



TOWN OF

HARWICH

732 Main Street
Harwich, MA 02645

CONSERVATION COMMISSION

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

HARWICH CONSERVATION COMMISSION

JULY 20, 2016

DONN B. GRIFFIN ROOM
HARWICH TOWN HALL
6:30 PM

MINUTES

PRESENT: Walter Diggs; Brad Chase; Carolyn O'Leary; Ernie Crabtree; Rob Mador, and Amy Usowski, Conservation Administrator.

ABSENT: John Rossetti

CALL TO ORDER

6:30 PM by Chairman, Walter Diggs

HEARINGS

NOTICE OF INTENT

6:30 William Jusilla , 59 North Westgate Road, Map 78, Parcel G2-1 - Construct single family dwelling.

Presenter: William Jusilla and potential buyer, Steve Gemborys present

Mr. Jusilla explained that there is a purchase and sale agreement for the property. They are asking the HCC for direction.

Amy Usowski said that construction of the dwelling is within the 100' buffer zone and she referred to the topography and the need for a plan for the HCC. She said that there is a need to note any change in the topography in the plan and she would like the data sheet Lynne Hamlyn drew up for delineation. She would also like to see some tightening p of the north and eastern work limit.

Rob Mador said he would like to see the soil samples (which should be in Ms. Hamlyn's delineation report).

Ernie Crabtree inquired regarding the dimensions of the shed. Answer: 24' x 24'.

Carolyn O'Leary questioned the pavement use in the 100' buffer. She prefers impervious.

Ms. Usowski recommended drain runoff.

Brad Chase would like impervious pavement or the reduction of the footprint.

Amy Usowski said that they are waiting for a determination from Natural Heritage.

Mr. Gemborys asked how many sets of plans were needed. Ms. Usowski told him 12 signed and stamped sets with topography.

Motion made by Ernie Crabtree to continue 59 North Westgate Road to August 3, 2016. Seconded by Carolyn O'Leary. Vote: 5-0-0.

AMDENDED ORDER OF CONDITIONS

6:51 Stevens Wequasset Trust, 19 Wequasset Road, Map 5, Parcel K1-41 – Changes to hardscape amenities during construction, construction of the parking/turning area north of the driveway, the outdoor shower and utilities area on the north side of the house, and a minor change to the landscape design.

Motion made by Carolyn O'Leary to continue to August 3, 2016. Seconded by Brad Chase. Vote: 5-0-0.

SHOW CAUSE HEARING

6:52 30/34 Lothrop Avenue (continued from 7-6-2016).

Presenter: Dan Speakman

Amy Usowski stated that the delineation was done many years ago. All new work has been done in the 50' buffer in direct violation of Harwich By Law. The HCC has option so mitigation or removal of the structure. She said she cannot recommend allowing the infraction to exist as it is. It is encroachment of a protected area.

Ernie Crabtree stated that he has been out to the site several times and agrees with Ms. Usowki.

Carolyn O'Leary stated that the HCC is required to follow the By Laws and enforcing adherence.

Mr. Crabtree inquired regarding the number of bedrooms and is concerned regarding setting a precedent. Ms. Usowski said she would check on the number of bedrooms.

Arthur Lafranchise from the audience, said that he doubts the wetland line was as close years ago as it is now. Mr. Lafranchise argued the following issues:

- Lateral expansion
- Not deeper into the wetland
- Benefit to town in removing porch is negligible
- A significant fine or mitigation in place of tearing down addition
- Structure build as a three bedroom (now a 2 bedroom). Walls can be removed to make it a one bedroom
- He has a small financial interest in the property
- "Slap of the wrist" fine means HCC is not doing its job
- Significant fine makes news.

- Taking down the porch does not benefit the town

HCC Administrator Usowski stated:

- HCC is entrusted by the citizens of the town to protect wetlands.
- The Town Wetland By Law must be upheld.
- Recommends rescinding fines accrued after structure is removed.

Ernie Crabtree stated:

- Mr. King was vocal regarding respect of the wetlands, but it did not do any good.
- Mr. King was aware of the rules and defied them.
- He tried to make amends after the fact.
- Adding bedrooms increased rental income.
- A “slap on the wrist” fine does not impose appropriate penalty for the infraction.

Carolyn O’Leary stated:

- Setting precedent is important.
- People of means can do what they want and are happy to pay a significant fine to get what they want.
- There is a need to be fair to all the citizens of Harwich.
- Fines are not a deterrent.

Brad Chase stated:

- Every few months someone tries to push the envelope and get what they want.
- Agrees with Carolyn O’Leary that fines set a bad precedent to avoid adherence to the By Laws.

Motion made by Brad Chase that the porch at 30/40 Lothrop Avenue is in violation of the Wetland Protect Acts of the Town of Harwich By Laws. All structures at 30/40 Lothrop Avenue in violation must be removed by November 1, 2016. Seconded by Ernie Crabtree. Vote: 4-0-1.

Discussion:

- Reduce structure to original size and restore site to original state (Cape Cod lawn).
- Limit of work. Ms. Usowski to oversee.
- If the structure is removed by date specified, fines are to be waived. If not, mitigation may be imposed in lieu of fines.
- Letter with specific requirements dated July 21, 2016 to be signed by HCC.

EXTENSION REQUESTS:

7:20 35 Walther Road, Map 16, Parcel W1 – Remove and reconstruct a single family dwelling. Remodel existing pool and landscaping within the 100’ buffer zone. The proposed dwelling is located further back from the Coastal Bank.

Ernie Crabtree said he is uncomfortable with granting extensions routinely. He feels rules change.

Discussion:

- 35 Walther Road property discussed.
- HCC discussed property owners who request extensions be required to come back before the Commission and re-apply.
- Discussion of HCC looking at plans; limiting extensions to two years, and ask for progress reports.

Motion made by Brad Chase to grant a three year Extension to 35 Walther Road with a progress report after one year. Seconded by Ernie Crabtree. Vote 5-0-0.

7:31 0 Snow Inn Road, Map 8, Parcel N-5A - Construct single family dwelling, pool, landscaping wall and re-grading.

Discussion of property.

Motion made by Ernie Crabtree to grant a one year Extension to 0 Snow Inn Road. Second by Brad Chase. Vote 5-0-0.

ORDER OF CONDITIONS

7:44 Wychmere Estates Limited Partnership, 23 Snow Inn Road, Map 8, Parcel P2-0 - Proposed maintenance dredging.

Motion made by Brad Chase to approve the Order of Conditions for 23 Snow Inn Road with a modification to #5. Seconded by Ernie Crabtree. Vote: 5-0-0.

MINUTES

June 15, 2016

Motion made by Ernie Crabtree to accept the Minutes of June 15, 2016 with edits on page 4. Seconded by Brad Chase. Vote: 5-0-0.

July 6, 2016

Motion Made by Ernie Crabtree to accept the Minutes of July 6, 2016 with edits. Second by Brad Chase. Vote: 4-0-1.

DISCUSSIONS:

8:10

- Cranberry Trail:

Discussion of Mr. Eldridge's claims to bog property. Ms. Usowski recommended a letter of *Cease and Desist* unless he proves current ownership of the property. Show Cause Hearing August 17, 2016.

Motion made by Brad Chase to issue a Stop work Order for 9 Cranberry Trail. Seconded by Carolyn O'Leary. Vote: 5-0-0.

- **Committee Reorganization:**

Walter Diggs to continue as HCC Chairman.

Brad Chase to serve as Vice Chairman

Amy Usowski offered to schedule site visits on Friday mornings.

Motion made by Brad Chase to nominate Walter Diggs HCC Chairman. Motion made by Walter Diggs to nominate Brad Chase HCC Vice Chairman. Seconded by Chairman Diggs. Vote: 5-0-0.

- **Draft Regulation Changes:** Deferred do another meeting.

- **Bell's Neck Bog RFP** - Deferred to next meeting.

- **Trails Committee Assignment**

Discussion. Rob Mador volunteered for the Trails Committee.

- **Community Preservation Act (CPA)**

Chairman Diggs explained the CPA and the Community Preservation Committee (CPC): tax allocation and dispersing of funds. He said he would continue on the CPC.

- **Trail Opening of Bell's Neck Trail** - Friday, Jul 22, 2016 at 8:30 AM.

- **Eagle Scout** received approval and funding for pollination garden at the Town garden.

- **Brad Chase** discussed Herring Run and the application from Heinz Proft for a movable floating shut. He said it was an innovative approach for Herring Run.

ANNOUNCEMENTS:

Amy Usowski will be on vacation on August 3rd. Several HCC will also be unavailable on August 3rd. Discussion of cancelling August 3rd meeting. Ms. Usowski will discuss moving hearing to August 17th meeting with applicants.

ADJOURN:

Motion made by Ernie Crabtree to Adjourn at 8:30 PM. Seconded by Brad Chase. All in Favor.

Minutes transcribed by Board Secretary, Marie Hickey

**SIGN IN SHEET
Donn B. Griffin Room
July 20, 2016**

**Steven Gemborys
Amy Brady
Mr. Jussilla
Arthur Lafranchise**