



TOWN OF

HARWICH

*732 Main Street*

*Harwich, MA 02645*

**HARWICH CONSERVATION COMMISSION - MINUTES**

**PHONE (508)-430-7538 FAX (508)430-7531**

**WEDNESDAY MAY 10, 2023 – 6:30 PM**

**TOWN HALL - GRIFFIN ROOM – HYBRID PARTICIPATION**

**Commissioners and Staff Present:** Chairman John Ketchum, Jim Atkinson, Alan Hall, Wayne Coulson, Stanley Pastuszak, Brad Chase, Alternate member Sophia Pilling, and Conservation Administrator Amy Usowski

**Commissioners Not Present:** Mark Coleman

**Audience and Representatives Present:** Shannon Goheen, Nancy O'Shea, Kevin O'Shea, Pete Chapman, Theresa Sprague, Vivienne and Dennis Maguire, Mark Burgess, Mark McGowan, Andrea Roman.

**Call to Order**

Chairman John Ketchum called the meeting to order at 6:30pm.

**Janice Roman/Taunton East LLC, 2071 Route 28 Head of the Bay Road, Map 109 Parcel R1-B.** Improvements to front entrance and front terrace, invasive removal, and mitigation planting.

Representative Shannon Goheen of Second Nature Gardenworks described the project for the Commission. The owners need to replace a portion of the front foundation of the house, and in doing so need to remove the existing patio. They wish to rebuild it with the stairs outside the 50' wetland buffer. A variance has been requested. They would like to create a more formal walkway/patio to the lower (northern) entrance to the home by the garage, which would be a slight increase in square footage of hardscape. If need be, they would also like to repave the driveway as it is in rough shape and with construction vehicles coming in and out it may get worse. They are proposing to do new plantings around the reconstructed patio, and replace lawn to the north with mitigation plantings. They would also like to remove bittersweet along the driveway before it gets too invaded. Andrea Roman, the owner, also commented they would like to replace rotten parts of the deck but there would be no change to footprint.

Amy Usowski gave her review of the project. She stated that the majority of the work was on the other side of the driveway from the isolated wetland. There is a slight increase proposed, so 512.7 sq ft of mitigation is required for this project at minimum. They are proposing at least that much in lawn removal and replanting with natives. The other replanting around the patio she thinks is beneficial but should not

count as mitigation as there is no direct connection between it and the resource area as there is a driveway in between. Regardless, it will be better than the sparse ornamentals that are there now.

Commissioners Atkinson asked if they had to replace the driveway would it be pervious? Shannon Goheen said no, it would be impervious but would have drains leading to drywells. Commissioner Chase and Alternate Commissioner Pilling expressed concern that not all the plants proposed in the patio area that were in the 0-50' buffer were native, such as the lavender. Also, Commissioner Chase questioned how much lawn was being removed as it was not specifically called out on the plan. Shannon Goheen said at least the required 512 sq ft of mitigation. After some discussion, she agreed to add a few more native sweetfern to the area where lawn was being removed.

Jim Atkinson moved and Wayne Coulson seconded to approve the project with a Negative 3 Determination. All in favor, motion carried 6:0.

**The following applicants have filed a Notice of Intent:**

**Peter and Carolyn Chapman, 2026 Route 28 Head of the Bay Road, Map 99 Parcel V1.** Remove previously cut and damaged trees and invasive vegetation in a view corridor and replace with native trees and shrubs that will not require pruning in the future.

Alternate member Sophia Pilling recused herself and left the meeting room. The owner Peter Chapman and representative Theresa Sprague of Blue Flax Design were present to present the project. Ms. Sprague stated that the owners of 65 Bay Road (Chapman) have a view easement over 2026 Head of the Bay Road, and they would like to do work to maintain that view. The previous owner had mis-managed the trees and other vegetation in the easement area, essentially compromising it. The plan now would be to remove the highly-impacted trees and invasives and replant with a mix of native trees, shrubs, and groundcovers. Trees would be planted at lower elevations so they would be allowed to grow and would not be an issue in the future regarding the view. Shrubs and groundcovers would be planted as you move up the slope, so you could still see over them without need for pruning.

Amy Usowski said this will bring nice diversity, better habitat, and give the steep slope more stability. There were no questions from Commissioners.

Jim Atkinson moved and Wayne Coulson seconded approval of the project. All in favor, motion carried 6:0.

Sophia Pilling re-entered the room.

**Dennis Maguire, 43 Shore Road, Map 2 Parcel B1-4.** Shorefront protection.

Mark Burgess of Shorefront Consulting and the Maguires were present. Mark Burgess described the project. The Maguires bought the property December 23, 2022, and on December 24 there was a big coastal storm that eroded 12' of the property. Currently there is only 39' between the eroded bank and the foundation. There was a house on the property since 1935, in the approximate location of the house that is there now. They are requesting to drive in a vinyl bulkhead on the east side of the property, then transition to a rock revetment under the stairs and heading to the west side of the property. They would also like to do sand nourishment. The total square footage of new structure would be 1,025 sq ft.



Amy Usowski explained that parts of Shore Road have Coastal Dune and parts have Coastal Bank. Based on visual observation of the scarp after the storm, she thinks most of it is bank as there were visible striations in the sediment profile and in general the sediment was much coarser than dune sand. If it was a Coastal Bank then hard solutions like this can be permitted with conditions if the Commission chooses, if it's Dune hard solutions are not allowed as you cannot impact the movement or vegetative cover of a Dune. She said numerous neighbors wrote emails in support of this project. She would suggest native mitigation planting on top of and landward of the proposed structures.

Commissioner Chase would like Coastal Processes Specialist Greg Berman to review and report on this project before the Commission votes, as we normally request for new Coastal Engineered Structures. He would also like Mr. Berman to vet the Alternatives Analysis provided. Some Commissioners agreed with this, others not. The owners were willing to have Mr. Berman come to the property and assess the project. Amy Usowski said she would ask Mr. Berman tomorrow and try to get him there ASAP.

Neighbors from the audience voiced their support of the project. They also asked what the status of the settlement agreement was that the old owners of this property had with the town, which prevented nourishment on the easement the Town had to the water here. Amy Usowski said she would put a request in to have Town Counsel review that and see if that agreement was still in effect or not.

Brad Chase moved and Stan Pastusak seconded to continue this hearing to the May 24, 2023 meeting. 4 in favor, 2 opposed (Hall and Coulson) of the motion. Motion carried, hearing continued to May 24, 2023.

#### **Orders of Conditions:**

Chairman John Ketchum announced all the projects up for an Order of Conditions. As a group, Jim Atkinson moved to close the hearings and issue Orders of Conditions on the following properties.

**Town of Harwich, 15 Harbor Way, Map 1 Parcel H2, SE32-2532.** Alteration to Pier and Site Improvements.

**Steve Bobola, 46 Indian Trail, Map 34 Parcel K3-2. SE32-2531.** New Single-Family Dwelling and Appurtenances.

**Town of Harwich, Along Nantucket Sound, Herring River, Round Cove, Allens Harbor, Wychmere Harbor, and Saquatucket Harbor. SE32-2292.** Amend scope to include beaches on private property. (As Amended)

Wayne Coulson seconded. All in favor, motion carried 6:0.

#### **The following applicants have requested a Certificate of Compliance**

**Eversource Energy, 25 Lothrop Av, Map 12 Parcel A1. SE32-2515.** After-the-fact permit for a Pole Installation Project.

Amy Usowski explained that a low wooden retaining wall was installed to keep the gravel from the parking area from getting in the wetland, and that the project was now in compliance. Jim Atkinson moved and Wayne Coulson seconded to approve the Certificate of Compliance. All in favor, motion carried 6:0.

**Discussion and Possible Vote:**

**Herring River Study - Request for Proposals**

It was decided to put this on the May 24 agenda as Amy Usowski said it was a light agenda.

**Bells Neck Land Management Plan** – discussion of possible revisions

This will be on the June 7 agenda for more discussion.

There was discussion about whether or not the Commission should draft a letter in support of the Bottle Bill to include nips. This will be a topic for a future agenda.

**Minutes**

January 4, 2023 Meeting – minutes are not ready. Chairman John Ketchum said that the Commission is caught up on minutes to the start of 2023, he would like staff to concentrate on most recent minutes first and then work backward.

**8:43pm** – Brad Chase moved and Jim Atkinson seconded to adjourn the meeting. All in favor, motion carried 6:0.

Minutes taken and transcribed by Amy Usowski, Conservation Administrator