



TOWN OF

HARWICH

732 Main Street  
Harwich, MA 02645

CONSERVATION COMMISSION

508 430-7538 FAX: 508 430-7531

**HARWICH CONSERVATION COMMISSION**  
**Wednesday August 19, 2015**  
**GRIFFIN ROOM**  
**HARWICH TOWN HALL**

MINUTES

**Present: Walter Diggs, John Rossetti, Bob Sarantis, Bob Hartwell, and Conservation Administrator Amy Usowski**

**Absent: Brad Chase and Dean Hederstedt**

**The Conservation Commission met in the Griffin Room instead of the Small Hearing Room this evening.**

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

**Notice of Intent – Continuance... SE 32-2232**

**Jean Paul & Derith E. Marjollet, 484 Pleasant Lake Ave, Map 100, Parcel K4-1**

Installation of a 200 sf seasonal aluminum dock and transition in Long Pond. Work to occur on an inland bank, land under waterbodies, and within bordering land subject to flooding.

The applicants could not be at the meeting, so Amy reiterated some of the facts presented at last meeting for the Commission. She stated that they had been waiting on a determination from the Natural Heritage and Endangered Species Program (NHESP) prior to taking a vote, and they did not have this determination at last meeting. They now have a letter from NHESP saying that this will not have an adverse impact on any state-listed species or their habitats. The Commission also agreed that the dock should not be installed until May 30<sup>th</sup> each year so as not to impact the herring.

Bob Sarantis and Bob Hartwell had reviewed the plans and minutes, and since they were only absent for one meeting, were eligible to vote.

Bob Sarantis MOVED and Bob Hartwell SECONDED to approve the project. All in favor, motion carried.  
HCC

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The Commission then reviewed the draft Order of Conditions. Bob Sarantis MOVED and Bob Hartwell SECONDED approving the Order of Conditions with a minor grammatical edit. All in favor, motion carried.

### **Discussion:**

Al Silverstein, owner of 5 Edith Grove Rd on Hinckley Pond, asked to speak to the commission. He and Amy explained that the Commission had approved their project for a staircase down an inland bank, a deck over the pond, and a dock. When he applied for a Chapter 91 permit with Mass DEP, they would not issue him a permit as the deck had its footings in the water and they did not recognize it as a Water-Dependent Structure. Originally, Mr. Silverstein had requested that the deck have footings in the 50' No Disturb Zone, and the Commission agreed to moving this deck so the footings were below the mean annual high water mark of the pond so as to not have to grant a variance from the 50' No Disturb Zone. Now the state wants him to move it back. He was looking for guidance from the commission on how to proceed.

Amy produced copies of the existing approved plan, but she no longer had a copy of the first plan the commission was presented with, showing the deck within the 50' buffer. She asked if the commission wanted to see this as a Change in Plan or as an Amended Order request. She stated the deck would only be a few feet landward of where we already approved it, and where we approved it is actually IN the resource area.

After some discussion, the commission asked that it be put on the next agenda (Sept. 2<sup>nd</sup>) as a Change in Plan, and to have the applicant's representative supply copies of the original plan to the commissioners prior to the meeting so they could review the two plans side-by-side to determine how exactly to proceed.

### **Minutes**

July 8, 2015: Amy stated she made the changes Brad requested in regards to making his comments on the discussion of hunting in the Bells Neck more neutral. Bob Sarantis MOVED and Bob Hartwell SECONDED to approve the plans with the changes. All in favor, motion carried.

July 22, 2015: The commission had already voted to approve these minutes and just needed to sign them.

The August 5<sup>th</sup> minutes were ready, but the commission wanted more time to review them and put them on the agenda for Sept 2.

### **Certificate of Compliance - SE 32-2100**

Cumberland Blues Realty Trust, 2251 & 2257 Route 28, Head of the Bay, Map 119, Parcel N2 & N3

*Installation of swimming pool and site modifications*

HCC

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Amy stated she had spent a significant amount of time on the site and that every condition was followed. She recommends approval. Bob Sarantis MOVED and John Rossetti SECONDED approval of the Certificate of Compliance request. All in favor, motion carried.

Robert F. Horgan, c/o John A. Ericson, Esq., 1032 Factory Road, Map 66, parcel W2-1

*Construction of new dwelling*

Amy stated she visited the site and it was in compliance. She recommended approval. Bob Sarantis MOVED and Bob Hartwell SECONDED approval of the Certificate of Compliance request. All in favor, motion carried.

Orders of Conditions: All Orders of Conditions that were approved at the last meeting were signed at this time.

**ANY OTHER BUSINESS WHICH MAY COME BEFORE THE COMMISSION**

Land management of properties under Conservation Jurisdiction

The Commission would like to put discussion of an off-leash area at Thompson's Field for dogs on their agenda for a public meeting on September 16, 2015.

Amy Usowski gave an update on potential funding sources for the artificial reef project.

8:00 PM – Bob Hartwell MOVED and John Rossetti SECONDED to adjourn the meeting. All in favor, meeting adjourned.

Minutes taken and transcribed by:

Amy Usowski, Conservation Administrator

WA Digg  
8-2-2015