



TOWN OF

HARWICH

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CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION

Wednesday July 22, 2015

Griffin Room

HARWICH TOWN HALL

MINUTES

As the Griffin Room was open, the Conservation Commission moved from the Small Hearing Room to the Griffin Room next door for the meeting.

Present: Chairman Walter Diggs, Brad Chase, John Rossetti, Robert Sarantis, Robert Hartwell, Dean Hederstedt, Conservation Administrator Amy Usowski, and Selectmen's liaison Linda Cebula.

6:35pm – Chairman Walter Diggs called the meeting to order.

Request for Determination of Applicability – Linda Hollis, 90 North Rd, Map 19, Parcel N2: confirmation of the location of the resource areas; land subject to coastal storm flowage, coastal bank on site and across North Rd; bordering vegetated wetland on site; edge of river across North Rd and associated riverfront, and confirmation that there is no edge of river w/in 200 ft. to the west of locus nor an associated riverfront on the property.

Lynne Hamlyn, Hamlyn Consulting, described the request. Amy Usowski re-iterated that this was for the commission to verify the resource area lines and their respective buffer zones only; no development is proposed at this time and this is for planning purposes. She stated she has inspected Lynne's delineations onsite and is in agreement with them. There is no riverfront on the west side, just on the east where the main branch of the Herring River is. She recommended approval of the delineation with a Positive 2A determination.

Bob Sarantis MOVED and Dean Hederstedt SECONDED approval of the plan with a Positive 2A determination. Vote was 5 in favor, none opposed, and 1 abstention; Motion carried.

6:42pm –Notice of Intent

Margaret and David Brauer, Mercan LLC, 29 Walter Rd, Map 16, Parcel T7: repair of an existing vertical bulkhead which shall occur w/in land subject to coastal storm flowage; a coastal dune; a coastal beach and the buffer zone to the bank, dune, and beach.

Lynne Hamlyn of Hamlyn consulting described the project including the construction protocol. All work would be done from the top of bank; only workers would be down on the beach. They would cut off the top of the existing deteriorated wall, install the new wall and new tie-backs going into the bank. Amy Usowski stated that normally a hard solution wouldn't be granted on a coastal beach and dune, but the existing wall pre-dated the Wetlands Protection Act, and the structure it was protecting was a pre-wetlands protection act dwelling. The house was actually built in 1830 and right now it is only 10' from the coastal bank. She recommends approval to stabilize the banking as the old wall is failing. If it were to fall, it would jeopardize the house.

Bob Hartwell asked what the difference was between this project and the bulkhead on Sequattom Rd that we just had a hearing on. Amy stated this was a coastal wetland and not an inland one, and that this was protecting a pre-wetlands protection act structure. John inquired on the removal of the existing bulkhead and planting. Walter asked why they weren't considering a sea wall. Lynne stated that this would actually create more of a footprint than the bulkhead. Bob Sarantis and Dean Hederstedt asked about the depth of the wall and tie-backs. Lynne stated the wall would go down about 8'. Brad Chase recommends that the maximum separation between the old wall and the new be 1 ft; ideally less.

With this condition, Brad Chase MOVED and Bob Sarantis SECONDED approval of the project as per the plan. All in favor, motion carried.

6:55pm – Request to Amend an existing Order of Conditions

Michael Gilligan & Anne Helgren, 74 Uncle Venies Rd, Map 25, Parcel U7: amend an existing Order of Conditions to include the construction of a screened porch. The structure will be located within the 50-100' wetland setback. The construction of the porch will require removal of 165 s.f. of existing lawn. Previously permitted under SE 32-1927.

Rick Roy of Rick Roy Construction, the contractor, described the project. Lynne Hamlyn of Hamlyn consulting re-established the wetland lines. The new screened-in porch would be out of the 50' buffer and on sonotubes, with stone underneath for drainage. John Rossetti asked if any trees would come down. Rick Roy – no. Bob Sarantis asked what the roof would be like? Rick said it would be an A-frame with a French drain around it for roof runoff. Dean Hederstedt stated that the needed to stay out of the 0-50' buffer and to take care of the roof runoff as proposed. Brad Chase requested that they either pull a bit farther away from the 50' buffer or add more than the 20 mitigation plants. Rick Roy stated they would be willing to do a few more plants. 30 native plants was agreed upon for mitigation.

Dean Hederstedt MOVED and Bob Sarantis SECONDED to approve the project with 30 mitigation plants. All in favor, motion carried.

7:05pm – Notice of Intent – continuance.....

David and Kimberly Sterling, 2267 Route 28, Head of the Bay, Map 119, Parcel N6: Removal of a dwelling, cottage, shed and septic system and construction of a new dwelling, septic system and landscaping. Work to occur within the buffer zone to a coastal bank and bordering vegetated wetland. Variance request from the Harwich Wetlands Protection Regulations for work within the 50' No Disturb Zone.

David Little of Ryder and Wilcox, and Caitrin Higgins and Tom Lee of Wilkinson Ecological Design were present to represent the project and described the changes in plan from the first time. They removed the proposed walking path around the vernal pool and relocate the proposed viewing platform to on top of the foundation of the existing cottage as per the commission's request. Tom Lee also explained that they made the stone patios more pervious by separating the stone and putting grass in between them. Caitrin Higgins stated that they also added a 5' buffer strip on the top of bank as per the commission's request; and now they have a total of 23,400 s.f. of mitigation/restoration proposed on the property. She also described the 3 separate mitigation areas. All lawn around the home would be native grasses. Amy gave her comments on the path and platform.

Bob Hartwell stated he doesn't think we have put enough emphasis on the amount of new disturbance within conservation jurisdiction. How does this meet our variance requirement? They are going from a 3 bedroom house to a 7 bedroom house, and creating a de facto 25' setback from the resource area. A variance is a hardship and he doesn't see one. Mr. Hartwell also brought up that this is within the ACEC. He stated that they could have the house they want outside of the 50' buffer; he does not think this house has to be as close to the resource area as it is.

John Rossetti asked how close this house was to the Top of Bank? David Little stated it would be 25' from the Top of Bank where now it is 0'. He then described the variance language. He thought this was policy for the commission. Just removal of the house would still require a variance. He said the new home is going to go in an already altered area. There was continued discussion on the request for a variance and the 50' No Disturb Zone Bylaw.

Dean Hederstedt asked what the current square footage of the house was and what was the proposed? David stated currently there was 1,710 sf and proposed there was about 3,000 sf. Brad Chase commented that while he was in favor of the decrease in the 0-50' buffer, that he was still concerned about the large increase of new structure in the 50-100' buffer. Caitrin Higgins stated that moving farther out of the 50' buffer and more into the 50-100' buffer would impact more native vegetation as the house is proposed to be in a fairly open spot right now. Bob Sarantis reminded the commission that they could have rebuilt the house where it was, right on the resource area, but that they are proposing less square footage in the 0-50' and it is farther from the resource.

David Little said previously he had no indication from staff or commissioners that the entire house had to be out of the 50' buffer. Amy Usowski again stated what the 50' No Disturb Zone Bylaw was, and why a couple of years ago the commission re-wrote it to allow for variances when the disturbance in the 0-50' buffer is proposed to be less than existing and to be farther from the wetland resource area. Discussion ensued about how much farther to move it back away from the resource area. Bob Hartwell expressed that at the previous meeting he thinks the board was more concerned about the proposed walkway and platform around the vernal pool, but now the path has been taken out of the proposal and the platform moved into the area of the existing small cottage. He has always been concerned about the amount of activity proposed near the top of bank.

Bob Sarantis MOVED to approve the project as presented at this meeting. Walter Diggs SECONDED. 4 in favor, 1 opposed (Bob Hartwell), 1 abstention (Brad Chase); motion carried.

3. **Patricia Johnson Family Trust, 2131 Route 28, Head of the Bay, Map 108, Parcel K1-1. SE 32-1006.** This was a house construction in the early 1990's. Amy stated that there were a couple of outstanding issues such as the roof runoff not going into drywells as specified, and the addition of a pervious patio and retaining wall. She said there was no evidence of the roof runoff causing any erosion on the site, and the retaining walls were necessary to hold back the banking. They were probably intended at the time of filing, but were never put on the plan. She does not see these changes to have an impact, and recommends approving the request for a Certificate of Compliance, making the as-built plan the conservation plan-of-record for this site.

Bob Sarantis MOVED and Dean Hederstedt SECONDED approval of the Certificate of Compliance, and making the as-built plan the plan-of-record. All in favor, motion carried.

9:15pm – Brad Chase MOVED to exit regular session and not to return, and to enter into Executive Session. Dean Hederstedt SECONDED. All in favor. Roll call into Executive Session. Regular meeting adjourned.

Minutes taken and transcribed by Amy Usowski, Conservation Administrator.

Others In Attendance

Dan Croteau – Moran Engineering
Harry Ellis
David Michniewicz
David Little
Caitrin Higgins
Tom Lee
Allan Campbell
Rick Roy
Lynne Hamlyn

WW Digger
8-19-15