



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

508 430-7538 FAX: 508 430-7531

HARWICH CONSERVATION COMMISSION

Wednesday, January 21, 2015 - 6:30 PM

Donn B. Griffin Room
HARWICH TOWN HALL

MINUTES

Present: John Rossetti, Robert Sarantis, Bob Hartwell, Dean Hederstedt, Jane Fleming, Brad Chase, and Conservation Administrator Amy Usowski.

Absent: Walter Diggs

6:34 Call to Order by Vice Chairman Brad Chase

Note: Jane Fleming and Brad Chase having missed previous meetings have both reviewed the documents in the cases being heard this evening and have signed affidavits affirming their eligibility to vote on hearings before the Commission this evening.

Notice of Intent

6:34 Peter and Lisa Hennessy, 637 Route 28, Map 15, Parcel P4-1 (Continued...) - Proposed installation of an access stairway and catwalk to a pier with a seasonal ramp and float; dredging to provide a more serviceable water depth. Proposed work to occur within Land Under the Ocean, a Coastal Bank, Salt Marsh, and Land Containing Shellfish.

Presenters: Atty. James Stinson, and Donald K. Munroe, Coastal Engineering Company, Inc.

Mr. Stinson stated that approval has been received from the Waterways Committee. The Waterways Committee has noted the following in an e-mail from Harbormaster John Rendon:

From a navigational perspective, the revised plan that Coastal Engineering presented is preferred over the original plan...the length of the structures from MHW is 63' verses 80' ...

Mitigation will be done at the suggestion and approval of the HCC.

Amy Usowski stated that she would ordinarily not recommend dredging, but in this case she thinks it is desirable because the shellfish habitat could be greatly improved by the proposed dredging of the anoxic material and from mitigation of shellfish at 30 bushels per year for 3 years. She recommends approval of the project.

Dean Hederstedt congratulated the applicants for the work done on the project and for the mitigation.

Motion made by Jane Fleming to accept the project as presented for 637 Route 28 with the conditions that there be shellfish mitigation of 30 bushels per year for three years; off season storage of the pier, ramp and float; and dredging must be done during timing allowed by the town. Seconded by Bob Hartwell. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis and Hartwell. Motion carried.

Notice of Intent

6:50 Kurt Hedmark (for) Gregory Manocherian, 35 Snow Inn Road, Map 8, Parcel F1 (Continuance...)
- Remove and rebuild existing boathouse, construct sheet pile bulkhead and construct wood boardwalk within a coastal bank, coastal beach and land subject to coastal storm flowage.

Presenter: Timothy J. Brady PE, PLS East Cape Engineering, Inc.

Mr. Brady stated that the revisions to the project include removal of the boardwalk to the boathouse and the stairs to platform over the bulkhead. They will also provide float stops.

Amy Usowski stated that everything requested by HCC has been accommodated. Float stops in the boathouse is a positive. Shellfish present within the footprint of the boathouse shall be removed prior to work starting, and replanted under the advisement of the Town Shellfish Constable. Ms. Usowski recommends approval with the conditions stated.

Jane Fleming said she agrees with improved changes. Dean Hederstedt inquired regarding elevation of bulkhead, stairway, and mitigation plan.

An abutter from the audience, Vin Helfrich expressed support for the project.

Motion made by Bob Hartwell to approve the project for 35 Snow Inn Road. Seconded by Bob Sarantis. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis and Hartwell. Motion carried.

Notice of Intent

6:59 Cecile & Howard Curtin, 25 Harbor Way, Map 1, Parcel G1-3 (Continuance...) - Raze and rebuild an existing single family dwelling to include a drive under garage, decks, septic upgrade, driveway reconfiguration and retaining wall. The project falls within the riverfront area, land subject to coastal storm flowage, within an area of salt marsh and the buffer to a coastal bank.

Presenter: Lynne Whiting Hamlyn, Hamlyn Consulting and Mrs. Curtin also was present

Ms. Hamlyn discussed compliance with River Front Standards and 2 to 1 mitigation. She also discussed performance standards and regulations and the uniqueness of this particular project. She said the resource area is struggling to survive. In this project there is 3 to 1 mitigation and an opportunity to restore the wetland and buffer and enhance and restore the resource area. She said the new structure will be compliant with MA State Flood Control Standards and that the septic will now be in front.

Amy Usowski said that it has not been an easy project. All resources are can be regulated. She said when she looked at the project again; she felt it is an opportunity to protect the wetland. Work is going on in the 50' NDZ, but with the added mitigation she feels it will ultimately benefit the wetland. She said that from her interpretation of the regulations as well as input from other communities and advisors she recommends approval.

Bob Hartwell questioned the effects of the roadway on restoration work. Amy Usowski said that if the driveway is scraped and maintained, it will not have adverse effects. Ms. Hamlyn said that the area is clearly a salt marsh.

Jane Fleming said she understands the difficulty in working with three sets of regulations and that Lynne Hamlyn has done a good job on the project. Three to one mitigation is pretty good. It is a difficult project. She said Ms. Hamlyn has done a great job of explaining the regulations. Ms. Hamlyn recommends monitoring of the conditions.

John Rossetti said he agrees with Ms. Usowski in essence, but feels it is an "artificial" resolution. Ms. Hamlyn made an extensive explanation of how the project and mitigation actually enhances the salt marsh.

Discussion followed regarding merits vs. negatives of the project.

Dean Hederstedt asked for clarification of garage placement and the "living fence" in the landscape design.

Bob Sarantis asked that it be stipulated that no additional bedrooms be allowed in the future.

Brad Chase discussed his concerns regarding the future of the driveway.

Motion made by Jane Fleming to accept the project for 25 Harbor Way with the changes presented in the Site Plan dated January 19, 2015 with added mitigation and with monitoring biannually for three (3) years. Seconded by Bob Sarantis. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis and Hartwell. Motion carried.

Notice of Intent

7:53 Vincent & Maureen Petroni, Mgrs. Of Petroni Family LLC, 106 & 110 Grey Neck Road, Map 11, Parcels X4 & X4-A - Demolition of two cottages, removal of existing septic system, construction of new single family dwelling, driveway, installation of a fence, walkways, septic system and fill; proposed garage and grass drainage swales within or adjacent to land subject to coastal storm flowage.

Presenter: Thomas M. Stello, Project Manager - Eldredge Surveying & Engineering, LLC

NOTE: TWO SEPARATE FILINGS (ONE FOR #106 AND ONE FOR #110 GREY NECK ROAD)

Re: #110 Grey Neck Road (Northern Property)

Discussion:

Amy Usowski discussed adjusting water drains and elevation of property. She stated that there are no performance standards. She recommends that it be stipulated that the driveway be pervious, that only a Cape Cod lawn be allowed and mitigation plantings be conditioned.

Bob Sarantis asked if the driveway is to be raised. Answer: Yes.

Discussion followed regarding grading, elevation, runoff; need for landscape plan and planting mitigation. Thirty to forty plantings to be conditioned. It is a regulated area - no performance standards.

Motion made by Jane Fleming to approve the project for 110 Grey Neck Road with landscaping design and mitigation to be conditioned. Seconded by Bob Sarantis. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis, and Hartwell. Motion carried.

Notice of Intent

8:19 Vincent & Maureen Petroni, Mgrs. Of Petroni Family LLC, 106 & 110 Grey Neck Road, Map 11, Parcels X4 & X4-A - Demolition of two cottages, removal of existing septic system, construction of new single family dwelling, driveway, installation of a fence, walkways, septic system and fill; proposed garage and grass drainage swales within or adjacent to land subject to coastal storm flowage.

Presenter: Thomas M. Stello, Project Manager - Eldredge Surveying & Engineering, LLC

Re: #106 Grey Neck Road

Discussion: Explanation of project. FEMA application filed for. Building permits dependent on FEMA approval.

Amy Usowski stated that the project should be continued until FEMA has approved.

Rain gardens were discussed.

Motion made by Bob Hartwell to continue project for 106 Grey Neck Road until approval by FEMA. Seconded by Jane Fleming. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis, and Hartwell. Motion carried.

Notice of Intent

8:32 Rita C. Stevens, Trustee, Stevens Wequasset Trust, 19 Wequasset Road, Map 5, Parcel K1-41 - Re-organizing/re-construction of exterior landscape amenities, redesign of exterior planted areas; and construction of a new timber retaining/flood control wall all within land under water containing shellfish, salt and brackish marsh and land subject to coastal storm flowage.

Presenters: Arlene M. Wilson, A. M. Wilson Associates, Inc. and Ben Stevens, applicant

Discussion of new proposed plan. Amy Usowski stated that a change in the 50' NDZ would require a variance for the patio work. She said she does not understand the need for a retaining wall. Basically a retaining wall would protect the back yard area, not the house. She has concerns regarding negative impact on a solid structure in the 0-50' buffer.

Dean Hederstedt said he does not see that a variance is warranted to protect the yard.

Ms. Wilson said that there is a basement in the house and it would protect the basement. Elevation discussed.

Jane Fleming said that recently HCC turned down structures in 50' NDZ and does not believe a wall is warranted in this case. She likes planting and mitigation.

Ms. Wilson stated that if the Commission denies the wall, she would still like to add fill to avoid leaving the sloop unprotected.

Bob Hartwell said he has a problem with the wall being a permanent structure in the 50' buffer.

Dean Hederstedt said that there is no way to prevent water getting in the basement in a major event (in 50 year event).

Brad Chase stated alternatives. Alternative options discussed included coconut fiber rolls and plantings which do not contain a permanent structure.

Ms. Wilson said they would prefer a continuance to consider alternatives.

Motion made by Jane Fleming to continue to February 2, 2015. Seconded by Bob Hartwell. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis, and Hartwell. Motion carried.

Notice of Intent

9:30 John & Leslie Hardy, 26 Walkerwoods Drive, Map 94, parcel A5-7 - Seasonal pier/dock; vista pruning within land under a water body, inland bank and a bordering vegetated wetland.

Motion made by Dean Hederstedt to continue to February 4, 2015. Seconded by John Rossetti. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis, and Hartwell. Motion carried.

Notice of Intent

9:31 Wychmere Harbor Real Estate LLC, 23 Snow Inn Road, Unit 13, Map 8 Parcel P2 - Construction of a pavilion within the footprint of an existing patio, requiring a variance from the Harwich Wetland Regulations 1.04.3 disturbance within the 50' no disturb zone (buffer zone to a coastal bank) and within land subject to coastal storm flowage.

Presenter: Stephanie Sequin, Ryder & Wilcox Surveying & Engineering

Amy Usowski had concerns regarding drainage issues and roof runoff.

Discussion regarding drywells as a solution.

Bob Sarantis addressed issue of spots of unstable footing on the patio. He also asked if there were any plans for a permanent building. Answer: No plans for a permanent building, just a pavilion.

Motion made by Bob Sarantis to continue to February 4, 2015. Seconded by Dean Hederstedt. The main reason for the continuance was that there were still unknowns about existing and proposed drainage. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis, and Hartwell. Motion carried.

Orders of Condition

9:57 Thomas & Ellen Byrne, 386 Long Pond Drive, Map 104, Parcel N4 - Construction of a seasonal dock within the waters of Long Pond.

Motion made by Bob Sarantis to accept the Orders of Condition for 386 Long Pond Drive. Seconded by Bob Hartwell. Voting in favor Commissioners: Fleming, Rossetti, Chase, Hederstedt, Sarantis, and Hartwell. Motion carried.

Minutes

9:58 Minutes of January 7, 2015

Motion made by Dean Hederstedt to accept the Minutes of January 7, 2015. Seconded by Bob Sarantis. All in Favor.

Adjourn

10:00 Motion to Adjourn made by Bob Sarantis. Seconded by Dean Hederstedt. All in Favor.

Minutes transcribed by Board Secretary, Marie A. Hickey

WW Dwyer
11-2-16