



TOWN OF

HARWICH

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CONSERVATION COMMISSION

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HARWICH CONSERVATION COMMISSION – MINUTES

FRIDAY, JANUARY 17, 2020—10:00 AM

SMALL HEARING ROOM, HARWICH TOWN HALL

Present: Brad Chase, James Donovan, Mark Coleman, John Ketchum, Stanley Pastuszak, Ernie Crabtree, Carolyn O’Leary and Conservation Administrator Amy Usowski. **James Donovan left 2 hours and 9 minutes into the recording.**

Call to Order

By Chairman Brad Chase.

PUBLIC HEARING

The Harwich Conservation Commission will hold a public hearing regarding proposed changes to the Harwich Wetlands Protection Bylaw and Water Dependent Structures Bylaw, in preparation for articles to be voted on at the May 2020 Town Meeting.

Usowski attempted to draft new language by reviewing other Town bylaws and incorporating comments from Commissioners and the public. John Rendon would like the Waterways Committee to be able to review and discuss potential changes before a final vote is taken.

Mark Burgess questioned the water dependent structure definition and if it includes fresh and saltwater structures. Usowski has always considered the bylaw to be regarding both fresh and saltwater and Donovan suggested that if a statement or definition does not apply to both than specifically state so. The Commission decided to only consider saltwater structures today.

Not all water dependent structures are docks or used for vessels so that definition will be revised to omit vessels. Heinz Proft would like modifications to the wording requiring his written comments for every project. Chase would like to remove the word approval in regards to Harbor Master, Natural Resources and Waterways because they advise and do not approve or deny. However, the opinion of these three entities should be known before the applicant comes before

the Commission. The sentence that requires obtaining a building permit for certain structures will be omitted because it is not the Commission's authority to make someone get a building permit.

Chase would like to increase the setback between docks from 65' to 150'. Donovan agrees to an increase and would not be opposed to going larger such as 250'. Coleman opposes an increase because it could be discriminatory to people with smaller lots and he believes there are more beneficial changes that could be made. Crabtree agrees that increasing setbacks will not make a significant reduction in impacts. Chase noted that for people who cannot make those setbacks can always apply for a variance. Pastuszak is against going as large as 250' for a setback. He believes a bigger issue causing more harm is old docks not in compliance and storage in sensitive areas. Ketchum stated the most efficient way to eliminate an increase in dock numbers is to increase setbacks. Proft stated he had a hard time quantifying distance between docks and impacts. Burgess suggested a 75' setback and focusing more on shellfish density. It was suggested that the height to width ration be changed to 1.5:1 and height to be measured from the ground.

Chase would like shellfish considerations to be based on a standardized shellfish survey and suggested that if 10% of quadrants had shellfish it would be considered habitat. If just mapped habitat is considered a lot of questions get raised. Ketchum thinks that if any shellfish are found in a survey a structure should not be allowed; a 10% rule does not consider if one of the quadrants has an extremely high density but the others have nothing. Proft suggested staying away from density of shellfish and prefers presence/absence of shellfish and a standardized survey. This will help compare shellfish over time or in specified areas. Chase would like to increase the depth to float to 3' without doing so by dredging. There should be a statement in the bylaw that states no storage of vessels or structures in the salt marsh or other habitat in the offseason and then get into more specifics about storage in the regulations. Ketchum mentioned requiring the structure license number be displayed on the seaward side of the dock.

Adjournment

Motion to adjourn by Mark Coleman and seconded by Brad Chase. Motion approved unanimously.

Minutes Transcribed by Nicole Smith, Assistant Conservation Agent.