fenced area with the shed for training of the service animal. When they come up from their dock, it will also give them an area where any boat equipment might be stored. The existing fences, wall and driveway will be eliminated.

John Rossetti confirmed that they have agreed to move the gazebo back a few feet away from the 50' buffer. The gazebo will not be seen from the water. The owners are looking to maintain privacy from the water, which is why they are proposing over 50 shrubs to be placed on the slope.

Brad Chase asked about the lot area on map 1 of 2. The square footage that is listed on the plan is for both lots. The trees that they are proposing to remove are poorly formed and about 4-6 inches in diameter or less and most have been previously cut. 3:1 ratio replacement for shrubs and 1:1 ratio for trees is being proposed. Shrubs will reach mature fruiting size. The goal is to maintain the same amount of existing bio-mass but do it in a way that the applicants won't have to return to the Commission every year for maintenance. Amy stated that she is comfortable with the amount of trees being removed. The amount of trees that are being re-planted will not overcrowd the lot. Brad said that he also agrees that the gazebo should be moved back 5' and 3 copies of the revised plan will be submitted. The revised plan will also change the wording of the path from "mulched" to "mowed".

Brad Chase moved to approve the project with the conditions that 3 revised plans be submitted showing the gazebo be moved 5' away from the buffer zone, change the wording of the path to "mowed" and the patio shall be constructed of a pervious material. Bob Sarantis seconded. All in favor; Motion carried.

### **Change in Plan**

#### **Alvin & Helen Silverstein, 5 Edith Grove Road, SE32-2218**

Amy informed the Commission that their permit for Chapter 91 Waterways was returned to the applicant because they were not sure how to permit the project. The proposed platform is below the high water mark and they could not issue a permit because the platform is not a water dependent structure. Now the applicant is returning with a new plan showing the whole platform in the 50' buffer zone. The entire structure is now located in the 50' buffer zone which is not allowed. No work besides the staircase was approved for the project. The Commission wanted the platform moved a couple of feet into the water to avoid any work done in the 50' buffer. The current proposed change in plan is quite different from the original approval. It is in the applicant's best interest to get a Chapter 91 license. DEP is saying that any structural part of the platform cannot be below the high mean water line of the pond.

The Commission is not in favor of their current proposal and has concerns about the stairs and platform. Amy recommended an indefinite continuance of the hearing to allow for the applicant to further review their plans.

Bob Hartwell moved to indefinitely continue the hearing for change in plans. Bob Sarantis seconded. All in favor; Motion carried.

### **Orders of Condition**

**None discussed**

### **Certificate of Compliance**

#### **Dark Hollow Realty Trust, 2251 Route 28, Head of the Bay, SE32-2100**

The Commission granted the Certificate of Compliance for 2251 Route 28 at a previous meeting, Amy just forgot to have them sign the document, which they now did.

### **Extension Request**

#### **Wequassett Resort & Golf Club, 2171 Route 28, Head of the Bay, SE32-1955**

Amy stated that this is an extension request. The project was approved a few years ago, and is technically still valid under the permit extension act. Amy reviewed what the project was approved for. Amy recommended to grant an extension of the project until September 23, 2018.

Bob Sarantis moved to grant the extension request, allowing for an extension until September 23, 2018. Brad Chase seconded the motion. All in favor; Motion carried.

### **Minutes**

#### **August 5, 2015-August 19, 2015**

Brad Chase moved to approve the minutes of the August 5, 2015 HCC meeting with the request that the font be changed on page 3. Walter Diggs seconded the motion. Vote was in favor 3, 0 opposed & 2 abstained (Hartwell & Sarantis)

HCC

Minutes September 2, 2015

Bob Sarantis moved to approve the minutes of the August 19, 2015 HCC meeting. Bob Hartwell seconded the motion. All in favor; Motion carried.

**Any Other Business Which May Come Before the Commission**

**Land Management of properties under Conservation Jurisdiction**

**Letter to N-Star-**Amy read a letter from the Town to N-Star regarding ROW spraying for the Town of Harwich, which reiterated the Town's concerns. We should add to the letter that notification of 48 hours before spraying shall be given to the Town. The Commission suggested using stronger language in our letter that we don't agree with the spraying, but suggesting some environmentally friendly practices. The spraying generally takes a couple of weeks across the Cape, but spot treatment is being proposed in Harwich.

John Rossetti asked how do we know what mistakes they are making when spraying, if there is not someone following them. Amy said that we generally hear from residents if regulations are not being followed. Amy advises abutters to document any incidents and take photos. She is unaware of how any mistakes are followed up on. The Committee made a few suggestions to Amy for changes in the letter.

Bob Sarantis moved to approve the sending of the letter, with requested changes, to N-Star. Bob Hartwell seconded. All in favor; Motion carried.

**Executive Session**

**Walsh Brothers, 5 Sea Street, SE32-2099-Review/Discussion of DEP Superseding Order of Conditions.**

Bob Sarantis moved to adjourn the regular meeting at 8:05 p.m. and enter into executive session, not to return. Brad Chase seconded the motion. All in favor; Motion carried. T

The Conservation Commission completed a roll-call into executive session.

Minutes transcribed by Jennifer Clarke

*WW Diggs  
11-3-2015*